



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 08/12/2014
Jurisdiction: City of Hillsboro
Local file no.: ZOA 1-13. SOA 1-13
DLCD file no.: 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/07/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE 003-13
(19719)
File No.: [17962]
Received: 8/7/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Hillsboro

Local file no.: **ZOA 001-13 and SOA 001-13**

Date of adoption: 08/05/2014 Date sent: 8/7/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 02/28/2013
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Adopted language deletes all gray comment boxes; colors removed from text. Please contact Debbie Raber for questions regarding specific changes.

Local contact (name and title): Debbie Raber, Planning Project Manager

Phone: (503) 681-6155 E-mail: debbie.raber@hillsboro-oregon.gov

Street address: 150 East Main Street, 4th Floor City: Hillsboro Zip: 97123

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Zoning Ordinance Sections 1-135, 136-143 deleted
Subdivision Ordinance deleted in its entirety
Zoning and Subdivision Ordinances replaced with new Municipal Code Chapter 12 Community Development Code
Zoning Map amended to change names of zones and to add Cultural Resource Overlay zone on already designated properties (no base zones affected)

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: CRO. Acres added: 10. Acres removed: none

Location of affected property (T, R, Sec., TL and address): see Ordinance No. 6095 Exhibit B

List affected state or federal agencies, local governments and special districts: Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Supplemental information includes supporting findings adopted with Ordinances No. 6094 and 6095, attached

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 6091

**ZONING ORDINANCE AMENDMENT 001-13 AND SUBDIVISION ORDINANCE
AMENDMENT 001-13: COMMUNITY DEVELOPMENT CODE
(REPEAL OF ZONING ORDINANCE VOLUME I, IN PART)**

AN ORDINANCE PARTIALLY REPEALING THE TEXT OF THE HILLSBORO ZONING ORDINANCE NO. 1945 "VOLUME I" IN PART (SECTIONS 1 THROUGH 135, AS AMENDED) TO ALLOW ADOPTION OF THE COMMUNITY DEVELOPMENT CODE.

WHEREAS, the city's land use regulations are currently contained in four separate documents: Zoning Ordinance Volume 1; Zoning Ordinance Volume II; Subdivision Ordinance No. 2808; and the Density Design and Open Space Standards, which were adopted as four separate ordinances, and

WHEREAS, these land use regulations were written over a 49-year period, and are in many areas archaic, contradictory, redundant and unclear, and

WHEREAS, in 2009 the Planning Department therefore initiated the Community Development Code project to update, reformat and consolidate the four sets of land use regulations into a new Community Development Code, and

WHEREAS, the Planning Commission and the Code Advisory Committee (appointed by the City Council) held meetings in 2010-2012 to review drafts of the Code sections and provide direction to the staff, and

WHEREAS, in February 2013 the Planning Commission approved Order No. 8082, initiating amendments to the Zoning Ordinance to update, reformat and consolidate the four sets of land use regulations into a single Community Development Code (CDC), and

WHEREAS, in February 2013 the Citizen Involvement Advisory Committee also approved a "public outreach plan" for the proposed new CDC which included notification of citizen, community and business groups, developers, consultants, and other participants, and directed that the CDC be made available in multiple formats to allow widespread review and comment, and

WHEREAS, the Planning Commission opened the public hearing on the CDC on April 10, 2013, reconvened the public hearing 17 times until June 25, 2014, and also held 19 work sessions in that time period to review the CDC and public comments received, and

WHEREAS, the Planning Commission closed the public hearing on the CDC on June 25, 2014, and adopted Order No. 8118, recommending its approval by the City Council, and

WHEREAS, the City Council considered this matter at its regular meeting on July 15, 2014, and supports the Planning Commission's recommendation, and

WHEREAS, the final adoption and implementation of the new CDC will require that the City Council adopt six ordinances to repeal and replace the existing regulations with the new CDC, and

WHEREAS, the City Council therefore concludes that in order to implement the new Community Development Code it is appropriate to partially repeal the Zoning Ordinance, leaving only the airport regulations of present sections 135A and 135B in place as land use regulations affecting the Hillsboro Airport and its environs,

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

Section 1. Hillsboro Zoning Ordinance No. 1945 Volume 1 (sections 1 through 135 as amended) is hereby repealed in part as follows, to allow adoption of the Community Development Code as the land use planning regulations and implementing measures of the City of Hillsboro:

- a. Sections 1-135 are hereby repealed; and
- b. Section 135A Airport Use (AU) Zone and Section 135B Airport Safety and Compatibility Overlay (ASCO) Zone are remain in full force and effect.

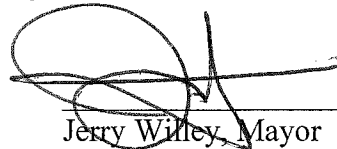
Section 2. The partial repeal of the Hillsboro Zoning Ordinance Volume 1 shall take effect concurrently with the effective date of related ordinances needed to implement the new Community Development Code, as enacted by the City Council.

Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

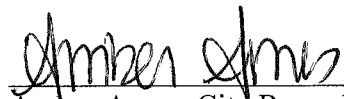
First approval of the Council on this 15th day of July 2014.

Second approval and adoption by the Council on this 5th day of August 2014.

Approved by the Mayor this 5th day of August 2014.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

ORDINANCE NO. 6092

**ZONING ORDINANCE AMENDMENT 001-13 AND SUBDIVISION ORDINANCE
AMENDMENT 001-13: COMMUNITY DEVELOPMENT CODE
(REPEAL OF ZONING ORDINANCE VOLUME II)**

AN ORDINANCE REPEALING THE TEXT OF THE HILLSBORO ZONING ORDINANCE NO. 1945 "VOLUME II" (SECTIONS 136 THROUGH 143, AS AMENDED) IN ITS ENTIRETY TO ALLOW ADOPTION OF THE COMMUNITY DEVELOPMENT CODE.

WHEREAS, the city's land use regulations are currently contained in four separate documents: Zoning Ordinance Volume I; Zoning Ordinance Volume II; Subdivision Ordinance No. 2808; and the Density Design and Open Space Standards, which were adopted as four separate ordinances, and

WHEREAS, these land use regulations were written over a 49-year period, and are in many areas archaic, contradictory, redundant and unclear, and

WHEREAS, in 2009 the Planning Department therefore initiated the Community Development Code project to update, reformat and consolidate the four sets of land use regulations into a new Community Development Code, and

WHEREAS, the Planning Commission and the Code Advisory Committee (appointed by the City Council) held meetings in 2010-2012 to review drafts of the Code sections and provide direction to the staff, and

WHEREAS, in February 2013 the Planning Commission approved Order No. 8082, initiating amendments to the Zoning Ordinance to update, reformat and consolidate the four sets of land use regulations into a single Community Development Code (CDC), and

WHEREAS, in February 2013 the Citizen Involvement Advisory Committee also approved a "public outreach plan" for the proposed new CDC which included notification of citizen, community and business groups, developers, consultants, and other participants, and directed that the CDC be made available in multiple formats to allow widespread review and comment, and

WHEREAS, the Planning Commission opened the public hearing on the CDC on April 10, 2013, reconvened the public hearing 17 times until June 25, 2014, and also held 19 work sessions in that time period to review the CDC and public comments received, and

WHEREAS, the Planning Commission closed the public hearing on the CDC on June 25, 2014, and adopted Order No. 8118, recommending its approval by the City Council, and

WHEREAS, the City Council considered this matter at its regular meeting on July 15, 2014, and supports the Planning Commission's recommendation, and

WHEREAS, the final adoption and implementation of the new CDC will require that the City Council adopt six ordinances to repeal and replace the existing regulations with the new CDC, and

WHEREAS, the City Council therefore concludes that in order to implement the new Community Development Code it is appropriate to repeal the sections of the Zoning Ordinance regarding light rail zones and the AmberGlen area, which regulations comprise Volume 2 of the Zoning Ordinance.

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

Section 1. Hillsboro Zoning Ordinance No. 1945 "Volume 2" (sections 136 through 143 as amended) is hereby repealed in its entirety, to allow adoption of the Community Development Code as the land use planning regulations and implementing measures of the City of Hillsboro:

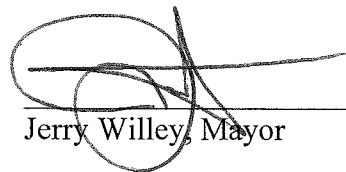
Section 2. The repeal of Hillsboro Zoning Ordinance Volume 2 shall take effect concurrently with the effective date of related ordinances needed to implement the new Community Development Code, as enacted by the City Council.

Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.


First approval of the Council on this 15th day of July 2014.

Second approval and adoption by the Council on this 5th day of August 2014.

Approved by the Mayor this 5th day of August 2014.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

ORDINANCE NO. 6093

ZONING ORDINANCE AMENDMENT 001-13 AND SUBDIVISION ORDINANCE
AMENDMENT 001-13: COMMUNITY DEVELOPMENT CODE
(REPEAL OF SUBDIVISION ORDINANCE NO. 2808 AND THE DENSITY, DESIGN AND
OPEN SPACE AMENDMENTS, ORDINANCES NO. 5777, 5778, 5779, AND 5780)

AN ORDINANCE REPEALING THE TEXT OF THE HILLSBORO SUBDIVISION ORDINANCE NO. 2808 IN ITS ENTIRETY, AND REPEALING THE DENSITY, DESIGN AND OPEN SPACE AMENDMENTS (ORDINANCE NOS. 5777, 5778, 5779 AND 5780) TO ALLOW ADOPTION OF THE COMMUNITY DEVELOPMENT CODE AS THE LAND DIVISION REGULATIONS OF THE CITY OF HILLSBORO.

WHEREAS, the city's land use regulations are currently contained in four separate documents: Zoning Ordinance Volume I; Zoning Ordinance Volume II; Subdivision Ordinance No. 2808; and the Density Design and Open Space Standards, which were adopted as four separate ordinances, and

WHEREAS, these land use regulations were written over a 49-year period, and are in many areas archaic, contradictory, redundant and unclear, and

WHEREAS, in 2009 the Planning Department therefore initiated the Community Development Code project to update, reformat and consolidate the four sets of land use regulations into a new Community Development Code, and

WHEREAS, the Planning Commission and the Code Advisory Committee (appointed by the City Council) held meetings in 2010-2012 to review drafts of the Code sections and provide direction to the staff, and

WHEREAS, in February 2013 the Planning Commission approved Order No. 8082, initiating amendments to the Zoning Ordinance to update, reformat and consolidate the four sets of land use regulations into a single Community Development Code (CDC), and

WHEREAS, in February 2013 the Citizen Involvement Advisory Committee also approved a "public outreach plan" for the proposed new CDC which included notification of citizen, community and business groups, developers, consultants, and other participants, and directed that the CDC be made available in multiple formats to allow widespread review and comment, and

WHEREAS, the Planning Commission opened the public hearing on the CDC on April 10, 2013, reconvened the public hearing 17 times until June 25, 2014, and also held 19 work sessions in that time period to review the CDC and public comments received, and

WHEREAS, the Planning Commission closed the public hearing on the CDC on June 25, 2014, and adopted Order No. 8119, recommending its approval by the City Council, and

WHEREAS, the City Council considered this matter at its regular meeting on July 15, 2014, and supports the Planning Commission's recommendation, and

WHEREAS, the final adoption and implementation of the new CDC will require that the City Council adopt an ordinance to repeal and replace the existing land division regulations with the new CDC, and

WHEREAS, the City Council therefore concludes that in order to implement the new Community Development Code it is appropriate to repeal the Subdivision Ordinance and the current Density, Design, and Open Space Standards adopted in conjunction with the Subdivision Ordinance.

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

Section 1. Hillsboro Subdivision Ordinance No. 2808 is hereby repealed in its entirety, to allow adoption of the Community Development Code as the land division regulations of the City of Hillsboro.

Section 2. The following four Ordinances adopting the Density, Design, and Open Space Standards are hereby repealed in their entirety, to allow adoption of the Community Development Code as the land use planning regulations and implementing measures of the City of Hillsboro:.

- a. Ordinance No. 5777;
- b. Ordinance No. 5778;
- c. Ordinance No. 5779; and
- d. Ordinance No. 5780.

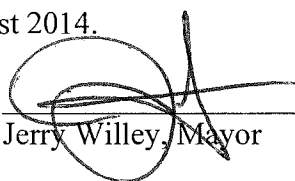
Section 3. The repeal of the ordinances cited above shall take place concurrently with the effective date of related ordinances needed to implement the new Community Development Code, as enacted by the City Council.

Section 4. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.


First approval of the Council on this 15th day of July 2014.

Second approval and adoption by the Council on this 5th day of August 2014.

Approved by the Mayor this 5th day of August 2014.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

ORDINANCE NO. 6094

ZONING ORDINANCE AMENDMENT 001-13 AND SUBDIVISION ORDINANCE
AMENDMENT 001-13: COMMUNITY DEVELOPMENT CODE
(ADOPTION OF THE COMMUNITY DEVELOPMENT CODE)

AN ORDINANCE AMENDING THE HILLSBORO MUNICIPAL CODE TO CREATE A NEW CHAPTER 12, THE COMMUNITY DEVELOPMENT CODE.

WHEREAS, the City Council has considered and enacted prior ordinances to repeal the City's current land use and subdivision regulations following the Planning Commission's recommendation for repeal to allow adoption of the new Community Development Code, which recommendation was provided to the City Council following an extensive process outlined in the public hearing record and summarized in those prior ordinances, and

WHEREAS, the City Council considered this matter at its regular meeting on July 15, 2014, and has determined that it is in the public interest and consistent with the City's obligations under applicable laws to adopt the new Community Development Code as recommended by the Planning Commission, and

WHEREAS, the City Council therefore concludes that in order to implement the new Community Development Code it is appropriate to adopt it as Chapter 12 of the Hillsboro Municipal Code, and

WHEREAS, the City Council finds that the provisions of the Community Development Code meet the applicable goals and implementation measures of the Comprehensive Plan, the Metro Functional Plan, and the Statewide Planning Goals and Objectives, and therefore adopts the supporting findings attached hereto as Exhibits B, B-1, B-2 and B-3 in support of its conclusions and recommendations.

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

Section 1. The Hillsboro Municipal Code is hereby amended to adopt and enact the Community Development Code attached hereto as Exhibit A as a new Chapter 12, said Code to constitute the land use planning regulations and implementing measures of the City of Hillsboro, with the exception of regulations pertaining to the AU Airport Use zone and the ASCO Airport Safety and Compatibility Overlay Zones, which regulations remain in place in Zoning Ordinance No. 1945 Volume 1, as amended.

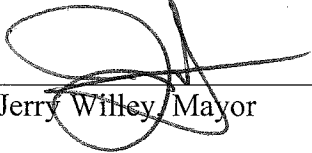
Section 2. The attached Exhibits B, B-1, B-2, and B-3 are hereby adopted as findings in support of this ordinance.

Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

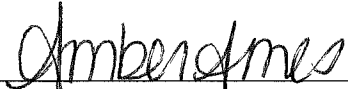
First approval of the Council on this 15th day of July 2014.

Second approval and adoption by the Council on this 5th day of August 2014.

Approved by the Mayor this 5th day of August 2014.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder



COMMUNITY DEVELOPMENT CODE

**AS ADOPTED BY CITY COUNCIL
AUGUST 5, 2014**

**Case Files No. Zoning Ordinance Amendment 001-13
and Subdivision Ordinance Amendment 001-13**

Hillsboro Planning Department
150 East Main Street
Hillsboro Oregon 97123
(503) 681-6153
www.Hillsboro-Oregon.gov

**COMMUNITY DEVELOPMENT CODE
AS ADOPTED: AUGUST 5, 2014**

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**SUBCHAPTER 12.01
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18		

1 **12.01.100 Title.** This Chapter shall be known as the City of Hillsboro Community Development
2 Code (Code or CDC).

3 **12.01.110 Purpose.** This Code is enacted for the following purposes:

- 4 A. To implement the goals and policies of the Hillsboro Comprehensive Plan Ordinance No. 2793
5 as amended;
- 6 B. To promote coordinated, sound development, taking into consideration the City's natural
7 environment, amenities, views, and the appearance of its buildings and open spaces;
- 8 C. To achieve a balanced and efficient land use pattern, to protect and enhance real property values,
9 to promote safe and uncongested traffic movement and to avoid uses and development which
10 might be detrimental to the stability and livability of the City;
- 11 D. To encourage innovations in residential development and renewal so that the demand for housing
12 may be met by a greater variety in the type and design of dwellings and by the conservation and
13 more efficient and attractive use of open space;
- 14 E. To safeguard and enhance the appearance of the City through advancement of effective land use,
15 architectural design and site planning which reflect improvements in the technology of urban
16 development;
- 17 F. To provide an orderly, efficient and speedy process of reviewing applications for development
18 activities and to avoid increased development costs borne by citizens and consumers as a result
19 of unnecessary delay;
- 20 G. To enable interested and affected persons to provide input in the development process; and
- 21 H. To provide methods of administering and enforcing the provisions of this Code.

22 **12.01.120 Compliance.** Land within the Hillsboro city limits shall be used, or developed by land
23 division or otherwise, and a structure may be used or developed by construction, reconstruction,
24 alteration, occupancy or otherwise as this Community Development Code permits, except in the case of
25 a legally established non-conforming use or structure as defined herein. The provisions of this Code
26 apply to any person developing or using land or a structure, and to the person's successor(s) in interest.

27 **12.01.130 Consistency with Plan and Laws.**

- 28 A. All use or development of land or structures within the city limits of Hillsboro shall comply with
29 the Hillsboro Comprehensive Plan, the Hillsboro Municipal Code, and applicable Regional,
30 State, Federal and Local laws. Determination of compliance with Regional, State, Federal or
31 Local laws shall be made by the applicable Regional, State, Federal or Local authority
32 responsible for administering the subject law(s). A determination of compliance with such law
33 shall not be a standard or condition of approval, except that proof that mandatory permits have
34 been obtained may be required by specific standards of this Code or as a condition of approval
35 imposed by the Review Authority. Nothing in this Code shall relieve a use or development from
36 compliance with other applicable laws except as provided herein.

37

1 B. The provisions of this Code shall be interpreted as minimum requirements. When this Code
2 imposes a greater restriction than is required by other provisions of law, or by other regulations,
3 resolutions, easements, covenants or agreements between parties, the provisions of this Code
4 shall control.

5 **12.01.140 Enforcement.**

6 A. The Planning Director shall have the power and duty to interpret and enforce the provisions of
7 this Code.

8 B. Notwithstanding any other provision of this Code, the Planning Director has the authority to
9 make reasonable accommodations for disabled persons in the application of this Code under
10 Section 12.80.050.

11 **12.01.150 Violations.** Violations of the Community Development Code are considered infractions
12 and subject to the civil provisions of the City. In addition, violations are hereby declared to be nuisances
13 and may be abated under the applicable provisions of Chapter 6 of the Hillsboro Municipal Code.

14 **12.01.160 Severability.** The provisions of this Code are hereby declared to be severable. If any
15 section, sentence, clause or phrase of this Code is adjudged by a court of competent jurisdiction to be
16 invalid, such decision shall not affect the validity of the remaining portions of this Code.

17

1 **12.01.200 Zoning Map.**

- 2 A. The location and boundaries of the zones designated in Subsection B, below, are hereby
 3 established as shown on the map entitled “City of Hillsboro Zoning Map” hereafter referred to as
 4 the "Zoning Map." Copies of the Zoning Map showing all amendments shall be maintained by
 5 the Planning and Information Services Departments.
- 6 B. For the purposes of this Code, the city is divided into zones identified as shown in Table
 7 12.01.200-1. The term “standard zones” includes all zones with an SFR, MFR, C or I prefix; the
 8 term “light rail zones” includes all zones with a SC prefix; the term “Mixed-Use zones” includes
 9 all zones with an MU prefix; and the term “urban center zones” includes all zones with a UC
 10 prefix. The term “conservation zone” refers to zones with a “C” suffix (SCR-DNC or SCR-
 11 OTC).

12 **Table 12.01.200-1:**
 13 **Zones**

Abbreviation	Zone Classification
SFR-10	SFR-10 Single Family Residential
SFR-8.5	SFR-8.5 Single Family Residential
SFR-7	SFR-7 Single Family Residential
SFR-6	SFR-6 Single Family Residential
SFR-4.5	SFR-4.5 Single Family Residential
SCR-LD	SCR-LD Station Community Residential - Low Density
SCR-OTC	SCR-OTC Station Community Residential - Orenco Townsite Conservation
SCR-DNC	SCR-DNC Station Community Residential - Downtown Neighborhood Conservation
MFR-1	MFR-1 Multi-Family Residential
MFR-2	MFR-2 Multi-Family Residential
MFR-3	MFR-3 Multi-Family Residential
SCR-MD	SCR-MD Station Community Residential - Medium Density
SCR-HD	SCR-HD Station Community Residential - High Density
C-N	C-N Commercial - Neighborhood
C-G	C-G Commercial - General
SCC-DT	SCC-DT Station Community Commercial - Downtown
SCC-SC	SCC-SC Station Community Commercial - Station Commercial
SCC-MM	SCC-MM Station Community Commercial - Multi-Modal
MU-N	MU-N Mixed-Use - Neighborhood
MU-C	MU-C Mixed-Use - Commercial
UC-RM	Urban Center - Residential Medium Density
UC-MU	Urban Center - Mixed-Use Urban Density
UC-AC	Urban Center - Activity Center
UC-NC	Urban Center - Neighborhood Center

Abbreviation	Zone Classification
UC-OR	Urban Center - Office / Research
UC-RP	Urban Center - Research Park
I-G	I-G Industrial - General
I-P	I-P Industrial Park
I-S	I-S Industrial Sanctuary
SC-BP	SC-BP Station Community Business Park
SCI	SCI Station Community Industrial
SSID	SSID Shute Road Special Industrial District
HSID	HSID Helvetia Special Industrial District
ESID	ESID Evergreen Special Industrial District
SCF	SCF Station Community Fair Complex

1 C. Zone Boundaries and Interpretation. The Planning Director shall resolve any dispute over the
2 exact location of a zone boundary. In interpreting the location of a zone boundary, the Planning
3 Director shall rely on the Comprehensive Plan Land Use map and the following guidelines:

- 4 1. Unless otherwise specified, zone boundaries are lot lines, the center line of streets, highways,
5 alleys or railroad rights-of-way, or such lines extended. Where a zone boundary divides a lot
6 between two zones, the entire lot shall be placed in the zone that accounts for the greater area
7 of the lot by the adjustment of the boundaries, provided the boundary adjustment is a distance
8 of less than 20 feet.
- 9 2. Zone boundaries indicated as approximately following the centerline of streams, rivers or
10 other bodies of water shall be construed to follow such centerline.
- 11 3. Where a zone change references a specific property description, that description shall
12 establish the zone boundary. Where two or more property descriptions establish conflicting
13 boundaries, the most recent description shall govern.

14 **12.01.210 Comprehensive Plan Implementation.** As listed in Subchapters 12.21 through 12.26,
15 each zone in the City implements one or more Plan designations. In developed areas where existing
16 zoning is not consistent with the Comprehensive Plan Land Use Map designation, a zone change which
17 would allow development consistent with the Plan designation shall be required prior to redevelopment.

1 **12.01.300 Participants.** The major participants in the planning process and their roles are generally
2 outlined below. The roles and responsibilities are further defined in the Hillsboro City Charter and the
3 Municipal Code.

4 A. City Council.

- 5 1. The City Council is the policy and ultimate land use and zoning decision-making body for
6 the City except as otherwise provided by the City Charter, the Comprehensive Plan, the
7 Constitution of the State of Oregon, or Oregon State Statutes. The City Council retains and
8 exercises all the powers granted to the City except as provided herein, or by action of the
9 Council through either the adoption of an Ordinance or Resolution.
- 10 2. The City Council may initiate amendments to this Code pursuant to Section 12.80.140.
- 11 3. The City Council may appoint advisory committees for individual geographic areas of the
12 City or to consult with the preparation, adoption, revision and implementation of this Code.
13 Advisory committees may be composed of residents, interested parties, property owners,
14 business operators, and/or affected agencies.
- 15 4. Notwithstanding the provisions of Subsection 12.01.140.A, upon request by the Planning
16 Director the City Council may interpret the Community Development Code where ambiguity
17 exists as to the meaning of specific provisions. This interpretation, when made, shall be used
18 to guide staff and the Review Authority in applying the Code to specific situations.

19 B. Planning Commission.

- 20 1. The Planning Commission has the powers and duties assigned to it by this Code, the
21 Municipal Code, City Council ordinance and resolution and state law. The Planning
22 Commission conducts public hearings, advises the council on land use issues and priorities,
23 and makes quasi-judicial land use decisions and legislative recommendations to the City
24 Council in accordance with this Code.
- 25 2. The Planning Commission will make recommendations to the City Council on proposed
26 Community Development Code amendments to implement Metro's functional plans, the
27 Regional Framework Plan and city-initiated land use related growth management proposals.
- 28 3. The Planning Commission will make recommendations to the City Council on
29 implementation and the periodic update of the Community Development Code, including
30 standards, procedures and findings.
- 31 4. The Planning Commission will make recommendations to the City Council on incorporating
32 actions and principles of the Hillsboro 2020 Vision Action Plan. This includes review and
33 comments on implementation measures in the Community Development Code related to land
34 use, promoting public participation in the implementation of the plan and recommending
35 revisions to the plan.

36 C. Planning and Zoning Hearings Board.

- 37 1. The Planning and Zoning Hearings Board will perform quasi-judicial reviews of certain Type
38 III land use applications pursuant to Subchapter 12.70 through the exercise of powers and
39 duties delegated by this Code, City Council ordinance or resolution, and state law.

- 1 2. The Planning and Zoning Hearings Board may conduct public hearings and make
2 determinations on other land use matters at the request of the City Council or Planning
3 Commission. The Planning and Zoning Hearings Board panel will request, receive and
4 examine available information, prepare a record, enter findings and conclusions, and exercise
5 such other powers as are necessary to carry out its assigned duties.
- 6 3. The Planning and Zoning Hearings Board will make reports on hearings activities as the City
7 Council and Planning Commission may require. The Planning and Zoning Hearings Board
8 will advise the City Council and Planning Commission concerning any problem or issue
9 related to the powers and duties of the Planning and Zoning Hearings Board.

10 D. Historic Landmarks Advisory Committee.

- 11 1. The Historic Landmarks Advisory Committee maintains sites in the Cultural Resource
12 Overlay zone by making recommendations to the Planning Commission and City Council
13 regarding designation of properties to or removal of properties from the Cultural Resource
14 Overlay zone pursuant to Sections 12.27.330 and 12.27.340.
- 15 2. The Historic Landmarks Advisory Committee regulates and protects sites in the Cultural
16 Resource Overlay zone through review and recommendations to the Planning Commission
17 and City Council, pursuant to Section 12.27.370, relating to approval or denial of proposed
18 activities in accordance with the criteria for alteration, relocation or demolition of landmarks
19 in this Code.
- 20 3. At the direction of the City Council or Planning Commission, the Historic Landmarks
21 Advisory Committee may review proposed activities by the city and other government
22 agencies that may seriously affect sites in the Cultural Resource Overlay zone, and may
23 advise the Planning Commission and City Council regarding such activities.

24 E. Planning Director.

- 25 1. The Planning Director shall be the chief administrator of the Community Development Code.
26 The Director's or Director's designee's responsibilities may include but are not limited to the
27 following activities:
 - 28 a. Assigning and scheduling land use applications for review and hearings, including giving
29 notice pursuant to Sections 12.70.040, 12.70.050, and 12.70.060;
 - 30 b. Conducting all pertinent correspondence of the Planning Commission, Planning and
31 Zoning Hearings Board, and Historic Landmarks Advisory Committee;
 - 32 c. Maintaining agendas and minutes of all Planning Commission, Planning and Zoning
33 Hearings Board, and Historic landmarks Advisory Committee meetings;
 - 34 d. Compiling and maintaining all necessary records, files and indexes for planning and
35 development activities; and
 - 36 e. Providing professional expertise and staff assistance to the City Council, Planning
37 Commission, Planning and Zoning Hearings Board, and Historic Landmarks Advisory
38 Committee as necessary for planning matters.
- 39 2. The Planning Director or the Director's designee shall coordinate planning functions with
40 other City departments, other jurisdictions, and other agencies as is necessary to carry out the
41 provisions of this Code.

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3. The Planning Director or the Director's designee(s) shall provide assistance and information to the public on land use applications and activities.

1 **12.01.400 Figures, Calculations, and Measuring Distance.**

- 2 A. Figures. Figures are provided for terms, phrases or standards in order to provide an illustrative
3 example. In this Code, figures are drawn to scale but a particular scale is not specified to avoid
4 confusion when figures are enlarged or reduced.
- 5 B. Calculations. In determining compliance with numeric standards of this Code, calculations shall
6 be rounded up or down as follows:
- 7 1. Dwelling units per acre: less than .5 rounded down to the nearest whole unit; .5 or more
8 rounded up to the nearest whole unit.
 - 9 2. Parking spaces: less than .5 rounded down to the nearest whole space; .5 or more rounded up
10 to the nearest whole space.
 - 11 3. Distances (such as lot dimensions or setbacks): cannot be rounded up or down.
 - 12 4. Percentages (such as Floor Area Ratio or Usable Open Space): cannot be rounded up or
13 down.
- 14 C. Measuring Distance. Where a distance is specified in this Code, the distance shall be measured
15 from nearest point to nearest point. Where distance is measured from a zone boundary, the zone
16 boundary shall be considered to be the property line.

17 **12.01.410 Interpretation.**

- 18 A. The word “shall” is mandatory and not discretionary; the word “may” is permissive.
- 19 B. The term “this Code” shall be deemed to include the text of this Code, the accompanying Zoning
20 Map, and all amendments made hereafter to either.
- 21 C. The Code shall be read literally. Regulations are not more or less strict than as stated.
- 22 D. Where it is unclear whether or in what manner sections of this Code apply to a given situation, or
23 if terms or sections are ambiguous or vague, the following should be applied as warranted under
24 the circumstances:
- 25 1. This Code shall be interpreted reasonably, reading questioned regulations in relation to other
26 sections such that an interpretation most fully effectuates the intent and purpose of the
27 regulations; and
 - 28 2. This Code shall be interpreted most favorably to provide all necessary authority to carry out
29 its purposes and provisions.

30 **12.01.420 Grammar and Meanings of Words.**

- 31 A. Tense. All words used in the present tense include the future tense.
- 32 B. Singular/Plural. All words used in the plural include the singular, and all words used in the
33 singular include the plural unless the context indicates to the contrary.
- 34 C. Gender. All words used in the masculine gender include the feminine gender.
- 35 D. “Building” and “Structure”. The word “building” includes the word “structure.”

- 1 E. “Used for”. The phrase “used for” includes the phrases “arranged for,” “designed for,”
2 “intended for,” “maintained for” and “occupied for.”
- 3 F. “Land” and “Property”. The words “land” and “property” are used interchangeably unless the
4 context clearly indicates to the contrary.
- 5 G. Meaning of Words. Terms defined in Section 12.01.500 have the specific definitions in that
6 Section unless the context in which they are used clearly indicates to the contrary. Terms or
7 words not defined shall have their ordinary accepted meanings within the context of their use.
8 The contemporary edition of Webster’s Third New International Edition Dictionary of the
9 English Language (principal copyright 1961) shall be considered as providing accepted
10 meanings.
- 11

1 **12.01.500 Definitions.** As used in this Code, the following words, terms and phrases are defined as
2 shown in this section. Terms defined in this section are shown in *italic typeface* where they occur in
3 other definitions.

4 **Abbreviated Environmental Report.** See *Environmental Report, Abbreviated*.

5 **Abutting.** To be *contiguous* to; having a *property line*, zoning boundary, or wall in common. See also
6 *contiguous*.

7 **Access.** The place, means, route or way by which pedestrians, bicyclists and/or vehicles have ingress
8 and egress to a property or *use*. A private access is an access not in public ownership or control by
9 means of deed, *right-of-way* dedication or public *easement*.

10 **Access Management.** Regulations or techniques used to control points of *access* to public *streets*, roads
11 and highways from other public or Private streets and driveways, with the purpose of reducing conflicts
12 among drivers, bicyclists and pedestrians. Examples of access management include limiting or
13 consolidating driveways, selectively prohibiting left-turn movement at and between intersections, and
14 using physical controls such as signals, raised medians, signage and striping.

15 **Accessory structure or use.** A *structure* or *use* incidental and subordinate to the main *use* of the
16 property, located on the same *lot* as the main *structure* or *use*.

17 **Acreage, Gross.** The total area of a *lot*, *tract* or *parcel* of land, measured within the *property lines*.

18 **Acreage, Net.** The area on a site which is eligible for *development*. Net acreage is calculated by
19 subtracting undevelopable land from *gross acreage*. Undevelopable land is limited to the following:

- 20 • Required dedications of public street *rights-of-way* or Private street *tracts*, required public or
21 private access *easements*, and required internal fire access;
- 22 • Maneuvering area for truck loading docks;
- 23 • Electrical transformer platforms, industrial chemical and/or gas storage areas, or other
24 hazardous area where occupancy is Not Permitted for safety reasons;
- 25 • Required stormwater treatment and detention facilities;
- 26 • Any land dedicated to the City for parks or greenways;
- 27 • Delineated *wetlands*, vegetated corridors and buffers as required by Clean Water Services or
28 other regulatory authorities;
- 29 • Areas with 25 percent or greater slopes, or within the 100-year *floodplain*, unless such areas
30 are used for *building* or parking.

31 **Adjacent.** *Buildings* or *uses* are adjacent to each other if they are sited on *abutting parcels* or *lots*, and
32 are not separated from each other by existing or planned intervening *buildings*. Location of a *street* or
33 *alley* between the *buildings* or *uses* does not interrupt adjacency.

1 **Alley.** A *right-of-way* through or partially through a block, intended for secondary vehicular *access* to
2 the rear or side of properties. However, where vehicle *access* from the *street* is not permitted or not
3 possible, an alley may provide primary vehicle *access*.

4 **Alteration.** Any change, addition or modification of an existing *structure*.

5 **Alteration (of a Cultural Resource).** Any addition to, removal from, and/or change in the external
6 appearance of any portion of a *cultural resource*. Alterations include changes in site landscaping if
7 the landscaping is comparable in age to the resource structure, but exclude changes in newer
8 landscaping or the addition of landscaping if there was none originally. This definition also excludes
9 ordinary *repair and maintenance* of an exterior feature which does not affect the feature's
10 appearance, if such *repair* has been certified by the City Building Official as necessary for safe
11 occupancy.

12 **Americans with Disabilities Act (ADA).** The Federal Americans with Disabilities Act of 1990 (P.L.
13 101-336) as amended.

14 **Angle of Repose.** The angle at which the weight from a building foundation will affect adjacent utility
15 trenches and/or other foundations. Angle of repose is the slope, measured in degrees from the
16 horizontal, at which loose solid material will remain in place without sliding. Angle of repose is site-
17 specific, based on the characteristics of the soil.

18 **Animal Service Facility.** A commercial establishment primarily engaged in performing veterinary,
19 boarding, grooming, training, and other services for domestic animals, primarily dogs and cats. Outdoor
20 facilities such as runs and exercise yards may or may not be included in the *use*. Examples of animal
21 service facilities include veterinary clinics, dog and cat day care facilities, dog training facilities, and
22 overnight pet boarding. Pet stores are not considered animal service facilities.

23 **At or near a major transit stop.** "At" refers to location within 200 feet of the property boundaries of a
24 *major transit stop*. "Near" refers to location within 300 feet of the property boundaries of a *major*
25 *transit stop*.

26 **Auxiliary Lane.** A traffic lane other than a through lane, used to separate entering, exiting or turning
27 traffic from through traffic.

28 **Average Daily Traffic (ADT).** ADT is the total volume of traffic passing a point or segment of
29 roadway over a 24 hour period.

30 **Base Flood.** See *Flood, Base*.

31 **Base Flood Elevation.** See *Flood, Base Elevation*.

32 **Bed and Breakfast Inn.** A residential *building* or group of residential *buildings* with separate bedroom
33 units for travelers' temporary accommodation. Standards for Bed and Breakfast inns are included in
34 Section 12.40.130.

35 **Bioretention.** Use of shallow, vegetated depressions and engineered soils to collect, filter, and store
36 stormwater runoff while it percolates into the ground.

1 **Build-to Zone.** The maximum horizontal distance, or a range of maximum horizontal distances,
2 between a *front lot line* and a *building or structure*.

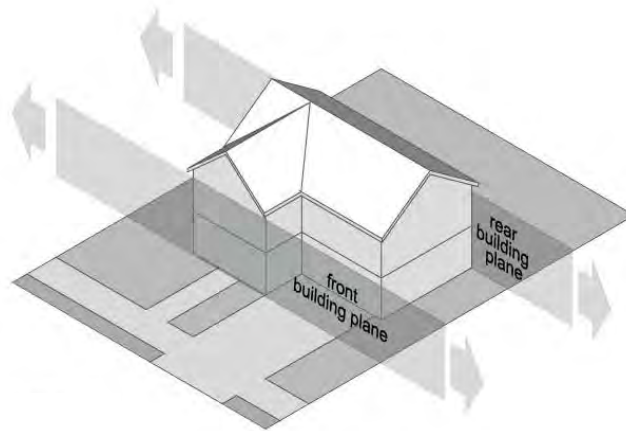
3 **Build-Out Year.** As used in Transportation Studies (see Section 12.70.200), the year in which
4 completion and occupancy of a studied development is anticipated.

5 **Building.** A *structure* having a roof supported by columns or walls, which is built for the support,
6 shelter or enclosure of *persons*, animals, or property of any kind.

7 **Building Official.** The Building Official of the City of Hillsboro or the Official's designee.

8 **Building Plane, front or rear.** An imaginary vertical plane across the farthest front or rear elevation of
9 a *structure*, as illustrated in Figure 12.01.500-A. Building planes are most commonly used in
10 determining *lot widths* or *setbacks*.

11 **Figure 12.01.500-A:**
12 **Front and Rear Building Planes**



13

14 **Bus Rapid Transit.** See *Transit*.

15 **Catercorner(ed).** To be located diagonally opposite, usually at the intersection of two streets.

16 **Certified Wood Products.** Wood products made from lumber harvested in a sustainable manner as
17 certified by a reliable third party, including but not limited to the Forest Stewardship Council (FSC),
18 Sustainable Forestry Initiative (SFI) and the Canadian Standards Association (CSA).

19 **Child Care Facility.** Any facility that provides child care to children, including a child care center,
20 certified family child care home, and registered family child care home. The term applies to the total
21 child care operation and includes the physical setting, administration, staff, equipment, program, and
22 care of children. This definition includes facilities such as nursery schools, preschools, kindergartens,
23 child play school facilities, before or after school care, or child development centers, except those
24 excluded under ORS 657A.250.

25 **City.** The City of Hillsboro, Oregon.

- 1 **City Council.** The elected City Council of Hillsboro, Oregon.
- 2 **City Engineer.** The City Engineer of the City of Hillsboro or the Engineer's designee.
- 3 **Commuter Rail.** See *Transit*.
- 4 **Condominium or unit ownership.** Land, all *buildings*, improvements and *structures* thereon, and all
5 *easements*, rights and appurtenances belonging thereto, which are submitted pursuant to the provisions
6 of ORS 91.500 to 91.671 to 91.990.
- 7 **Conservation District.** A zone-defined area in which certain standards may be applied regarding
8 retention or alteration of existing *buildings* and architectural standards for new *buildings*, in order to
9 retain and restore the historic character of the neighborhood.
- 10 **Construction.** As used in this Code, construction includes the new construction, replacement or any
11 major remodeling of any *building* or *structure*; or any enlargement of an existing *building* or *structure*
12 which increases its *floor area* by 10 percent or more and which is visible from a *street* or public *right-of-*
13 *way*. Construction does not include the ordinary *repair and maintenance* of an existing *building* or
14 *structure*.
- 15 **Contiguous.** Having a *property line*, zoning boundary or wall in common; see also *abutting* and
16 *adjacent*.
- 17 **Control Delay.** See *Delay, Control*.
- 18 **Cool Roof.** A roof constructed of materials which reflect most solar radiation, intended to prevent heat
19 penetration into the interior of the building.
- 20 **Cottage Industry.** A small-scale manufacturing or production *use*, conducted entirely within an
21 enclosed *building*, which have no impacts on adjacent properties related to noise, dust, odor or light
22 glare. Examples of cottage industries include woodworking, letterpress operation, and artisan metal,
23 tile, textile, or glass fabrication.
- 24 **County.** Washington County, Oregon.
- 25 **Creation (of a natural resource).** Modification of vegetation, hydrology and/or topography in a non-
26 wetland, riparian or *wildlife habitat* ecosystem in order to create a functional *wetland*, *riparian area*, or
27 *wildlife habitat*. To create a natural resource, soils may also be modified to facilitate the transition to the
28 natural resource system.
- 29 **Cul-de-sac.** See *street, cul-de-sac*.
- 30 **Cultural Resource.** Any *building*, *structure*, site, or object included on the *Cultural Resource*
31 *Inventory*, and therefore subject to the provisions of Section 12.27.300.
- 32 **Cultural Resource Inventory.** The list of *buildings*, *structures*, sites and objects within the city which
33 are recognized by City Council resolution as being culturally significant.

1 **Dangerous Tree.** Any tree which, in the professional assessment of an expert recognized by the City
2 (such as, but not limited to an arborist, professional forester or landscape architect) has a strong
3 likelihood of causing a hazard to life or property.

4 **Day.** Unless otherwise specifically stated, a 24-hour calendar day.

5 **Delay.** The additional travel time experienced by a driver, passenger, bicyclist, or pedestrian beyond the
6 required time at the desired speed.

7 **Control Delay.** A *delay* associated with a traffic control device. Control delay includes the times
8 spent slowing in advance of an intersection or stopped on an intersection approach, the time spent as
9 vehicles move up in the queue, and the time needed for vehicles to accelerate to their desired speed.

10 **Delineation.** A determination of the boundary of a natural resource, *wetland*, riparian or *wildlife habitat*
11 area by a *qualified natural resource professional*. Wetland delineations are prepared following methods
12 described in the 1987 US Army Corps of Engineers Wetlands Delineation Manual or those currently
13 accepted by the Oregon Division of State Lands and US Army Corps of Engineers. Riparian and
14 *wildlife habitat* delineations are based on an assessment of the tree canopy and plant communities
15 described for the resource in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro*
16 and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report*.

17 **Demolition.** Any intentional defacement, destruction, and/or other action which would cause partial or
18 total destruction of the structural elements of a *structure*.

19 **Density.** A measurement of the intensity of *development* on a *net acre* of developable land. Residential
20 density is measured in number of *dwelling units* per *net acre*. Non-residential density or intensity may
21 be measured by *floor area ratio*. Methodology for calculating density is included in Section 12.50.120.

22 **Detached Single Family Dwelling.** See *Housing Types*.

23 **Development (outside a Significant Natural Resource Area).** Any man-made change to real property
24 in the City, including but not limited to *construction* or installation of a *building* or other *structure*;
25 *major site alterations* such as *grading* or paving; or improvements for use as parking. *Vegetation*
26 *removal* outside the boundaries of a *Significant Natural Resource Area* is not development.

27 **Development (inside a Significant Natural Resource Area).** Inside a *Significant Natural Resource*
28 *Area*, development includes the following human-induced changes to real property:

- 29 • *Construction* of new *structures* increasing building footprint areas;
- 30 • *Redevelopment*;
- 31 • Change to existing *lot* boundaries (*subdivisions*, *partitions* and *property line adjustments*);
- 32 • Topographic alterations (*grading*, *filling*, *construction* of earthen berms or retaining walls;
33 excavating, dredging, or surface mining)
- 34 • Paving; and/or
- 35 • *Vegetation removal*.

1 In a *Significant Natural Resource Area*, development does not include farming activities conducted in
2 accordance with accepted farming practices as defined in ORS 30.930, ORS 568.900; and
3 construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

4 **Disability.** With respect to a person, (1) a physical or mental impairment which substantially limits one
5 or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being
6 regarded as having such an impairment. “Disability” does not include current, illegal use of or addiction
7 to a controlled substance as defined by 21 U.S.C. § 802, or pedophilia, exhibitionism, voyeurism or
8 other sexual behavior disorders. “Disability” will be interpreted consistent with the meaning of
9 “handicap” under 42 U.S.C. § 3602(h).

10 **Drive-In or Drive-Through Facilities.** Sites and building features such as driveway approaches,
11 internal circulation, and exterior vending facilities that allow motor vehicle drivers to complete
12 transactions for retail goods or services without leaving their vehicle. Vehicle service and repair
13 facilities are not considered drive-in facilities even if the service or repair can be conducted without the
14 driver leaving the vehicle.

15 **Duplex.** See *Housing Types*.

16 **Dwelling Unit.** One or more rooms designed for occupancy by a *family* or *household*, including
17 sleeping areas, sanitation facilities, and a single cooking area. For types of dwelling units, see *Housing*
18 *Types*.

19 **Easement.** A right to the use of certain real property for specified purposes, granted by the property
20 owner to specific persons, firms, corporations or the public.

21 **Eco Roof.** A vegetated roof surface comprised of several layers including a root barrier, waterproof
22 membrane, drainage, soil system, and plants, used in place of a conventional roof and intended to
23 provide environmental benefits. Also known as a “green roof”.

24 **Elevated Building.** A *building* having no basement built or partially built in the *floodplain*, which has
25 its lowest floor raised above *finished grade* by foundation walls, shear walls, posts, piers, pilings or
26 columns.

27 **Enhancement (of a Significant Natural Resource or Impact Area).** Modification of a *Significant*
28 *Natural Resource Site* to improve resource functions and values, or modification of an *Impact Area* to
29 improve its ability to buffer the *adjacent* resource from adverse impacts associated with *development*.

30 **Environmental Report.** A site report prepared by a *qualified natural resources professional* which
31 includes the following elements in addition to those included in an *abbreviated environmental report*:

- 32 • Delineation(s) of *Significant Natural Resource* boundaries;
- 33 • Descriptions of the condition of the natural resources within the specified boundaries;
- 34 • Analyses of *development* impacts on the *Significant Natural Resources*;
- 35 • Descriptions of measures to prevent or reduce negative *development* impacts; and
- 36 • Provisions of *mitigation* and *enhancement* plans.

1 Specifications for preparation of environmental reports are cited in Section 12.80.130.

2 **Environmental Report, Abbreviated.** A site report which includes the following elements:

- 3 • Location of proposed *structures* or *vegetation removal* on site maps and photographs;
- 4 • Descriptions of the condition of the natural resources within the areas proposed to be
5 impacted;
- 6 • Analyses of *development* impacts on the *Significant Natural Resources*;
- 7 • Documentation that the proposed *development* can be done in compliance with the applicable
8 criteria in Section 12.80.130.

9 Specifications for preparation of abbreviated environmental reports are cited in Section 12.80.130.

10 **Excavation.** Removal of earth or mineral matter by human action.

11 **Façade.** The vertical wall face of a building, or the sum of multiple vertical faces, facing the street.

12 **Fair Housing Act (FHA).** The Federal Fair Housing Act of 1968, (P.L. 90-284), Title VIII, as
13 amended.

14 **Family.** An individual, or two or more persons related to one or more persons in the *household* by
15 blood, marriage, domestic partnership (as defined in the Hillsboro Municipal Code), legal adoption, or
16 guardianship, living together in a *dwelling unit* in which board and lodging may also be provided for not
17 more than three additional persons, excluding live-in employees. See also *Household*.

18 **Fill.** Any deposit of earth or mineral material by human action. The term *fill* may also be used to
19 describe the deposited material.

20 **Final Plat.** See *Plat, Final*.

21 **Flood.** A temporary condition of partial or complete water inundation from an increase in stream flow
22 or rapid accumulation or runoff of surface water in low lying areas.

23 **Flood, Base.** A *flood* having a one percent chance of being equaled or exceeded in any given year.
24 Also referred to as the “100-year flood”.

25 **Flood Elevation, Base.** The water surface elevation of the *base flood*, delineated in mean feet above
26 sea level.

27 **Flood Fringe.** That portion of the *floodplain* not contained in the *floodway*.

28 **Flood Insurance Rate Map (FIRM).** The map on which FEMA identifies areas of special flood
29 hazards and risk premium zones applicable to the City.

30 **Flood Insurance Study (FIS).** The official report provided by the Federal Insurance Administration
31 that includes flood profiles, the Flood Boundary and *Floodway* Maps, and the water surface elevation
32 of the *base flood*.

1 **Floodplain.** The area subject to inundation by the *base flood* as identified on the *FIRM*. The
2 floodplain includes both the *floodway* and *flood fringe*.

3 **Flood-Proofing.** Any combination of temporary or permanent architectural, structural and non-
4 structural additions or changes to a *structure* or its contents that prevent or provide resistance to
5 damage from flooding while allowing floodwaters to enter the *structure*. Flood-proofing standards
6 are specified in Section 12.27.100.

7 **Floodway.** The regulatory stream channel and *adjacent* land which must remain free of
8 encroachment in order to discharge the *Base Flood* without increasing *base flood elevations* by more
9 than one foot. The elevation and location of the *floodway* is identified on the National Flood
10 Insurance Program Flood Boundary, *Flood Insurance Study* and *Floodway* Maps for the City and the
11 County.

12 **Floor Area.** The sum of the horizontal areas of all above-ground floors of a *building*. Floor area is
13 measured from the exterior faces of a *building* or *structure* or in the case of common wall *buildings*,
14 from the centerline of the common wall. Floor area includes *structured parking* area above *finished*
15 *grade* level, but does not include the following:

- 16 • Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an
17 adjacent *right-of-way*;
- 18 • Roof area, including roof top parking;
- 19 • Roof top mechanical equipment;
- 20 • Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls
21 that are more than 42 inches in height, for 50 percent or more of their perimeter.

22 **Floor Area, Gross (GFA).** The total *floor area* of a building intended for occupancy or storage, not
23 including interior parking or loading spaces. Except in the AmberGlen Plan District pursuant to
24 Subsection 12.64.020.B.4, GFA includes basements, attics, closets, restrooms, lobbies, hallways,
25 stairwells and elevators, utility and mechanical spaces and loading docks, but excludes vent shafts,
26 underground *parking spaces*, uncovered steps and exterior balconies. GFA is also referred to as gross
27 square feet or GSF.

28 **Floor Area, Net.** The *gross floor area* of a building, excluding lobbies, restrooms, hallways,
29 stairwells, elevators, mechanical and utility spaces and loading docks. Also called “Gross Leasable
30 Area.”

31 **Floor Area Ratio (FAR).** The ratio (typically expressed as a decimal) of the total amount of
32 enclosed *gross floor area* (*GFA*) within a building or *structure* to the amount of net *lot area*.
33 Calculation methodology of Floor Area Ratios is cited in Section 12.50.150.

34 **Forecast Year.** As used in Transportation Studies (see Section 12.70.200), the subject year of the
35 Transportation Study analysis. The Forecast Year may be the *Build-Out Year* or another future year
36 deemed appropriate for the Study.

- 1 **Free Standing Wall.** A vertical *structure* built outdoors to separate properties or areas, or to provide
2 sound attenuation from a noise source. Free standing walls are not intended to support any roof
3 structure, and may be used as an alternative to a fence or hedge.
- 4 **Frontage.** The length of the *front lot line* of a *lot, parcel* or *tract* which *abuts* a public *street* or *alley*, or
5 platted Private street or *alley*, usually measured in feet. Lot frontage may be approximately equal to *lot*
6 *width* on a *regular lot*, but may differ on other shapes of *lots*.
- 7 **Gap Availability Study.** As used in Section 12.70.200, a traffic measurement used to determine the
8 number of opportunities for a vehicle to execute a turning movement (gap) from a two-way stop-
9 controlled intersection or access during a defined time period.
- 10 **Garage.** A *structure* or portion thereof designed and intended for use for parking or temporary storage
11 of vehicles.
- 12 **Garage, front loaded or rear loaded.** See *loading*.
- 13 **Grade.** Ground elevation, measured in height in feet above mean sea level. Grade elevation is used in
14 measurement of building height and for application of floodplain regulations.
- 15 **Grade, Finished.** The average of the ground elevations at the center of all walls of a building,
16 following completion of site *grading*. If a wall is parallel to and within five feet of a sidewalk,
17 finished grade is measured at the sidewalk.
- 18 **Grade, Native.** The ground elevation existing before human alteration such as *grading, filling* or
19 *excavation*.
- 20 **Grade, Street.** The elevation at the top of a street curb or the top of the edge of pavement or traveled
21 way where there is no curb.
- 22 **Grading.** Cutting and/or filling of the ground surface to a desired slope or elevation.
- 23 **Grading, Mass.** Grading conducted over a majority of a development site or phase thereof, with the
24 intent to create a more uniform ground elevation and/or building pads.
- 25 **Green Streets.** Public or Private streets designed to reduce or redirect stormwater runoff quantity
26 and/or to improve stormwater runoff quality within the *right-of-way* or street *tract*. Green street design
27 generally involves using vegetated swales; *Low Impact Development Approaches (LIDA)*, *bioretention*
28 and/or pervious pavement as an alternative to conventional catch basins, pipes, curbs and detention
29 facilities.
- 30 **Gross Acreage.** See *Acreage, Gross*.
- 31 **Gross Floor Area.** See *Floor Area, Gross*.
- 32

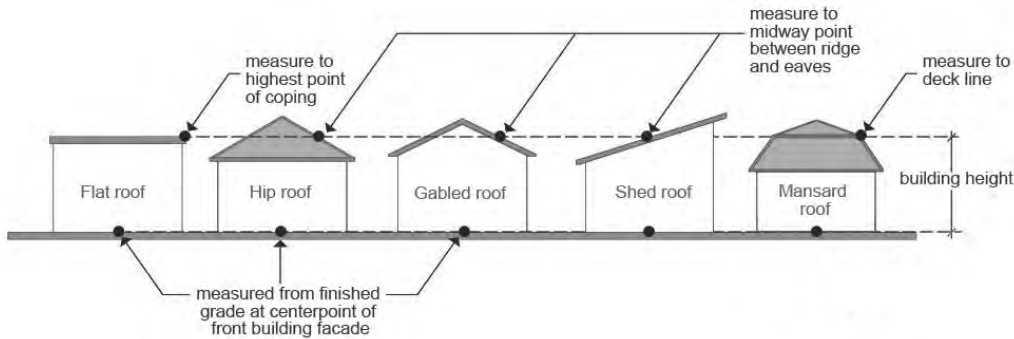
1 **Group Living Structure.** A *structure* intended for residential occupancy by six or more unrelated
2 persons. Group living structures have common facilities for dining, social or recreational activity and
3 laundry, sleeping areas and at least one cooking facility and one sanitary facility. Group living structure
4 does not include *residential homes* or *residential facilities*.

5 **Habitat Benefit Areas.** The Tualatin Basin Fish & Wildlife Habitat Program areas shown on *Metro's*
6 Regionally Significant Fish and Wildlife Habitat Inventory map as containing Classes I, II, and III
7 *riparian corridors/wildlife habitat* and Class A Upland Wildlife Habitat. See also *Habitat-Friendly*
8 *Development Practices*.

9 **Habitat-Friendly Development Practices.** A range of development techniques and activities used to
10 reduce detrimental impact on fish and *wildlife habitat* relative to traditional development practices.
11 Habitat-Friendly Development Practices are listed in Subsection 12.50.930.A.

12 **Height, Building.** The vertical distance from *finished grade* to the highest point of the coping of a flat
13 roof or to the deck line of a mansard roof or to the point midway between the ridge and the eaves of a
14 pitch or hip roof, as illustrated in Figure 12.01.500-B. Measurement methodology for building height is
15 cited in Subsection 12.50.140.B.

16 **Figure 12.01.500-B:**
17 **Different Roof Types and Building Height**



18

19 **High Capacity Transit.** See *Transit, High Capacity*.

20 **High-Profile Industrial Building.** An industrial building designed and constructed for manufacturing
21 or warehouse use, characterized by highly specialized mechanical and/or automated equipment requiring
22 structural heights greater than 45 feet.

23 **Historic Landmarks Advisory Committee (HLAC).** The Historic Landmarks Advisory Committee of
24 the City of Hillsboro.

25 **Home Occupation.** A lawful business conducted on a residential property only by the principal
26 residents and not more than two closely related persons, where the business operation is secondary to the
27 use of the dwelling. Standards for approval and operation of Home Occupations are contained in
28 Section 12.40.170.

1 **Horticultural Activities.** Activities including, but not limited to, orchard keeping and vegetable or
2 flower gardening, which may be conducted for either household consumption and enjoyment or in
3 connection with a home occupation or residential business. Horticultural activities do not include
4 keeping of livestock as defined in Hillsboro Municipal Code (HMC) Chapter 6.20.

5 **Hospital.** An institution which provides clinical, diagnostic and treatment services to patients on an
6 inpatient, outpatient and emergency basis, and which has received a Certificate of Need from the State
7 of Oregon.

8 **Household.** A group of not more than five persons not related by blood, marriage, legal adoption, or
9 guardianship living together in a *dwelling unit*. See also *Family*. The following are also considered
10 households:

- 11 • Residents of *residential homes*
- 12 • Residents of *residential facilities* with eight or fewer persons; and
- 13 • Eight or fewer persons with *disabilities* (excluding caregivers) residing together in a dwelling
14 unit.

15 **Household Energy Production Facilities.** Systems for the collection and conversion of alternative
16 energy sources such as solar or wind, to serve the energy needs of the subject property. Such systems
17 include facilities for energy collection, support structures, and components for the control and
18 conversion of the captured energy.

19 **Housing Types.**

20 **Detached Single Family Dwelling.** A detached *dwelling unit* built and intended for occupancy by
21 one *family* or *household*, constructed on-site or elsewhere. For purposes of this Code, detached
22 modular homes (aka prefabricated buildings) constructed of multiple modules constructed off-site,
23 are considered detached single family dwellings.

24 **Duplex.** A residential *structure* containing two *dwelling units* attached on a common wall, floor or
25 ceiling, built on a single *lot* or *parcel*.

26 **Two-Dwelling Townhouses.** Two *dwelling units* attached on a common wall, separated by a
27 *property line* on the common wall. Development consisting of townhouses is called *single family*
28 *attached residential*.

29 **Three-Dwelling (or more) Townhouses.** Three or more *dwelling units* attached on common walls,
30 separated by *property lines* on the common wall(s). Development consisting of townhouses is called
31 *single family attached residential*.

32 **Multiple Dwelling Structure.** A residential *structure* containing three or more *dwelling units*
33 sharing common walls or floors and ceilings, built on a single *lot* or *parcel*. Multiple-dwelling
34 structures include apartments and condominiums without regard to ownership status. Development
35 consisting of multiple dwelling structure is called *multi-family residential*.

36 **Manufactured Dwelling.** A *detached single family dwelling*, constructed to allow movement on
37 public highways, that has sleeping, cooking, and plumbing facilities, which is intended and used as a
38 residence and is constructed consistent with applicable state law. Also referenced as a *mobile home*.

1 **Manufactured Dwelling Park.** A lot or parcel on which four or more *manufactured dwellings* are
2 placed, either owned in common by the dwelling owners or rented or leased to them by another party.

3 **Secondary Dwelling Unit.** An additional *dwelling unit* located on the same lot as a *detached single*
4 *family dwelling* or a *duplex*. Also called an accessory or ancillary dwelling unit.

5 **Live-Work Dwelling.** A *dwelling unit* occupied by both residential and non-residential (commercial
6 or light-industrial) *uses*, in which the non-residential *use* is subordinate to the residential *use*. The
7 non-residential *use* may vary in size and intensity, and may be subject to additional standards to
8 assure compatibility with the permitted uses of the base zone.

9 **Impact Area.** See *Significant Natural Resource Impact Area*.

10 **Isolated Upland Wildlife Habitat.** Areas of *Significant Wildlife Habitat* identified in the adopted *List*
11 *of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural*
12 *Resource Inventory and Assessment Report*, which are not contiguous to a stream, *wetland* or *riparian*
13 *corridor*.

14 **Joint-Use Parking.** See *Shared Parking*.

15 **Loading, Front, Side or Rear.** A descriptive term used to identify the location of a vehicular garage
16 entrance or driveway in relation to the *main building entrance*. A front-loaded *garage* or driveway faces
17 or accesses the same *street* as the *main building entrance*. A side-loaded *garage* or driveway faces a
18 side *street* or *alley* or a *side lot line*. A rear-loaded *garage* faces the *street* or *alley* opposite the main
19 pedestrian entry.

20 **Local Wetlands Inventory.** A systematic survey of an area to identify, classify and map the
21 approximate boundaries of *wetlands* in accordance with the requirements of OAR Chapter 141, Division
22 086, used in place of the National Wetlands Inventory and incorporated into the Statewide Wetlands
23 Inventory after approval by the Oregon Department of State Lands.

24 **Lot.** A unit of land created by a *subdivision*. The term lot may also be used generically to refer to units
25 of land created through *partitions* or to *lots of record*. See also *Parcel* and *Tract*. Lots occur in a
26 variety of shapes and configurations, as illustrated in Figure 12.01.500-C, including the following:

27 **Lot, Corner.** A lot *abutting* two *streets* intersecting at an angle not greater than 135 degrees.
28 Exception: lots with *frontage* on both a *street* and an *alley* are not considered corner lots.

29 **Lot, Double Frontage.** A lot having *street frontage* on two *streets* that do not intersect. Also called
30 a reverse frontage lot or a through lot.

31 **Lot, Flag.** A lot so shaped that the buildable area (the “flag”) is not adjacent to the *street* or *alley* on
32 which the lot fronts, and which includes a private *access strip* (the “pole”) connecting the buildable
33 area to the *street* or *alley*.

34 **Lot, Interior.** A lot *abutting* a single *street*.

1 **Lot, Regular.** A lot having four *property lines* and typically square or rectangular in shape, where
2 opposite *property lines* (front and rear; two opposite sides) are parallel or roughly parallel.

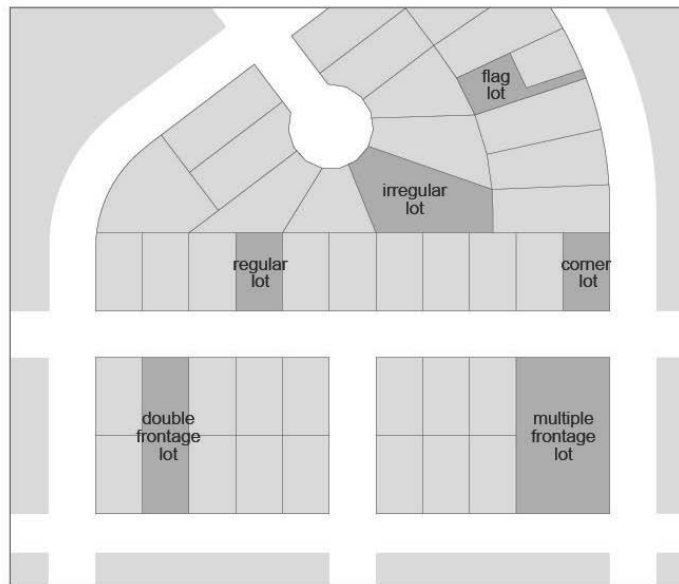
3 **Lot, Irregular.** A lot having four or more *property lines*, where opposite *property lines* are not
4 parallel or are curved.

5 **Lot, Multiple Frontage.** A lot *abutting* three or more *streets*.

6 **Lot of Record.** A lot or *parcel* created pursuant to applicable state law.

7 **Lot, Parent / Lot, Child.** Parent lot refers to a lot of record or a lot in a *subdivision* or *partition*
8 which is proposed to be developed with two or more *townhouses*, and which may therefore be further
9 divided to allow individual ownership of each *dwelling unit*. Child lot refers to the unit(s) of land
10 created from a *parent lot*.

11 **Figure 12.01.500-C:**
12 **Lot Types**

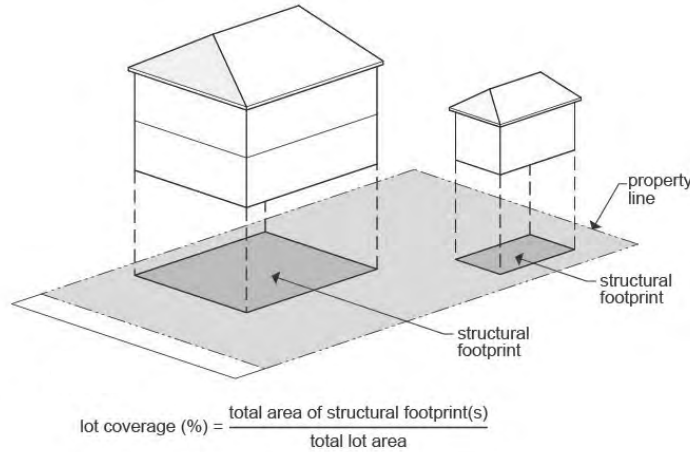


13
14 **Lot Dimensions.** Physical *lot* dimensions include the following:

15 **Lot Area.** The total horizontal area inside the *property lines* of a *lot*, *parcel*, or *tract*. Lot area is
16 generally measured in square feet or acres. For the purposes of this Code, lot area excludes any
17 portion of a *lot*, *parcel* or *tract* located within public *right-of-way* regardless of the inclusion of that
18 portion in a metes and bounds description or other legal instrument.

19 **Lot Coverage.** That portion of the *lot area* which is covered by *buildings* taller than 24 inches above
20 *native grade*, as illustrated in Figure 12.01.500-D. Lot coverage is expressed as a percentage of *lot*
21 *area*.

1
2
**Figure 12.01.500-D:
Lot Coverage**



3
4 **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
5 opposite *interior lot line*. Methods of measuring *lot depth* are specified in Section 12.50.110.
6

7 **Lot Width.** The horizontal distance between the midpoints of the *side lot lines*. Lot width on *corner*
8 *lots* is the horizontal distance between one of the *front lot lines* and the opposite *interior lot line*.
9 Methods of measuring *lot width* are specified in Section 12.50.110.

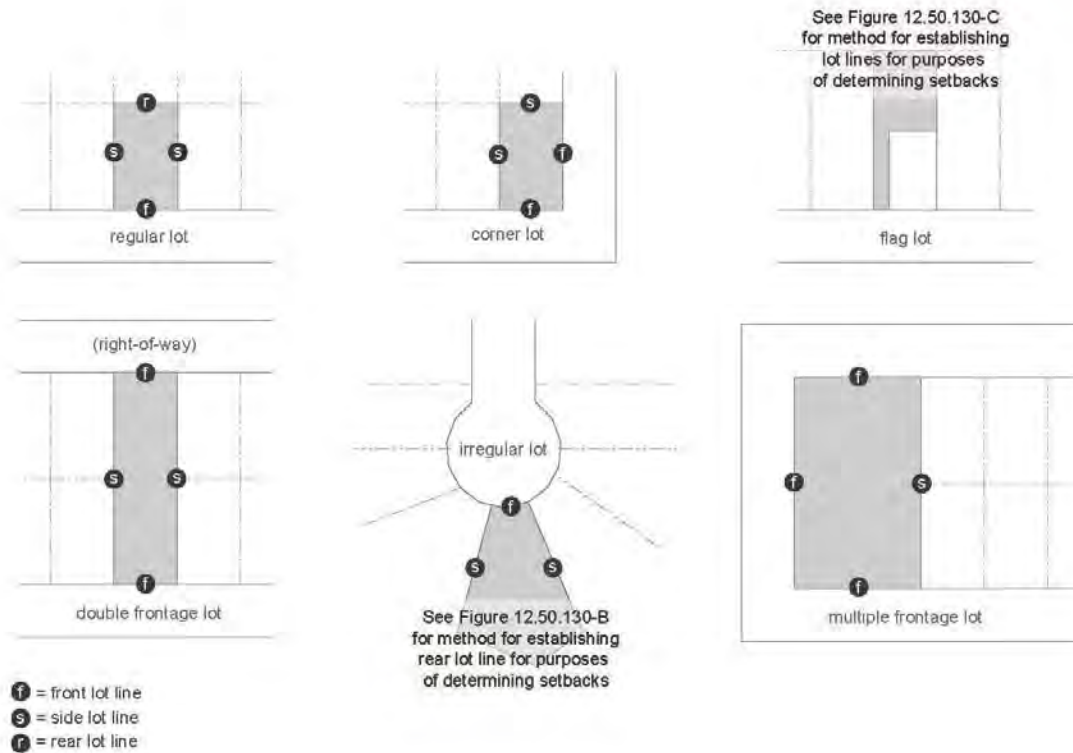
10 **Lot Line.** The *property line* bounding a *lot, parcel, tract* or *lot of record*. Types of *lot lines*, as
11 illustrated in Figure 12.01.500-E, include the following:

12 **Lot Line, Front.** The *property line(s)* separating a *lot, parcel, tract* or *lot of record* from a *street* or
13 *access tract*. *Interior lots* have one *front lot line*; *corner lots* have two *front lot lines*; *multiple*
14 *frontage lots* have three or more *front lot lines*.

15 **Lot Line, Rear.** The *lot line* of a *regular, interior lot* which is opposite and most distant from the
16 *front lot line*. *Corner lots, double frontage lots* and *multiple frontage lots* do not have a *rear lot line*,
17 but may have multiple *side lot lines*. Methods of establishing *rear lot lines* of *irregular* or *flag lots*
18 for *setback* purposes are specified in Subsection 12.50.130.C.

19 **Lot Line, Side.** Any *lot line abutting* another *lot, parcel, tract* or *lot of record*, which is not
20 considered a *front* or *rear lot line*.

1
2
**Figure 12.01.500-E:
Types of Lot Lines**



3
4 **Low Impact Development Approach (LIDA).** A stormwater management and land-development
5 strategy applied at the *parcel* and *subdivision* scale that emphasizes conservation and use of onsite
6 natural features integrated with engineered, small-scale hydrologic controls to more closely mimic
7 predevelopment hydrologic functions.

8 **Main Building Entrance.** A primary pedestrian entrance to a *building*.

9 **Major Pedestrian Route.** See *Pedestrian Route, Major*.

10 **Major Retail Use.** A retail operation with 60,000 square feet or more of *net floor area* per *building* or
11 business.

12 **Major Transit Stop.** See *Transit Stop, Major*.

13 **Mass Grading.** See *Grading, Mass*.

14 **Metro.** The Portland area metropolitan service district, which is the regional government established by
15 Charter and providing defined regional services including planning and policy making.

16 **Minimum Residential Density.** The minimum number of *dwelling units* required per *net acre* of
17 developable land. Calculation methods for minimum residential density are contained in Section
18 12.50.120.

1 **Mitigation.** Measures taken to reduce or offset damage or negative impacts from *development*
2 activities, such as enhanced vegetation to mitigate visual impacts from the sidewalk, installation of
3 insulation or sound walls to mitigate increased noise levels, or shift scheduling to mitigate traffic
4 peaking.

5 **Mitigation (of a Natural Resource or Impact Area).** Measures taken to compensate for impacts to
6 a *Significant Natural Resource* or its *Impact Area* including *Replacement, Creation, or Enhancement*
7 activities. Examples of mitigation include constructing new *replacement wetlands*, replanting
8 vegetation, removing *nuisance plants*, and restoring disturbed streamside vegetation.

9 **Mixed-Use Building or Development.** *Buildings or developments* which combine two or more types of
10 *uses*, either vertically or horizontally. A mixed-use building is designed to accommodate *uses* such as
11 live/work units, residential with commercial or light industrial, retail with office, or commercial with
12 light industrial. *Live-work dwellings* are considered Mixed-Use buildings. A mixed-use development
13 typically consists of multiple *buildings* designed to accommodate diverse but compatible land uses.

14 **Mobile Home.** See *Manufactured Dwelling in Housing Types*.

15 **Multi-Family Residential.** Development consisting of *Multiple Dwelling Structures* (see *Housing*
16 *Types*).

17 **Multi-Use Path.** A path physically separated from motor vehicle traffic, located either within a *street*
18 *right-of-way* or a separate *right-of-way* or *easement*, and intended for use by bicyclists, pedestrians and
19 non-motor vehicle traffic.

20 **Native Vegetation.** Plants which occur naturally or historically within the City limits. Native
21 vegetation species are identified and listed on *Metro's* Native Plant List.

22 **Neighborhood Activity Center.** A land use which draws high levels of daily pedestrian usage, and
23 which functions as a destination for pedestrian and vehicle trips. Examples of neighborhood activity
24 centers include existing or planned parks and recreation facilities, schools, shopping areas, employment
25 centers, theaters, and museums.

26 **Net Acre.** See *Acreage, Net*.

27 **Nonconforming Situation.** A *use* and/or *structure* which was legally compliant prior to a change in the
28 provisions of an applicable zone or development standard, but which does not meet one or more
29 requirements under the changed zone or standard. The application process and standards for expansions
30 of non-conforming *uses* are cited in Section 12.30.800.

31 **Nuisance Plants.** Plants which are both invasive and non-native. Nuisance plants are identified and
32 listed on *Metro's* Nuisance Plant List.

33 **On-Site Circulation.** The pattern internal to a development site that accommodates the movement of
34 motor vehicles, bicycles and pedestrians.

35

1 **Other Construction.** New *construction*, replacement, and any major remodeling of any *building* or
2 *structure*; or any enlargement of an existing *building* or *structure* for which approval is not required
3 through a Type I, II or III process, which the *Planning Director* has determined will substantially change
4 its exterior appearance from a public or Private street; or change its occupancy from single family *use* to
5 commercial or industrial *use*.

6 **Palliative.** Medical service rendered to reduce or moderate temporarily the intensity of an otherwise
7 stable medical condition, but not including those medical services rendered to diagnose, heal or
8 permanently alleviate or eliminate a medical condition.

9 **Para-Transit.** Transportation services characterized by flexible routes and schedules, which operate
10 smaller vehicles (such as vans or smaller buses) to accommodate riders with mobility impairments.
11 Para-transit vehicles are generally wheelchair accessible.

12 **Parcel.** A unit of land created by *partitioning*. When referencing *lot* configurations or *lot dimensions*,
13 the term parcel may be used interchangeably with the term *lot*. See also *tract* and *lot of record*.

14 **Park, Public.** Land that is publicly owned or controlled and used to provide active or passive outdoor
15 recreation.

16 **Parking Space.** A permanently maintained space improved and used for the parking of one motor
17 vehicle or one bicycle.

18 **Parking Structure.** A *building* above and/or below *grade*, constructed and used for parking motor
19 vehicles, which may also include bicycle parking. See also *structured parking*.

20 **Partition.** Either the act of partitioning land or a unit of land partitioned.

21 **Partition Land.** To divide land into two or three *parcels*. The application process and standards for
22 partitioning land are cited in Section 12.80.096.

23 **Pedestrian/Bicycle Accessway, or Accessway.** Any off-street path or *walkway* designed and
24 constructed for use by pedestrians and/or bicyclists where such routes are not otherwise provided by the
25 street system.

26 **Pedestrian Connection.** A route between two points intended and suitable for pedestrian use.
27 Pedestrian connections include but are not limited to, *pedestrian/bicycle accessways*, sidewalks,
28 *walkways*, stairways and pedestrian bridges.

29 **Pedestrian Crossing.** Any location, either at an intersection or midblock, where a pedestrian sidewalk,
30 path or *walkway* crosses vehicular lanes. At a pedestrian crossing, pedestrian traffic is usually two-way;
31 but motor vehicle traffic may be either one-way or two-way.

32 **Pedestrian-Friendly Features.** Features in the built environment designed and used to enhance
33 pedestrian comfort, safety and interest. Pedestrian-friendly features may include sidewalks, public art,
34 awnings or other weather protection, fountains or water features, kiosks, landscaping, pedestrian-
35 oriented signs and lighting, seating areas, street trees, *transit stops* and shelters, or *pedestrian scale*
36 *buildings* with high levels of transparency and articulation.

- 1 **Pedestrian Route, Major.** A pedestrian route located on an *Arterial* or *Collector street* or *major transit*
2 *route*. Pedestrian routes on *Local Streets* or street segments within 1,300 feet of a *major transit stop*,
3 *transit center* or *transit station* where the *street* or street segment provides *reasonably direct* connection
4 to the station or center.
- 5 **Pedestrian Scale.** The proportional relationship between the dimensions of a *building* or building
6 element, outdoor space, *street* or *streetscape* element and the average dimensions of the human body,
7 emphasizing features and characteristics which can be observed in close proximity at an average
8 pedestrian's walking speed.
- 9 **Pedestrian-Sensitive.** An adjective used to describe development in which primary emphasis is given
10 to pedestrian *access* and use of the site and *buildings*, rather than to motor vehicle *access* and parking
11 areas. A "pedestrian-sensitive environment" is designed with *pedestrian friendly features* and is
12 conducive to walking between destinations.
- 13 **Person.** An individual, firm, partnership, association, or corporation.
- 14 **Planning Commission.** The Planning Commission of the City of Hillsboro.
- 15 **Planning Director.** The Planning Director of the City of Hillsboro or the Planning Director's designee.
- 16 **Planning and Zoning Hearings Board.** The Planning and Zoning Hearings Board of the City of
17 Hillsboro.
- 18 **Plat.** A map or diagram and other writing(s) containing all the required descriptions, locations,
19 specifications, dedications, provisions and information required by state law and prepared for the
20 purpose of dividing property through *subdivision* or *partition*.
- 21 **Plat, Final.** A *plat* of a *subdivision* or *partition*, prepared by a licensed surveyor or engineer for
22 submittal to the City for review pursuant to the requirements of Section 12.80.098 or Section
23 12.80.096 which demonstrates compliance with earlier conditions of approval and is intended to be
24 recorded with the Washington County Surveyor in accordance with applicable State law.
- 25 **Plat, Preliminary.** A *plat* of a *subdivision* or *partition* prepared for submittal to the City for review
26 and approval pursuant to the requirements of Section 12.80.098 or Section 12.80.096.
- 27 **Plaza.** An outdoor area designed to encourage social interaction and accommodate recreational
28 activities, events and relaxation. Plazas are typically provided with pedestrian amenities, art and/or
29 landscaping.
- 30 **Practicable.** Feasible; capable of being put into practice, done or accomplished given consideration of
31 available technology and project economics. When applied in *Significant Natural Resource Areas*, the
32 term is used relative to potential adverse impacts on the functions and values of the SNR.
- 33 **Primary Street Frontage.** *Street* frontage to which the primary *building* on the site is oriented,
34 generally the *street* containing the *main building entrance* and/or the numbered street address of the
35 building.

1 **Property Line.** The division line between two units of land.

2 **Property Line Adjustment.** The relocation or elimination of all or a portion of the common *property*
3 *line* between *abutting* properties, which does not create an additional *lot* or *parcel*. The application
4 process and standards for Property Line Adjustments are specified in Section 12.70.092.

5 **Public Assembly Facility.** A permanent or temporary *structure*, facility, place or activity where
6 concentrations of people gather in reasonably close quarters. Public assembly facilities include, but are
7 not limited to, schools, churches, conference or convention facilities, employment and shopping centers,
8 arenas, athletic fields, stadiums, clubhouses, large museums, and similar facilities and places, but do not
9 include parks, golf courses, fair grounds or similar facilities.

10 **Public Utility Easement (PUE).** See definition in Hillsboro Municipal Code 9.48.020.

11 **Qualified Natural Resources Professional.** An individual having credentials which verify proven
12 expertise and vocational experience in a given natural resource field.

13 **Reasonably Direct.** A term used to signify that a route minimizes out-of-direction travel.

14 **Redevelopment.** *Construction* of new *structures*, expansion or change of existing *structures* or *building*
15 footprints, reconfiguration of existing driveways or parking, and site *grading* related to such additions,
16 changes, or reconfiguration. Redevelopment does not include the following, when undertaken
17 consistent with City regulations:

- 18 • *Maintenance, repair* or removal of existing *structures*, driveways or other site improvements;
- 19 • Interior structural improvements or vertical additions that do not affect existing *building*
20 footprints or impervious areas on a site; or
- 21 • Replacement of *structures* due to a catastrophic event such as fire.

22 When used in conjunction with activity in a *Significant Natural Resource Area*, redevelopment also does
23 not include activity which does not increase encroachment into the SNR area.

24 **Rehabilitation.** As applied to *Cultural Resources* and within *Conservation districts*, rehabilitation is
25 the process of *repairing* or altering a *structure* to allow an efficient contemporary *use*, while preserving
26 those portions and features that are significant to the historic, architectural and cultural values of the
27 resource. Rehabilitation may include compatible elements not found in the original *structure* and does
28 not involve the technical or historic replication in *restoration*.

29 **Repair and Maintenance.** Activities intended to preserve and care for a *structure*, landscaping, or
30 other improvements (including the continued maintenance of *adjacent native vegetation* for prevention
31 of fire hazard) to such an extent that they remain safe, presentable and carry out the purpose for which
32 they were initiated, installed, constructed or required, without expanding the existing development or
33 activity.

34

1 **Replacement (of a Significant Natural Resource (SNR)).** The construction or creation of a new SNR
2 site, in substitution for the removal or destruction of an existing SNR site. In the case of *wetlands*,
3 replacement construction is limited to sites where conditions have been demonstrated to exist capable of
4 producing and sustaining a *wetland*.

5 **Residential Facility.** “Residential facility” as defined by state law (currently ORS 197.660), includes a
6 residential care, residential training or residential treatment facility, as those terms are defined in ORS
7 443, licensed or registered under ORS 443, or licensed under ORS 418, by the Department of Human
8 Services that provides residential care alone or in conjunction with treatment or training or a
9 combination thereof for six to fifteen individuals who need not be related. Staff persons required to
10 meet licensing requirements are not counted in the number of facility residents, and need not be related
11 to each other or to any resident of the residential facility.

12 **Residential Home.** “Residential home” as defined by state law (currently ORS 197.660), includes a
13 residential treatment or training or an adult foster home licensed by or under the authority of the
14 Department of Human Services, as defined in ORS 443, a residential facility registered under ORS 443,
15 or an adult foster home licensed under ORS 443 that provides residential care alone or in conjunction
16 with treatment or training or a combination thereof for five or fewer individuals who need not be related.
17 Staff persons required to meet licensing requirements are not counted in the number of home residents,
18 and need not be related to each other or to any resident of the residential home.

19 **Restoration.** To return a *building* or *structure* to its original condition in precise detail. As applied to
20 *Cultural Resources* and within *Conservation Districts* restoration may include removal of later additions
21 or elements and/or the reconstruction of deteriorated or previously destroyed features. Also known as
22 “preservation.”

23 **Restoration (of a Significant Natural Resource).** To return an SNR site to its original condition. As
24 applied to *Significant Natural Resource* sites, restoration may include removal of invasive or non-native
25 species and replanting with native species, and/or *site alterations* to restore previous topography.

26 **Review Authority.** The person or body responsible for making a decision regarding a land use
27 application or appeal. Review Authority in this Code may refer to the *Planning Director*, the *Planning*
28 *and Zoning Hearings Board*, the *Historic Landmarks Advisory Committee*, the *Planning Commission* or
29 the *City Council*.

30 **Right-of-Way.** An area of land dedicated, deeded or granted to the public to accommodate public uses
31 such as a portion of a transportation system or public utility system. Examples of rights-of-way include
32 transportation routes for motor vehicles, transit, bicycles and pedestrians and public utility corridors for
33 water, sewer, and storm water lines, and for power lines and gas lines where adequate public utility
34 easements are not available.

35 **Riparian Area.** The area *adjacent* to a river, lake, or stream, consisting of the area of transition from an
36 aquatic ecosystem to a terrestrial ecosystem as defined in OAR 660-023-0090.

37 **Riparian Corridor.** The water areas, fish habitat, adjacent *riparian areas*, and *wetlands* within the
38 *riparian area* boundary as defined in OAR 660-023-0090.

1 **Riparian Upland Resources.** Areas *contiguous* to a stream or *wetland* which include a combination of
2 significant *wildlife habitat* and *riparian areas*, as identified in the adopted *List of Significant Goal 5*
3 *Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and*
4 *Assessment Report*.

5 **Road Authority.** The agency with jurisdiction over the *right-of-way* and responsible for maintenance
6 of the existing or required public improvements.

7 **Roadway Link.** As used in Section 12.70.200, a section of roadway which includes the intersections at
8 both ends, or at one end in the case of a cul-de-sac. The end points of a roadway link will be at an
9 equally or higher classed roadway.

10 **Safe and Convenient.** A term used in connection with *access* and circulation to signify that a route,
11 facility or improvement meets the following criteria:

- 12 1) Minimizes conflicts among vehicles, pedestrians and bicycles;
- 13 2) Provides a *reasonably direct* route of travel between the origin and the destination; and
- 14 3) When applied to pedestrian and bicycle routes, does not exceed one-half mile in length.

15 **Setback.** The distance between a *structure* and the *property lines* of the *lot, parcel, or tract* on which it
16 is located. See also *Yard*.

17 **Significant Natural Resource Area (SNRA).** A significant *wetland, riparian corridor* and/or *wildlife*
18 *habitat* as identified in the List of Significant Goal 5 Natural Resource Sites adopted in Ordinance No.
19 5066. Significant Natural Resource Areas are divided into three protection levels as described below,
20 based on the Goal 5 Natural Resources Inventory and Assessment (also adopted in Ordinance No. 5066)
21 and the Goal 5 Economic, Social, Environmental and Energy Analysis (adopted as findings for
22 Ordinance No. 5269):

23 **SNR Protection Level 1:** An SNR area where uses that conflict with resource preservation are
24 moderately limited. Such limitations have been found to be appropriate where the economic or
25 energy benefits of utilizing the site significantly outweigh the environmental or social benefits of
26 fully limiting conflicting uses. SNR Protection Level 1 development standards are specified in
27 Section 12.27.200.

28 **SNR Protection Level 2:** An SNR area where uses that conflict with resource preservation are
29 limited in order to balance flexibility for development with protection of the resource at a baseline
30 level. SNR Protection Level 2 development standards are specified in Section 12.27.200.

31 **SNR Protection Level 3:** An SNR area where uses that conflict with resource preservation are
32 strictly limited. Such limitations have been found to be appropriate where the environmental or
33 social benefits of protecting the site significantly outweigh the economic or energy benefits of
34 utilizing the site. SNR Protection Level 3 development standards are specified in Section 12.27.200.

1 **Significant Natural Resources Permit (SNRP).** An approval granted by the *Review Authority* after a
2 review process is completed that allows certain activities or *uses* to occur in the Significant Natural
3 Resources Overlay District. The review process and approval criteria for a Significant Natural Resource
4 Permit are specified in Section 12.80.130.

5 **Significant Natural Resource (SNR) Site.** The physical location of a *Significant Natural Resource*.

6 **Single Family Attached.** Development consisting of *Two-dwelling Townhouses* and *Three-Dwelling*
7 *(or more) Townhouses* (see *Housing Types*.)

8 **Site Alterations, Major.** Non-structural site alterations disturbing more than 500 sq. ft. of ground area
9 due to *grading* or paving, for which approval is not required through a Type I, II or III process, and
10 which affect site access, topography, mature trees, natural resources, required landscaping, or which
11 increase or concentrate the on-site drainage flow at a *property line*.

12 **Site Alterations, Minor.** Non-structural site alterations disturbing up to or less than 500 sq. ft. of
13 ground area due to *grading* or paving, which do not affect site access, topography, mature trees, natural
14 resources, required landscaping, or which do not increase or concentrate the on-site drainage flow at a
15 *property line*.

16 **Shared Street.** A *street* designed to accommodate *access* for vehicles, pedestrians and bicycles to
17 *abutting* property within the same circulation space. To indicate that the entire *street* is intended for
18 pedestrians as well as vehicles, a shared street may be surfaced with ornamental pavers rather than
19 having separate sidewalks. A shared street may function as a community open space, with *hardscaping*
20 and landscaping features, street furniture, lighting fixtures and benches. A shared street may also be
21 designed with *traffic calming measures*.

22 **Shared Parking.** Public or private parking shared by two or more *uses*. Criteria for shared parking are
23 contained in Subsection 12.80.156.D.6.

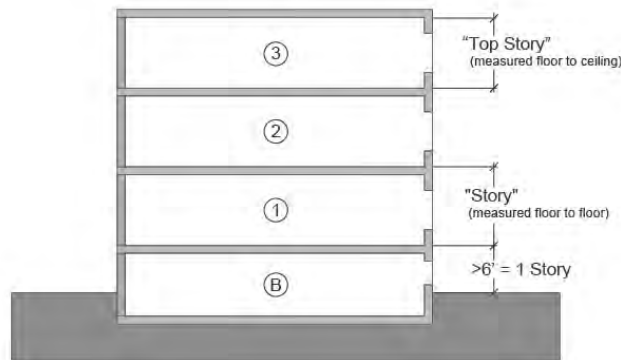
24 **Stabilization.** Construction methods intended to either prevent erosion or failure of a soil slope
25 following *grading* or *vegetation removal*; or to structurally reinforce or arrest material deterioration of a
26 *building* to prevent failure.

27 **Stockpiling.** Storage of native or imported soil with the intent to redistribute it in order to contour site
28 elevations to a *finished grade*.

29 **Story.** That portion of a *building* between the upper surface of any floor and the upper surface of the
30 floor next above, with the exception that the top story is that portion of a *building* between the upper
31 surface of the top floor and the ceiling above or the roof rafters if there is no ceiling. A basement is
32 considered a story if the finished floor level directly above the basement is more than six feet above
33 finished grade. Story or stories are an internal measurement of the vertical dimension of a *building*, as
34 opposed to *building height* which is an external measurement. Stories are illustrated in Figure
35 12.01.500-F.

36 **Story, Half.** A top story, the floor area of which does not exceed 50 percent of the floor area of the
37 story below, located under a sloping roof and having wall plates on at least two opposite exterior
38 walls which are not more than three feet above the floor.

1
2
**Figure 12.01.500-F:
Building Stories**



3
4 **Street.** A *right-of-way* or *tract* intended for motor vehicle, pedestrian or bicycle travel and/or *access* to
5 *abutting* property. For purposes of this Code, facilities with other names meeting this definition (such as
6 road, avenue, or highway) are also considered streets. Transportation studies referenced in Section
7 12.70.200 may also use the interchangeable term “roadway”. A “street” does not include alleys, railroad
8 *rights-of-way*, or the Sunset Highway (U.S. Highway 26). The *Transportation System Plan* categorizes
9 streets into the classifications listed below: dimensions and construction standards for each street
10 classification are found in Chapter 9.04 of the Hillsboro Municipal Code (HMC).

11 **Street, Cul-de-Sac.** A *street* having only one open end and permanently terminated by a vehicular
12 turn around. The term may also refer to the turnaround area itself.

13 **Street, Local Residential.** A *street* intended to serve only *abutting* land and designed to carry less
14 than 1500 cars per day.

15 **Street, Neighborhood Route.** A *street* providing connectivity between *local residential streets* and
16 *Collector streets* or *Arterial streets*, used by residents in an area to enter or exit a neighborhood but
17 not serving as city-wide area circulation.

18 **Street, Collector.** A *street* providing both access and circulation within residential and
19 commercial/industrial areas. Collector streets may penetrate residential neighborhoods distributing
20 trips for the local and neighborhood route systems.

21 **Street, Arterial.** A *street* intended to serve as a primary route for travel between the city and other
22 parts of the region or between major areas of urban activity.

23 **Street, Commercial or Industrial.** A *street* intended to serve primarily *abutting* commercial and/or
24 industrial *uses*.

25 **Streetcar.** See *Transit*.

- 1 **Streetscape.** The design elements that constitute the physical makeup of a *street* and that as a group
2 define its character, including building *frontage*, street paving, street furniture, landscaping, including
3 trees and other plantings, signs and lighting.
- 4 **Structure.** That which is built or constructed. An edifice or *building* of any kind or any constructed or
5 erected object built up or composed of parts joined together in some definite manner, which requires
6 location on the ground or which is attached to something having a location on the ground.
- 7 **Structured Parking.** Motor vehicle *parking spaces*, access drive aisles and ramps, constructed within a
8 *building* with two or more *stories*, which are intended as an *accessory use* to the main *use* of the
9 *building*. Structured parking does not include private garages for *detached* or *attached single family*
10 *dwellings* or *duplexes*, but does include *parking spaces* integrated into a larger *structure* occupied by the
11 *primary use*.
- 12 **Study Area.** As used in Section 12.70.200, the geographic area encompassing the roadways and
13 intersections required to be analyzed in a transportation study.
- 14 **Substantial Construction.** An approved application shall have undertaken substantial construction
15 when any of the following have taken place: utilities have been installed to serve the project; approved
16 grading has been undertaken representing at least 25 percent of all the required preliminary grading;
17 foundation excavation has occurred; foundation or building construction has occurred; street
18 improvements are being installed; or a major physical improvement, required as part of the approved
19 permit, has clearly begun. Substantial construction is not satisfied by simply having approved pre-
20 construction plans or building permits, or by site clearing and grubbing. Actual physical improvements
21 as identified above must have taken place.
- 22 **Substantial Damage.** Intentional or unintentional destruction of a portion or all of a *structure* at the
23 level where the construction cost to return the *structure* to its condition prior to the damage equals or
24 exceeds 50 percent of its market value prior to the damage.
- 25 **Substantial Improvement.** Any improvement, *repair* or reconstruction of an existing *structure*, the
26 cost of which equals or exceeds 50 percent of the market value of the *structure* either:
- 27 1) Before the improvement is started; or
28 2) Before occurrence of the damage being repaired.
- 29 Substantial improvement occurs when the alteration of any wall, ceiling, floor, or other structural part of
30 a *structure* begins, whether that alteration does or does not affect the external dimensions of the
31 *structure*. Substantial improvement does not include:
- 32 1) Improvements to correct existing violations of state or local health, sanitary, or safety code
33 specifications identified by the local code enforcement official which are the minimum
34 necessary to assure safe living conditions; or
35 2) Alteration of a structure listed on the National Register of Historic Places or the State
36 Inventory of Historic Places.

1 **Subdivide Land.** To divide a unit of land into four or more *lots*. The review process and approval
2 criteria for a *subdivision* are specified in Section 12.80.098.

3 **Subdivision.** Either the act of subdividing a unit of land or the unit of land subdivided.

4 **Third Place.** A location which is neither “home” nor “work”, which functions as a gathering place for
5 social interaction. Third places can be either indoors or outdoors, and either publicly or privately
6 owned.

7 **Townhouse.** See *Housing Types*.

8 **Tract.** A unit of land created by *partition* or *subdivision*, created for and limited by deed restriction or
9 dedication to a specific use, including but not limited to *access*, utility placement, vehicle storage, open
10 space, or *significant natural resource* areas. In phased developments, the term may also be used to
11 describe units of land intended for future development. See also *Lot* and *Parcel*.

12 **Traffic.** As used in Transportation Studies (see Section 12.70.200):

13 **Background Traffic** is the combination of *existing traffic* and *in-process traffic*. Background traffic
14 may also include trips calculated using a growth rate or model forecast instead of or in addition to *in-*
15 *process traffic*.

16 **Development Traffic** is the number of trips anticipated to be generated by the proposed
17 development, generally calculated based on the Institute of Transportation Engineers Trip
18 Generation Manual or other acceptable transportation planning practice.

19 **Existing Traffic** is the current traffic volume on study roadways and intersections, typically based
20 on physical traffic counts.

21 **In-Process Traffic** is the projected traffic from approved developments not yet occupied.

22 **Total Traffic** is the combination of background and development traffic.

23 **Traffic Calming Measures.** Physical elements within or *adjacent* to a roadway which are designed to
24 reduce motor vehicle speeds and alter driver behavior in the interest of street safety, livability and other
25 public purposes.

26 **Traffic Direction.**

27 **Downstream.** The direction toward which traffic is moving.

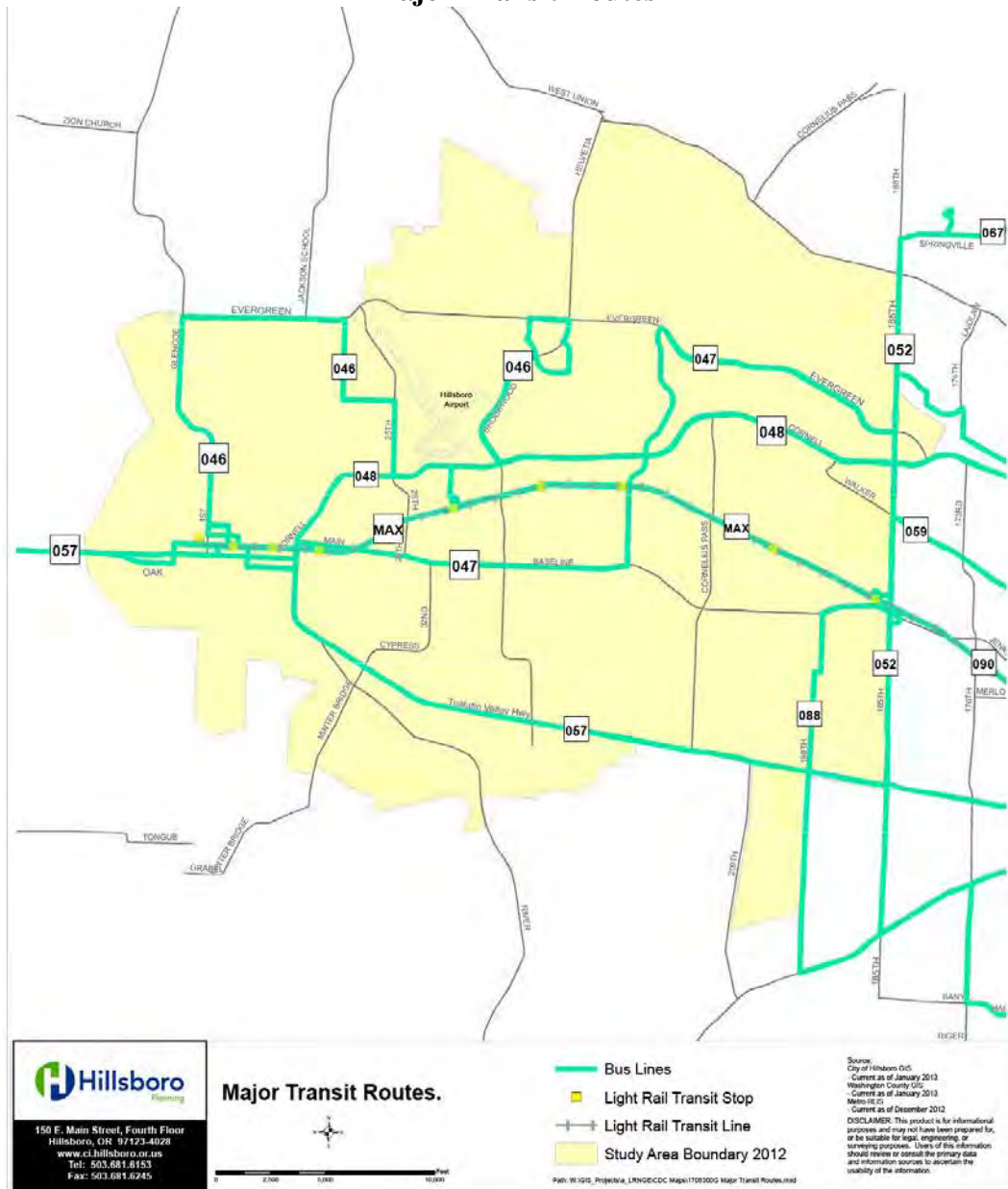
28 **Upstream.** The direction from which traffic is approaching.

29 **Traffic Impact Analysis (TIA) as known as Traffic Impact Study.** A technical report intended to
30 assess the potential impact of new development on the public transportation system. A TIA typically
31 analyzes a development’s future impact on roadway capacity, level of service, safety, access provisions,
32 and determines if any on-site and off-site mitigation is needed. Methodology for TIA is described in
33 Section 12.70.200.

- 1 **Traffic Management Plan.** A report usually prepared in conjunction with a TIA, that identifies
2 potential traffic impacts and appropriate measures to mitigate such impacts.
- 3 **Transit.** Scheduled passenger transportation services provided by public, private, or non-profit entities.
4 Examples of transit include bus service and the following:
- 5 **Bus Rapid Transit.** A transit system using buses, serving *major transit routes* with limited stops on
6 routes where the bus route is physically separated from other modes. Bus Rapid Transit is intended
7 to emulate *light rail transit* in speed, frequency and comfort.
- 8 **Commuter Rail.** Transit service on existing freight (“heavy”) rail tracks, either exclusively or
9 shared with freight use. Commuter rail service typically focuses on peak periods but can be offered
10 at other times when demand exists and where rail capacity is available. Commuter rail stations are
11 typically located one or more miles apart.
- 12 **High Capacity Transit.** A form of public transit distinguished from local service transit such as bus
13 lines by higher speeds, fewer stops, more passengers, and more frequent service. High capacity
14 transit includes *light rail, commuter rail, bus rapid transit* and rapid *streetcar* transit.
- 15 **Light Rail Transit.** A *high-capacity transit* system operating on fixed tracks, which may or may not
16 be located in a street *right-of-way*.
- 17 **Streetcar.** A relatively lightweight passenger railcar operated either singly or in a short train, on
18 fixed rails in *right-of-way* which may or may not be separated from motor vehicle traffic. Streetcars
19 operate among neighborhoods within cities, as opposed to among cities.
- 20 **Transit Center.** A hub location where transit lines or routes for multiple transit modes meet to facilitate
21 transfers.
- 22 **Transit Park and Ride.** Any surface parking lot or *parking structure* located at a *transit stop* which
23 provides automobile and bicycle parking.
- 24 **Transit Route.** Any public or private *right-of-way* where *transit* service is currently provided or a
25 location planned for future *transit* service as identified on the Transit Master Plan in the *Transportation*
26 *System Plan*.
- 27 **Transit Route, Major.** A transit route which serves areas planned and zoned for higher population
28 and employment densities such as *Metro 2040*-designated regional centers, town centers,
29 employment centers, main streets, station communities, and corridors. As used in this definition,
30 “major transit routes” are limited to the following streets, as shown on Figure 12.01.500-G:
- 31 • Evergreen Parkway
32 • 1st Avenue / Glencoe Road
33 • Cornell Road
34 • Main Street
35 • Baseline Street / Road

- 1 • Oak Street
- 2 • 229th / 231st Avenue / Century Boulevard
- 3 • Washington Street
- 4 • 185th Avenue
- 5 • Tualatin Valley Highway
- 6 • Existing and planned High Capacity Transit rights-of-way shown in adopted City plans

**Figure 12.01.500-G:
Major Transit Routes**



1 **Transit Stop.** Any area posted as a transit stop where transit passengers board or exit.

2 **Transit Stop, Major.** An existing *transit stop*, or one shown in an adopted city plan, located on a
3 *major transit route*.

4 **Transit Station.** Land owned or held through permanent easement by a transit provider, on which
5 facilities related to a *high capacity transit stop* are located, such as a station platform, *park and ride* lots,
6 larger shelters, bike station, information kiosks, public art, and other similar facilities. Land intended for
7 future use as a transit station is called a “transit station site”.

8 **Transit-Supportive.** A *use* or *development* which supports *transit*, pedestrian and bicycle mobility and
9 which is designed with *pedestrian-friendly features* and connectivity improvements which reduce
10 conflicts among vehicles, pedestrians, and bicycles.

11 **Transportation System Plan.** The adopted transportation system plan of the City of Hillsboro, cited in
12 Hillsboro Comprehensive Plan Section 13.

13 **Usable Open Space.** Areas planned and improved to provide opportunities for active recreation,
14 passive relaxation, or community interaction, and which are accessible to the general public or to
15 residents, employees or customers in common. Examples include plazas, courtyards, private parks,
16 sport fields and courts, and viewpoints overlooking natural resource areas. Usable Open Space does not
17 include *public parks* unless the parks were approved as Usable Open Space and conveyed to the city.

18 **Use.** The activity or operation for which land or a *structure* is designed or constructed, or for which it is
19 occupied or maintained.

20 **Vegetation Removal.** Removal of site vegetation through cutting, clearing, grubbing, or similar
21 activities. Vegetation removal does not include routine maintenance of landscaped areas or removal of
22 individual diseased or dead plants, shrubs or trees.

23 **Vision Clearance Area.** An area *adjacent* to a street or a railroad, in which sight obstructing plantings
24 or *structures* may be restricted to improve traffic safety. Standards for vision clearance areas are
25 specified in Section 12.50.260.

26 **Visitability.** A term used to describe building design features which allow persons with mobility
27 impairments to visit, but not necessarily to live, in a dwelling. Dimensions and Standards for visitability
28 are included in Subsection 12.50.930.G.

29 **Volume-to-Capacity Ratio (V/C)** is a measurement of roadway capacity utilization. It is expressed as a
30 ratio, in which the numerator is traffic volume and denominator is the available capacity of a roadway,
31 intersection, lane group or movement, both expressed in trips per time period. A V/C ratio < 1.0
32 represents traffic volume less than the carrying capacity of a roadway, whereas a V/C ratio > 1.0
33 represents traffic volume that exceeds the carrying capacity of a roadway.

34 **Waiver of Remonstrance.** See definition of *Non-Remonstrance Agreement* in Hillsboro Municipal
35 Code 3.16.010.

1 **Walkway.** A transportation facility built for use by pedestrians, usually located outside a *street right-of-*
2 *way* or *tract*. Examples of walkways include pedestrian paths and nature trails.

3 **Water Impoundment.** A temporary or permanent, human-made body of water, excluding above-
4 ground or in-ground swimming pools, hot tubs, or spas with surface areas less than 650 square feet.
5 Water impoundments include wastewater treatment settling ponds, storm water swales, detention and
6 retention ponds, artificial lakes and ponds, and similar water features. An expansion of an existing
7 water impoundment is considered a new impoundment except where such expansion was authorized by
8 the City prior to November 5, 2009.

9 **Wetland.** An area inundated or saturated by surface or ground water at a frequency and duration
10 sufficient to support, and that under normal circumstances does support, a prevalence of vegetation
11 typically adapted for life in saturated soil conditions.

12 **Wetland, Significant.** A *wetland* that both meets the Department of State Lands definition of a
13 Locally Significant Wetland and is listed on the *Local Wetlands Inventory*. Significant *wetlands* may
14 be either associated with a stream or hydrologically isolated.

15 **Wetland, Non-Significant.** A *wetland* that does not meet the Department of State Lands definition
16 of a Locally Significant Wetland and does not appear on the *Local Wetlands Inventory*. *Development*
17 in non-significant *wetlands* is not regulated by this Code, but does require Department of State Lands
18 notification under ORS 227.350.

19 **Wildlife Habitat.** An area upon which wildlife depends in order to meet their requirements for food,
20 water, shelter, and reproduction as defined in OAR 660-023-0110.

21 **Yard.** The area between a *structure* and a *property line*. See also *Setback*. Types of yards are
22 illustrated in Figure 12.01.500-H.

23 **Yard, Front (*Interior lot*).** The yard between the *side lot lines* from the *front lot line* to the nearest
24 point of the *structure*.

25 **Yard, Front (*Corner Lot*).** Any yard abutting a *front lot line*.

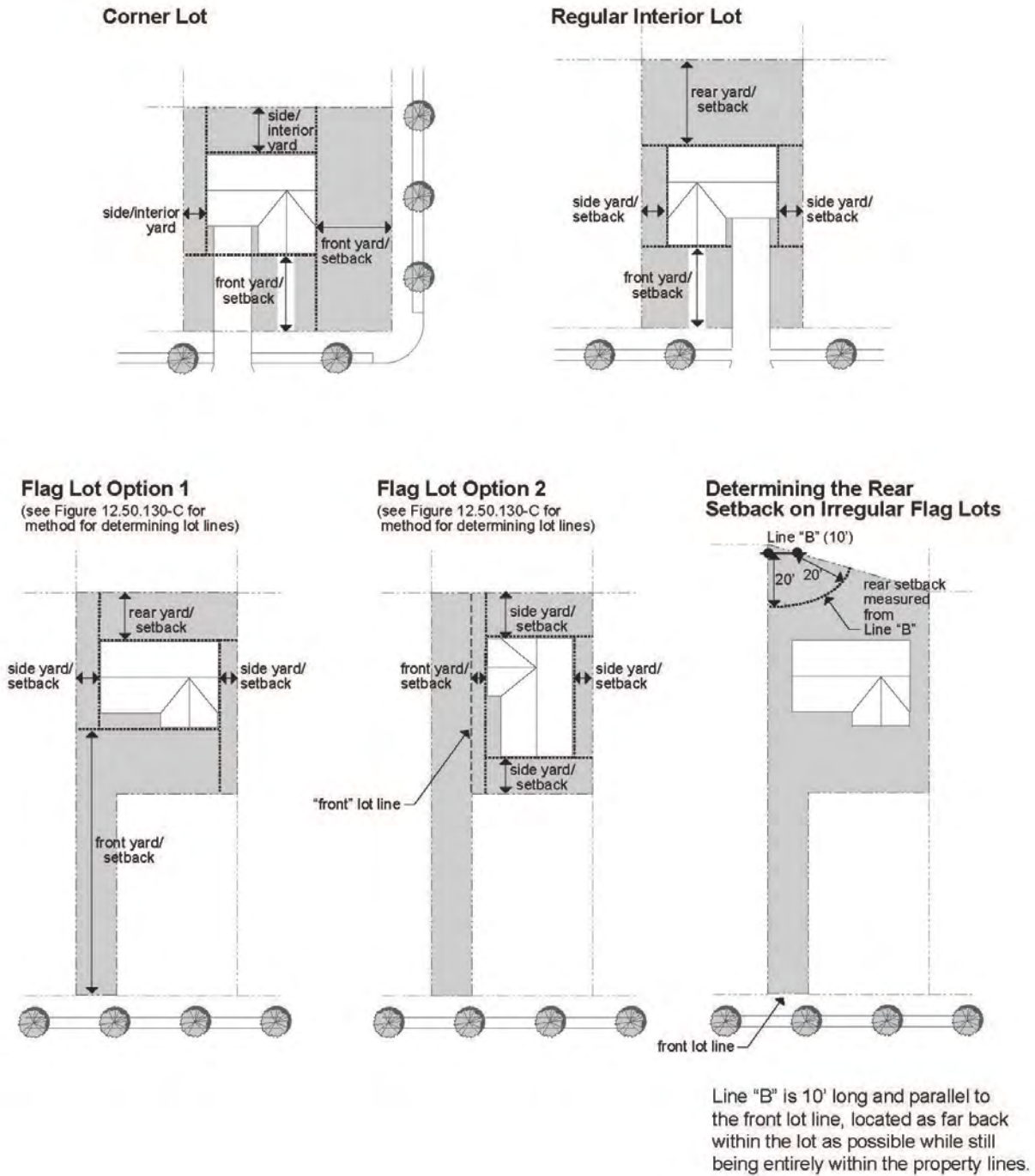
26 **Yard, Interior (*Corner Lot*).** Any yard other than a *front yard*.

27 **Yard, Rear.** The *yard* between *side lot lines* from the *rear lot line* to the nearest point of the main
28 *structure*.

29 **Yard, Side.** The *yard* between the *front* and *rear yard* from the *side lot line* to the nearest point of
30 the *structure*. The term “street side yard” may be used to indicate a *front yard* on a *corner lot*.

1
2

**Figure 12.01.500-H:
Types of Yards**



3

1 **12.01.600 Acronyms and Abbreviations.** As used in this code, the following acronyms and
2 abbreviations reference the statute, agency, organization or item indicated:

3	ADA	The Federal Americans with Disabilities Act of 1990 (P.L. 101-336)
4	ADT	Average Daily Traffic
5	ASCO	Airport Safety and Compatibility Overlay (zone)
6	Corps	U.S. Army Corps of Engineers
7	County	Washington County
8	CDC	Community Development Code
9	CCRs	Covenants, Conditions and Restrictions
10	COH	City of Hillsboro
11	CWS	Clean Water Services District
12	D&C	(Public Works) Design and Construction (Standards)
13	DLCD	Oregon State Department of Land Conservation and Development
14	DLUT	Washington County Department of Land Use and Transportation
15	DSL	Oregon Department of State Lands
16	FAA	Federal Aviation Administration
17	FAR	Floor Area Ratio
18	FEMA	Federal Emergency Management Agency
19	FIRM	Flood Insurance Rate Map
20	Ft.	Feet or foot
21	FHA	The Federal Fair Housing Act of 1968 (<u>PL 90-284</u>) Title VIII
22	GFA	Gross Floor Area
23	HLAC	Historic Landmarks Advisory Committee
24	HOA	Homeowners Association
25	HCP	Hillsboro Comprehensive Plan
26	HCT	High Capacity Transit
27	HMC	Hillsboro Municipal Code
28	ITE	Institute of Transportation Engineers
29	LCDC	Oregon State Land Conservation and Development Commission
30	LOS	Level of Service
31	LUBA	Oregon State Land Use Board of Appeals
32	LRT	Light Rail Transit
33	Metro	Metropolitan Service District
34	NFA	Net Floor Area
35	ODA	Oregon Department of Aviation
36	ODOT	Oregon Department of Transportation
37	ORS	Oregon Revised Statute
38	OAR	Oregon Administrative Rule
39	POA	Property Owners Association
40	PUD	Planned Unit Development
41	PUE	Public Utility Easement
42	PW	Public Works Department
43	ROW	Right-of-Way
44	SCPA	Station Community Planning Area
45	SNRA	Significant Natural Resource Area
46	SNRO	Significant Natural Resource Overlay (zone)

1	SNRP	Significant Natural Resource Permit
2	SPL	Service Provider Letter
3	Sq. ft.	Square Feet or Square Foot
4	TDT	Transportation Development Tax
5	TIA	Traffic Impact Analysis
6	Tri-Met	Tri-County Metropolitan Transit Service District
7	TPR	Statewide Transportation Planning Rule OAR 660-12-0060
8	THPRD	Tualatin Hills Park and Recreation District
9	TSP	Transportation System Plan
10	TVWD	Tualatin Valley Water District
11	US	United States
12	V/C	Volume to Capacity (ratio)

1 **SUBCHAPTER 12.10**
2 **USE CATEGORIES**

- 3 **12.10.010** **General Principles**
4 **12.10.020** **Uses Not Specifically Addressed**
5 **12.10.030** **Special Use Standards**
6
7 **12.10.100** **Residential Use Categories**
8 **12.10.110** **Household Living**
9 **12.10.120** **Group Living**
10 **12.10.130** **Residential Services**
11 **12.10.140** **Residential Business**
12
13 **12.10.200** **Commercial Use Categories**
14 **12.10.210** **Commercial Lodging**
15 **12.10.215** **Commercial Recreation**
16 **12.10.220** **Commercial Parking**
17 **12.10.225** **Durable Goods Sales**
18 **12.10.230** **Eating and Drinking Establishments**
19 **12.10.235** **Educational Services**
20 **12.10.240** **Office**
21 **12.10.245** **Retail Products and Services**
22 **12.10.250** **Self-Service Storage**
23 **12.10.255** **Vehicle Service and Repair**
24
25 **12.10.300** **Industrial Use Categories**
26 **12.10.310** **Industrial Services**
27 **12.10.320** **Manufacturing and Production**
28 **12.10.330** **Solid Waste Treatment and Recycling**
29 **12.10.340** **Vehicle Storage**
30 **12.10.350** **Warehouse and Freight Movement**
31 **12.10.360** **Wholesale Sales**
32
33 **12.10.400** **Institutional Use Categories**
34 **12.10.410** **Colleges and Universities**
35 **12.10.420** **Community Services**
36 **12.10.430** **Detention Facilities**
37 **12.10.440** **Hospitals**
38 **12.10.450** **Major Assembly Facilities**
39 **12.10.460** **Schools**
40

- 1 **12.10.500 Infrastructure and Utilities Categories**
- 2 **12.10.510 Aviation Facilities**
- 3 **12.10.520 Parks and Open Areas**
- 4 **12.10.530 Public Safety Facilities**
- 5 **12.10.540 Surface Alternative Transportation Facilities**
- 6 **12.10.550 Telecommunication Facilities**
- 7 **12.10.560 Utility Facilities**
- 8

1 **12.10.010 General Principles.**

2 A. Purpose. Land Uses in this Code are classified into Use categories on the basis of common
3 functional, product or physical characteristics. These characteristics include the type and
4 intensity of activity, type(s) of customers or residents, typical off-site impacts and building type.
5 The basis for allowing or prohibiting the Use categories in the various zones is the goals and
6 policies of the Comprehensive Plan.

7 B. Organization and Guidelines. Each Use category is organized into the following sections:

- 8 1. Characteristics. A description of the functional, product or physical characteristics which
9 most closely describes the nature of the primary use.
- 10 2. Examples of Uses. An illustrative, not exhaustive, list of examples of Uses included in that
11 category. The lists are intended to demonstrate the intent of this Code in determining the
12 appropriate classification for unlisted or new Uses not specifically addressed when these
13 regulations were adopted.
- 14 3. Examples of Accessory Uses. Accessory Uses allowed in conjunction with the primary Use
15 and subject to the same regulations as the primary Use unless stated otherwise in this Code.
- 16 4. Exceptions. Uses that may appear to be included in the Use category but are classified in
17 another Use category, and to which a reference is provided.

18 C. Multiple Primary Uses. When all primary Uses of a development fall within one Use category,
19 then the development is assigned to that Use category. When the primary Uses of a development
20 fall within different Use categories, each primary Use is classified in the applicable category and
21 is subject to the regulations for that category.

22 **12.10.020 Uses Not Specifically Addressed.** Uses not specifically addressed in this Code may be
23 classified into a Use category through the process of a Director's Interpretation application, pursuant to
24 Section 12.80.050.

25 **12.10.030 Special Use Standards.** In addition to the base zone standards in Subchapters 12.21
26 through 12.26, certain Uses are also subject to the requirements of Subchapter 12.40.

27

1 **12.10.100 Residential Use Categories.** Residential Use categories include the following sections:

- 2 12.10.110 Household Living
- 3 12.10.120 Group Living
- 4 12.10.130 Residential Services
- 5 12.10.140 Residential Business

6 **12.10.110 Household Living.**

7 A. Characteristics. Household Living is characterized by the residential occupancy of an owner-
8 occupied or rented dwelling unit by a family or household as defined in Section 12.01.500.
9 Dwelling units in this category must be self-contained, with cooking, sleeping and bathroom
10 facilities.

11 B. Examples of Uses.

- 12 • Detached single-family dwelling
- 13 • Duplex
- 14 • Residential home (as defined in Section 12.01.500)
- 15 • Residential facility (as defined in Section 12.01.500) with 8 or fewer residents
- 16 • Eight or fewer persons with disabilities residing together in a dwelling unit.
- 17 • Two-dwelling (or more) townhouse
- 18 • Multiple-dwelling structure
- 19 • Manufactured dwelling
- 20 • Live-work dwelling
- 21 • Dwelling unit in Mixed-Use building

22 C. Examples of Accessory Uses.

- 23 • Secondary dwelling units
- 24 • Accessory structures
- 25 • Home Occupations
- 26 • Certified or registered family child care home as defined in ORS 657A
- 27 • Certified or registered residential home as defined in ORS 443
- 28 • Private community recreation areas and/or facilities within a development
- 29 • Household energy production facilities, with energy produced and used mainly on-site
- 30 • Amateur or “ham” radio facilities
- 31 • Horticultural activities, excluding commercial structures and commercial processing

32

1 D. Exceptions.

- 2 1. Bed and breakfast inns are classified as Commercial Lodging.
3 2. Residential businesses that exceed the standards for Home Occupations are classified as
4 Residential Business.

5 **12.10.120 Group Living.**

6 A. Characteristics. Group Living is characterized by the residential occupancy of a structure in a
7 residential, Mixed-Use or commercial setting by six or more persons who are not a family or
8 household as defined in Section 12.01.500. Persons in group living may, or may not, receive
9 care, treatment or training for which the State requires certification or licensure. Group Living
10 uses may have common facilities for dining, socializing, recreation, laundry or other activities.
11 Where applicable, density for Group Living is calculated at the equivalent of four persons
12 equaling one dwelling unit, but caregivers are not included in this density calculation. Group
13 Living may be subject to approval through the Conditional Use process as specified in Section
14 12.80.020.

15 B. Examples of Uses.

- 16 • Dormitories, fraternities and sororities
17 • Monasteries and convents
18 • Group homes for persons with disabilities
19 • Facilities for treatment of substance abuse and other addictions that are not licensed or
20 certified, for which reasonable accommodation has been made under Section 12.80.050 B

21 C. Examples of Accessory Uses.

- 22 • Facilities for shared eating, socializing, recreation, laundry or treatment
23 • Institutional kitchens and laundry facilities
24 • Offices
25 • Parking for residents, visitors and employees

26 D. Exceptions.

- 27 1. Up to 8 persons with disabilities living together in a dwelling unit, with or without
28 caregivers, is classified as a *household*.
29 2. Lodging where tenancy may be arranged for less than one month is classified as Commercial
30 Lodging.
31 3. Facilities for persons under judicial detainment with 24-hour supervision are classified as
32 Detention Facilities. This includes court-ordered post-incarceration transitional housing.
33 4. Residential Facilities that are licensed and/or permitted by the State which provide care,
34 treatment, training or foster care for six or more persons are classified as Residential
35 Services.

1 **12.10.130 Residential Services.**

2 A. Characteristics. Residential Services are characterized by the residential occupancy of a
3 structure in a residential, Mixed-Use or commercial setting by six or more persons who are not a
4 family or household as defined in Section 12.01.500 and who receive State licensed and/or
5 permitted provision of care, treatment or training such as medical, rehabilitative, palliative, acute
6 or respite care. Residential Services uses may have common facilities for dining, socializing,
7 recreation and laundry and may provide accessory services such as room and board and
8 assistance with activities associated with daily life. Where applicable, density for Residential
9 Services is calculated at the equivalent of four persons equaling one dwelling unit, but caregivers
10 are not included in the density calculation. Residential Services may be subject to approval
11 through the Conditional Use process as specified in Section 12.80.020.

12 B. Examples of Uses.

- 13 • Licensed or certified residential facility (6 to 15 persons receiving care)
- 14 • Licensed or certified programs for treatment of substance abuse and other addictions
- 15 • Licensed or certified adult or child foster care (6 or more persons receiving care)
- 16 • Licensed or certified senior, nursing, or convalescent care, including assisted living facilities
- 17 • Licensed or certified hospice facilities

18 C. Examples of Accessory Uses.

- 19 • Facilities for shared eating, socializing, recreation, laundry or treatment
- 20 • Institutional kitchens and laundry facilities
- 21 • Offices
- 22 • Parking for residents, visitors and employees

23 D. Exceptions.

- 24 1. Lodging where tenancy may be arranged for less than one month is classified as Commercial
25 Lodging.
- 26 2. Facilities for persons under judicial detainment with 24-hour supervision are classified as
27 Detention Facilities. This includes court-ordered post-incarceration transitional housing.
- 28 3. Facilities that are unlicensed and/or uncertified by the State which provide care, treatment,
29 training or foster care for six or more persons are classified as Group Living.

30

1 **12.10.140 Residential Business.**

2 A. Characteristics. Residential Business is characterized by the simultaneous occupancy of a
3 structure in a residential or Mixed-Use zone by both a residential use and a commercial or light
4 manufacturing use where the latter exceeds the standards for a Home Occupation as specified in
5 Section 12.40.170. The non-residential activity may vary in size and intensity with the intensity
6 of the underlying residential zone. The residential occupancy of the structure is not limited to
7 the business owner or operator. Residential Business may be subject to additional Plan District
8 standards as specified in Subchapter 12.60 and to approval through the Conditional Use process
9 as specified in Section 12.80.020.

10 B. Examples of Uses.

- 11 • Commercial Use, such as bakery or funeral home, with attached dwelling unit
- 12 • Dwelling unit with interior commercial use, such as physician's office or dance school
- 13 • Dwelling unit with attached or interior light manufacturing use, such as glass, pottery or
14 textile fabrication

15 C. Examples of Accessory Uses.

- 16 • Parking for residents, customers and employees
- 17 • Accessory uses to permitted uses in the zone

18 D. Exceptions.

- 19 1. Home Occupations as specified in Section 12.40.170 are classified as Household Living.
- 20 2. In-home child day care that is licensed by the State is classified as Household Living.
- 21 3. Residential homes as defined by the State of Oregon are classified as Household Living.
- 22 4. Residential facilities as defined by the State of Oregon are classified as Residential Services.
- 23 5. Licensed and/or certified facilities which provide care, treatment, training or foster care for
24 six or more persons, who are not related to the care provider by blood or marriage, are
25 classified as Residential Services.
- 26

1 **12.10.200 Commercial Use Categories.** Commercial use categories include the following
2 sections:

- 3 12.10.210 Commercial Lodging
- 4 12.10.215 Commercial Recreation
- 5 12.10.220 Commercial Parking
- 6 12.10.225 Durable Goods Sales
- 7 12.10.230 Eating and Drinking Establishments
- 8 12.10.235 Educational Services
- 9 12.10.240 Office
- 10 12.10.245 Retail Products and Services
- 11 12.10.250 Self-Service Storage
- 12 12.10.255 Vehicle Service and Repair

13 **12.10.210 Commercial Lodging.**

- 14 A. Characteristics. Commercial Lodging includes commercially-owned and –operated overnight
15 accommodations where tenancy is typically arranged on a daily, weekly, or monthly basis.
- 16 B. Examples of Uses.
 - 17 • Bed and breakfast inns
 - 18 • Hotels and motels
 - 19 • Extended stay hotels or suites
- 20 C. Examples of Accessory Uses.
 - 21 • Banquet, ballroom and conference center facilities
 - 22 • Lobbies
 - 23 • Offices
 - 24 • Parking for customers and employees
 - 25 • Restaurant and bars
 - 26 • Support retail activities
 - 27 • Indoor or outdoor recreation facilities for use by customers only
- 28 D. Exceptions. None.

29 **12.10.215 Commercial Recreation.**

- 30 A. Characteristics. Commercial Recreation uses are sports-oriented facilities used for a variety of
31 health, recreational, or social activities. Activities are primarily by and for participants;
32 spectators are incidental and present on a non-recurring basis. Activities may be conducted
33 within an enclosed building or in open facilities.

34

1 B. Examples of Outdoor Commercial Recreation Uses.

- 2 • Golf courses and driving ranges
- 3 • Miniature golf facilities
- 4 • Disc parks
- 5 • Outdoor swimming pools or tracks
- 6 • Outdoor sport courts
- 7 • Batting cages

8 C. Examples of Indoor Commercial Recreation Uses.

- 9 • Sports courts
- 10 • Bowling alleys
- 11 • Skating rinks
- 12 • Game arcades, pool halls, and billiards halls
- 13 • Indoor firing ranges
- 14 • Clubs and gymnasiums with weight rooms, indoor pools or tracks, and similar facilities

15 D. Examples of Accessory Uses.

- 16 • Caretaker's quarters
- 17 • Concessions or incidental retail sales
- 18 • Restaurants and banquet facilities
- 19 • Conference rooms
- 20 • Child care facilities
- 21 • Maintenance facilities
- 22 • Parking for customers and employees

23 E. Exceptions. Uses which draw large numbers of people to periodic events are classified as Major
24 Assembly Facilities.

25 **12.10.220 Commercial Parking.**

26 A. Characteristics. Commercial Parking facilities, in structures or on surface lots, provide public,
27 customer, or employee accessory parking not associated with a particular Use. A facility
28 providing both accessory and general parking is also classified as a Commercial Parking facility.
29 A fee may or may not be charged.

30

1 B. Examples of Uses.

- 2 • Short- and long-term fee parking garages and surface parking lots
- 3 • Commercial district shared parking lots
- 4 • Commercial shuttle parking

5 C. Examples of Accessory Uses.

- 6 • Ground floor or second floor commercial or institutional uses
- 7 • Alternative transportation facilities such as secured bicycle parking

8 D. Exceptions.

- 9 1. Surface lots or parking garages accessory to a particular Use, used by the public for a fee
- 10 during occasional nearby events are not classified as Commercial Parking.
- 11 2. Public transit park-and-ride facilities are classified as Surface Alternative Transportation
- 12 Facilities.

13 **12.10.225 Durable Goods Sales.**

14 A. Characteristics. Durable Goods Sales involve the sale, rental or leasing of new and used large

15 goods having extended utility and generally requiring extensive indoor and/or outdoor display

16 areas.

17 B. Examples of Uses.

- 18 • Furniture, large appliance and home improvement stores
- 19 • Lumber yards
- 20 • New and used vehicle sales including those for automobiles, trucks, motorcycles, boats and
- 21 other personal transportation vehicles
- 22 • Nurseries

23 C. Examples of Accessory Uses.

- 24 • Indoor or outdoor display and storage areas
- 25 • Offices
- 26 • On-site receiving, warehousing and shipping facilities
- 27 • Parking for customers and employees

28 D. Exceptions.

- 29 1. Sales of building and landscaping materials primarily sold to contractors is classified as
- 30 Wholesale Sales.
- 31 2. Sales, leasing or rental of industrial, farm, or construction equipment is classified as
- 32 Wholesale Sales.

1 **12.10.230 Eating and Drinking Establishments.**

2 A. Characteristics. Eating and Drinking Establishments sell food and/or beverages to the general
3 public as the primary Use, for on-site consumption and/or take-away service.

4 B. Examples of Uses.

- 5 • Cafes, coffee shops and delicatessens
- 6 • Dine-in restaurants with or without take-out facilities
- 7 • Drive-up or drive-through restaurants with or without seating
- 8 • Taverns, brew pubs, bars and night clubs

9 C. Examples of Accessory Uses.

- 10 • Offices
- 11 • Parking for customers and employees
- 12 • Storage
- 13 • Outdoor seating or banquet facilities
- 14 • On-site breweries or wineries, with tasting rooms
- 15 • Catering facilities
- 16 • Incidental retail sales

17 D. Exceptions.

- 18 1. Food service that is accessory to another Use, (e.g., hotel, major entertainment venue), is
19 regulated as part of the primary Use.
- 20 2. Catering or food preparation without on-site consumption is classified as Retail Products and
21 Services.

22 **12.10.235 Educational Services.**

23 A. Characteristics. Educational Services provide specialized training or instruction not regulated by
24 the State of Oregon Board of Higher Education. These services may be provided to children or
25 adults. Training or instruction may be provided for fine arts, recreational or athletic activities,
26 professional or vocational skills, or academic tutorial instruction.

27 B. Examples of Uses.

- 28 • Business and trade schools
- 29 • Martial arts or gymnastics instruction
- 30 • Music or dance instruction
- 31 • Arts and crafts schools
- 32 • Culinary schools
- 33 • Vocational training for disabled persons

- Tutoring services

C. Examples of Accessory Uses.

- Offices
- Parking for students, customers and employees
- Storage

D. Exceptions.

1. Institutions regulated by the State of Oregon Board of Higher Education are classified as Colleges and Universities.
2. Trade schools where industrial vehicles and equipment are operated are classified as Industrial Services.

12.10.240 Office.

A. Characteristics. Office uses provide professional services in an office setting.

B. Examples of Uses.

- Computer system design and programming
- Construction contracting offices without on-site storage
- 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

C. Examples of Accessory Uses.

- Cafeterias
- Parking for customers and employees
- Recreation facilities, and other amenities primarily for the use of employees in the Company or building

1 D. Exceptions. If equipment and materials are stored on site, contracting firms are classified as
2 Industrial Services.

3 **12.10.245 Retail Products and Services.**

4 A. Characteristics. Retail Products and Services sell, lease, rent and/or repair new or used products
5 and provide personal services. These services typically are provided directly to consumers, as
6 opposed to wholesale products and services provided to industrial, institutional, or commercial
7 users.

8 B. Examples of Uses.

- 9 • Sales, leasing or rental of products and equipment including art and crafts supplies, bicycles,
10 dry goods, electronic equipment, entertainment media, groceries, hardware, home
11 improvements, jewelry, pets, pet food, pharmaceuticals, plants and garden supplies, office
12 supplies, and printed media
- 13 • Repair or servicing of products or equipment generally performed on-site including
14 communication and electronic devices, bicycles, clocks, watches, shoes, firearms, appliances
15 and office equipment, locksmithing, and upholstery
- 16 • Processing of products or equipment, including photo processing, dry cleaning and
17 alterations, and photocopy and blueprint services
- 18 • Personal services including adult or child day care, day treatment facilities for substance
19 abuse and other addictions, branch banks, urgent care medical clinics, laundromats,
20 photographic studios, personal care services, soup kitchens and surplus food distribution
21 centers, taxidermists, mortuaries and crematoria, and animal-related services including
22 animal day care, grooming and overnight boarding and veterinary clinics
- 23 • A minor assembly facility, such as a theater, church, or fraternal club, with a maximum
24 Building Code occupancy within the primary assembly area that is less than 250
- 25 • Catering or food preparation without on-site consumption

26 C. Examples of Accessory Uses.

- 27 • Manufacturing or repackaging of goods for on-site sale
- 28 • Offices
- 29 • Parking for customers and employees
- 30 • Storage

31 D. Exceptions.

- 32 1. Sales, leasing and/or rental of automobiles, motorcycles, boats and trucks are classified as
33 Durable Goods Sales.
- 34 2. Sales, leasing and/or rental of industrial, farm or construction equipment are classified as
35 Wholesale Sales.
- 36 3. Repair and service of automobiles, motorcycles and boats is classified as Vehicle Service
37 and Repair.

- 1 4. Service of industrial, construction, and farm vehicles and equipment is classified as
2 Industrial Services.
- 3 5. Trade schools providing instruction on heavy equipment or truck operation are classified as
4 Industrial Services.
- 5 6. In home child day care that is licensed by the State is classified as Household Living.
- 6 7. Residential homes that are licensed and/or permitted by the State are classified as
7 Household Living.
- 8 8. Facilities that are licensed and/or permitted by the State which provide care, treatment,
9 training or foster care for six or more persons are classified as Residential Services.
- 10 9. Medical clinics or medical office buildings providing outpatient care and not located in a
11 Hospital are classified as Office.

12 **17.10.250 Self-Service Storage.**

- 13 A. Characteristics. Self-Service Storage Uses provide free-standing indoor storage facilities for rent
14 to individuals and businesses. These Uses are designed to allow private access at all hours by the
15 tenant for storing or removing personal or business property.
- 16 B. Examples of Uses.
- 17 • Mini-storages or mini-warehouses that are single-story or multi-story buildings with outside
18 access to each unit or inside access from a common internal hallway
- 19 C. Examples of Accessory Uses.
- 20 • Caretaker's residence
 - 21 • Offices for security and/or leasing functions
 - 22 • Moving truck or trailer rental
 - 23 • Portable storage container rental
 - 24 • Covered or uncovered storage of vehicles
 - 25 • Parking for customers and employees
- 26 D. Exceptions. A transfer and storage business where there are no individual storage units or where
27 business employees are the primary movers of the stored or transferred goods is classified as
28 Warehouse and Freight Movement.

29 **12.10.255 Vehicle Service and Repair.**

- 30 A. Characteristics. Vehicle Service and Repair include those Uses related to service or repair of
31 automobiles, trucks, motorcycles, boats, recreational vehicles and other personal transportation
32 vehicles.

33

1 B. Examples of Uses.

- 2 • Vehicle servicing and repair
- 3 • Vehicle body and/or paint shops
- 4 • Vehicle washes
- 5 • Department of Environmental Quality vehicle emission test sites
- 6 • Gas stations and unattended card-lock fueling stations
- 7 • Quick lubrication services
- 8 • Tire sales and installation shops
- 9 • Vehicle engine, transmission and muffler repair and maintenance shops
- 10 • Vehicle upholstery and detailing shops

11 C. Examples of Accessory Uses.

- 12 • Offices
- 13 • Indoor vehicle parts and sales
- 14 • Indoor storage of vehicle parts and tires
- 15 • On-site associated convenience store
- 16 • On-site fleet refueling and maintenance facilities
- 17 • Parking for customers and employees

18 D. Exceptions.

- 19 1. Truck stops are classified as Industrial Services.
- 20 2. Refueling facilities for business fleets or bus barns located where such vehicles are stored
21 are accessory uses to the primary use of the site.
- 22 3. Sales, leasing and rental of construction and farm trucks and equipment are classified as
23 Wholesale Sales.
- 24 4. Repair and service of heavy trucks, industrial vehicles and equipment is classified as
25 Industrial Service.
- 26 5. Towing and vehicle storage is classified as Vehicle Storage.
- 27 6. Vehicle wrecking and salvage is classified as Solid Waste Treatment and Recycling.
- 28

1 **12.10.300 Industrial Use Categories.** Industrial use categories include the following sections:

- 2 12.10.310 Industrial Services
- 3 12.10.320 Manufacturing and Production
- 4 12.10.330 Solid Waste Treatment and Recycling
- 5 12.10.340 Vehicle Storage
- 6 12.10.350 Warehouse and Freight Movement
- 7 12.10.360 Wholesale Sales

8 **17.10.310 Industrial Services.**

9 A. Characteristics. Industrial Services Uses are engaged in repair and/or servicing of industrial,
10 business or consumer machinery, equipment, products or by-products or in training or instruction
11 of such repair or servicing. Contractors and building maintenance firms and similar Uses
12 perform services on- or off-site.

13 B. Examples of Uses.

- 14 • Building, heating, plumbing and electrical contractors
- 15 • Bulk sales of building materials and landscaping materials
- 16 • Contracting firms with on-site storage of equipment and materials
- 17 • Data storage, processing and information technology centers
- 18 • Equipment rental facilities
- 19 • Extermination services
- 20 • Fuel oil distribution and solid fuel yards
- 21 • Heavy truck servicing and repair
- 22 • Janitorial and building maintenance services
- 23 • Laundry, dry-cleaning and carpet cleaning plants (not self-service)
- 24 • Printing, publishing and lithography shops
- 25 • Research and development laboratories
- 26 • Repair and servicing of heavy construction or farm equipment (not automobiles)
- 27 • Tire retreading or recapping
- 28 • Tool, electric motor and scientific or professional instrument repair
- 29 • Trade schools where industrial vehicles and equipment are operated
- 30 • Truck stops
- 31 • Welding and machine shops

32

1 C. Examples of Accessory Uses.

- 2 • Interior and exterior storage of equipment and materials
- 3 • Offices
- 4 • Parking for customers, employees and fleet vehicles

5 D. Exceptions.

- 6 1. If equipment and materials are stored off-site, and work is not undertaken on-site, contracting
- 7 firms are classified as Industrial Services.
- 8 2. Hotels, restaurants and other services which are part of a truck stop are considered accessory
- 9 to the truck stop.

10 **17.10.320 Manufacturing and Production.**

11 A. Characteristics. Manufacturing and Production companies are involved in the manufacturing,

12 processing, fabrication, packaging and/or assembly of products on-site, using natural, man-made,

13 raw, secondary or partially-completed materials. Products are generally not displayed or sold on

14 site, but if so, sales and display are accessory to the primary Use. This category includes cottage

15 industry as defined in Section 12.01.500. Products may be displayed or sold on site in a cottage

16 industry Use.

17 B. Examples of Uses.

- 18 • Breweries, distilleries and wineries
- 19 • Catering establishments and commissaries
- 20 • Concrete batching and asphalt mixing plants
- 21 • Manufacture of solar, wind-power or other energy production devices
- 22 • Food, beverage, and related product processing
- 23 • Manufacture or assembly of machinery, equipment and instruments
- 24 • Manufacture of micro-processors and computer components
- 25 • Production of artwork and toys
- 26 • Production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or
- 27 products
- 28 • Production of prefabricated structures, including manufactured dwellings
- 29 • Production or fabrication of metals or metal products including enameling and galvanizing
- 30 • Sign making
- 31 • Weaving or production of textiles or apparel
- 32 • Woodworking, including cabinet makers
- 33 • Printing, publishing, and lithography shops
- 34

1 C. Examples of Accessory Uses.

- 2 • Cafeterias
- 3 • Employee recreational facilities
- 4 • Interior and exterior storage
- 5 • Offices
- 6 • Parking for employees and fleet vehicles
- 7 • Research and development specific to the primary Use
- 8 • On-site caretaker residence
- 9 • Food and beverage production, on-site tasting rooms, with or without food service

10 D. Exceptions.

- 11 1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as
- 12 Retail Products and Services.
- 13 2. Compost production and rendering plants are classified as Solid Waste Treatment and
- 14 Recycling.

15 **17.10.330 Solid Waste Treatment and Recycling.**

16 A. Characteristics. Solid Waste Treatment and Recycling are characterized by Uses that receive,

17 process and/or recycle solid waste materials.

18 B. Examples of Uses.

- 19 • Vehicle and heavy machinery salvage and wrecking
- 20 • Energy recovery plants
- 21 • Hazardous-waste collection sites
- 22 • Portable toilet collection, storage and pumping
- 23 • Commercial recycling collection sites
- 24 • Landfills
- 25 • Commercial waste composting and/or compost production
- 26 • Rendering plants

27 C. Examples of Accessory Uses.

- 28 • Loading docks
- 29 • Material recycling facilities
- 30 • Offices
- 31 • Parking for employees and fleet vehicles
- 32 • Re-packaging, sales and shipment of by-products and salvaged goods

1 D. Exceptions.

- 2 1. Disposal of clean fill material, as defined in OAR 340-093-0030, is not regulated as a land
3 use.
- 4 2. Community recycling or composting facilities at a community garden are classified as
5 Community Services.

6 **17.10.340 Vehicle Storage.**

7 A. Characteristics. Vehicle storage yards provide covered or uncovered storage facilities for
8 vehicles including automobiles, trucks, trailers, boats and recreational vehicles.

9 B. Examples of Uses.

- 10 • Vehicle impoundment yards
- 11 • Vehicle fleet storage and maintenance facilities
- 12 • Towing and vehicle storage operations
- 13 • School bus yards
- 14 • Recreational vehicle storage

15 C. Examples of Accessory Uses.

- 16 • Caretaker's residence
- 17 • Offices for security and/or leasing functions
- 18 • Waste disposal facilities for tenants' use
- 19 • Mini-warehouse units accessory to the vehicle storage
- 20 • Fleet maintenance, refueling and storage
- 21 • Parking for customers and employees

22 D. Exceptions. None.

23 **12.10.350 Warehouse and Freight Movement.**

24 A. Characteristics. Warehouse and Freight Movement companies are involved in the storage,
25 repackaging, delivery and movement of products.

26 B. Examples of Uses.

- 27 • Centralized warehouses
- 28 • Cold storage plants, including frozen food lockers
- 29 • General freight storage
- 30 • Household and business moving operations
- 31 • Major post offices
- 32 • Major wholesale distribution centers

- 1 • Parcel or postal distribution facilities
- 2 • Storage and stockpiling of sand, gravel, or other aggregate or raw materials
- 3 • Freight terminals and yards
- 4 • Mail-order merchandise warehouses
- 5 • Heavy rail facilities
- 6 • Transfer and storage facilities without individual units

7 C. Examples of Accessory Uses.

- 8 • Loading docks
- 9 • Maintenance areas
- 10 • Offices
- 11 • Parking for customers, employees and fleet vehicles
- 12 • Customer support centers

13 D. Exceptions.

- 14 1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Solid
- 15 Waste Treatment and Recycling.
- 16 2. Mini-warehouses are classified as Self-Service Storage.

17 **17.10.360 Wholesale Sales.**

18 A. Characteristics. Wholesale Sales companies are involved in the sale, lease and/or rental of

19 products primarily to businesses. On-site sales to the general public are limited.

20 B. Examples of Uses.

- 21 • Mail order houses
- 22 • Sale and/or rental of construction and farm machinery, equipment, and vehicles, building
- 23 materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial
- 24 supplies, restaurant equipment and store fixtures
- 25 • Wholesalers of food, clothing, auto parts, building hardware and office supplies

26 C. Examples of Accessory Uses.

- 27 • Offices
- 28 • Product repair facilities
- 29 • Parking for customers, employees and fleet vehicles
- 30 • Warehouses

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D. Exceptions.

1. Companies that engage primarily in sales to the general public are classified as Retail Products and Services.
2. Companies 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.
3. Companies that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

1 **12.10.400 Institutional Use Categories.** Institutional Use categories include the following
2 sections:

- 3 12.10.410 Colleges and Universities
- 4 12.10.420 Community Services
- 5 12.10.430 Detention Facilities
- 6 12.10.440 Hospitals
- 7 12.10.450 Major Assembly Facilities
- 8 12.10.460 Schools

9 **17.10.410 Colleges and Universities.**

10 A. Characteristics. This category includes public or private colleges, universities and institutions
11 which offer courses of study leading to an associate, bachelors and/or advanced degrees or trades
12 certification. Such institutions are certified by the State of Oregon Board of Higher Education or
13 by a recognized accrediting agency.

14 B. Examples of Uses.

- 15 • Community colleges
- 16 • Liberal arts colleges
- 17 • Religious colleges
- 18 • Universities
- 19 • Medical or nursing schools

20 C. Examples of Accessory Uses.

- 21 • Auditoriums and conference facilities
- 22 • Faculty and administrative offices
- 23 • Food service and dining facilities
- 24 • Health facilities
- 25 • Indoor or outdoor research animal housing
- 26 • Indoor and outdoor recreation facilities including gymnasiums, playing fields and stadiums
- 27 • Libraries, classrooms, laboratories and related instructional facilities
- 28 • Student, faculty/staff and visitor parking
- 29 • Student housing
- 30 • Support retail services
- 31 • Parking for students, visitors, employees and fleet vehicles
- 32 • Utility plants and facilities
- 33 • Security offices

34

1 D. Exceptions. Business and trade schools are classified as Educational Services.

2 **17.10.420 Community Services.**

3 A. Characteristics. Community Services are uses of a public or non-profit nature providing a range
4 of continuous on-site social, cultural and recreational services to residents of the community.

5 B. Examples of Uses.

- 6 • Community centers, youth or senior centers, open to the general public
- 7 • Community aquatic centers, open to the general public
- 8 • Libraries, museums and related cultural facilities
- 9 • Post offices
- 10 • Animal shelters

11 C. Examples of Accessory Uses.

- 12 • Indoor athletic facilities
- 13 • Classrooms and conference rooms
- 14 • Day care facilities
- 15 • Food service and dining areas
- 16 • Health and therapy facilities
- 17 • Offices
- 18 • Parking for customers, employees and fleet vehicles

19 D. Exceptions. Private lodges, clubs and private or commercial athletic or health clubs are
20 classified as Retail Products and Services.

21 **17.10.430 Detention Facilities.**

22 A. Characteristics. Detention Facilities include facilities for the court-ordered detention or
23 incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers
24 or other designated personnel, except when on an approved leave.

25 B. Examples of Uses.

- 26 • Jails and prisons
- 27 • Juvenile detention facilities
- 28 • Post-incarceration transitional facilities and restitution centers

29

1 C. Examples of Accessory Uses.

- 2 • Food service and dining facilities
- 3 • Housing for residents and supervisory staff
- 4 • Administrative and facility offices
- 5 • Parking for visitors, employees and fleet vehicles
- 6 • Recreational, health and therapy facilities
- 7 • Vocational and manufacturing facilities

8 D. Exceptions. None

9 **12.10.440 Hospitals.**

10 A. Characteristics. Hospitals provide comprehensive inpatient, outpatient and emergency services
11 and are accredited by state and national accreditation agencies. Such institutions tend to be located
12 on multi-block sites in campus-like settings. Hospitals may or may not include on-campus
13 medical office buildings associated with the hospital organization.

14 B. Examples of Uses.

- 15 • Free-standing inpatient hospitals
- 16 • Inpatient hospitals including on-campus medical office buildings

17 C. Examples of Accessory Uses.

- 18 • Administrative and physician offices
- 19 • Auditoriums and conference facilities
- 20 • Food service and dining facilities
- 21 • Chapels or meditation centers
- 22 • Housekeeping and maintenance facilities
- 23 • Inpatient, emergency and outpatient diagnostic and treatment facilities
- 24 • Physical therapy and rehabilitation facilities
- 25 • Overnight housing for patients, their families, and health care providers
- 26 • Parking for patients, employees, visitors and fleet vehicles (including temporary recreational
27 vehicle visitor parking)
- 28 • Teaching facilities for health care professionals including nursing and medical schools
- 29 • Central utility plants
- 30 • Security offices

31 D. Exceptions.

- 32 1. Residential homes that are licensed and/or permitted by the State are classified as Household
33 Living.

- 1 2. Residential facilities that are licensed and/or permitted by the State are classified as
2 Residential Services.
- 3 3. Facilities that are licensed and/or permitted by the State which provide care, treatment,
4 training or foster care for six or more persons are classified as Residential Services.
- 5 4. Free-standing medical clinics or medical office buildings providing outpatient care and not
6 located in a hospital campus are classified as Office.
- 7 5. Free-standing urgent medical care clinics are classified as Retail Products and Services.

8 **17.10.450 Major Assembly Facilities.**

- 9 A. Characteristics. Major Assembly Facilities are Uses that attract a large number of people who
10 participate as a group in a specific activity or event that may be religious, cultural, educational,
11 social or recreational. An assembly facility is a Major Assembly Facilities Use when the
12 maximum Building Code occupancy within the primary assembly area is equal to or greater than
13 250 persons.
- 14 B. Examples of Uses.
- 15 • Churches, synagogues, mosques or temples
 - 16 • Auditoriums
 - 17 • Coliseums, stadiums and sports arenas
 - 18 • Convention and conference centers
 - 19 • Fairgrounds
 - 20 • Race tracks
 - 21 • Outdoor amphitheaters
- 22 C. Examples of Accessory Uses.
- 23 • Locker rooms and related indoor and outdoor recreational facilities
 - 24 • Social halls and kitchens
 - 25 • Restaurants, bars and concessions
 - 26 • Offices
 - 27 • Maintenance facilities
 - 28 • Child or senior day care
 - 29 • Religious school classrooms
 - 30 • Parking for attendees, customers and employees
 - 31 • Temporary recreational vehicle camping facilities associated with intermittent major events
 - 32 • Caretaker residence
- 33

1 D. Exceptions.

- 2 1. A Minor Assembly Facility, such as a theater, church, or fraternal club, with a maximum
3 Building Code occupancy within the primary assembly area that is less than 250 persons is
4 classified as Retail Products and Services.
- 5 2. Day care/nursery schools and schools for students from grades K-12 that are located in a
6 religious institution are subject to regulations for Day Care and Schools, respectively.
- 7 3. An assembly area that is accessory to the primary use, such as a conference facility in a hotel
8 or industrial campus or an auditorium in a school, is considered accessory to the primary use.

9 **17.10.460 Schools.**

10 A. Characteristics. School Uses are public and private educational facilities providing state
11 mandated basic education. Schools may serve any ages of students from kindergarten through
12 12th grade.

13 B. Examples of Uses.

- 14 • Public and private elementary, middle and high schools, with or without kindergartens
15 • Boarding schools and military academies that have residential facilities for students

16 C. Examples of Accessory Uses.

- 17 • Auditoriums
18 • Classrooms, laboratories, libraries and related educational facilities
19 • Daycare facilities for students and staff
20 • Kitchens and cafeterias
21 • Indoor and outdoor recreational facilities including gymnasiums and athletic facilities
22 • Offices
23 • Parking for visitors, students (high school only) and employees
24 • Student housing

25 D. Exceptions.

- 26 1. Pre-schools which are standalone schools not associated with the grade levels of state-
27 mandated basic education are classified as day care under Retail Products and Services.
- 28 2. Pre-schools which are incorporated into the education continuum of state-mandated basic
29 education within a public or private educational facility are classified as Schools but are
30 subject to the Special Use Standards in Section 12.40.150.
- 31 3. Business and trade schools are classified as Educational Services.
- 32

1 **12.10.500 Infrastructure and Utilities Categories.** Infrastructure and utilities use categories
2 include the following sections:

- 3 12.10.510 Aviation Uses
- 4 12.10.520 Parks and Open Areas
- 5 12.10.530 Public Safety Facilities
- 6 12.10.540 Surface Alternative Transportation Facilities
- 7 12.10.550 Telecommunication Facilities
- 8 12.10.560 Utility Facilities

9 **17.10.510 Aviation Uses.**

10 A. Characteristics. Aviation Uses include landing, take-off, servicing and storage of aircraft
11 including airplanes, jets, helicopters and gliders, and activities related to or using aircraft or
12 aviation services.

13 B. Examples of Uses.

- 14 • Aviation-related activities, including taxiing, take-offs and landings
- 15 • Air passenger and air freight services and facilities
- 16 • Emergency medical flight services
- 17 • Law enforcement and firefighting activities
- 18 • Search and rescue operations
- 19 • Flight instruction
- 20 • Aircraft service, maintenance and training
- 21 • Aircraft rental and supporting facilities
- 22 • Aircraft and aeronautic equipment and supplies sales
- 23 • Indoor or outdoor storage of aircraft (hangars or tie-downs)
- 24 • Crop dusting activities
- 25 • Agricultural activities as authorized by the airport authority
- 26 • Manufacturing, processing, or distribution of aircraft or aircraft related products
- 27 • Commercial supporting uses at terminal buildings
- 28 • Aeronautic educational, recreational and sporting activities
- 29 • Flights carrying parachutists and parachute drops

30

1 C. Examples of Accessory Uses.

- 2 • Aircraft sales and storage
- 3 • Air traffic control towers
- 4 • Freight-handling areas
- 5 • Landside aviation navigation facilities
- 6 • Offices
- 7 • Maintenance and fueling facilities
- 8 • Parking for pilots, visitors, employees and fleet vehicles
- 9 • Restaurants, concessions and shops

10 D. Exceptions. Private helicopter landing facilities on the same site as another Use, such as a
11 hospital, are considered accessory Uses. However, such facilities remain subject to all Federal
12 and State regulations governing helicopter landing facilities.

13 **17.10.520 Parks and Open Areas.**

14 A. Characteristics. Parks and Open Areas are primarily publicly-owned or non-profit facilities
15 featuring natural or cultivated landscaping; active and passive outdoor recreation including
16 playing fields, basketball and tennis courts, swimming pools and trails; community gardens and
17 public squares.

18 B. Examples of Uses.

- 19 • Botanical gardens
- 20 • Cemeteries
- 21 • Community gardens
- 22 • Nature preserves
- 23 • Parks
- 24 • Public squares and plazas
- 25 • Recreational trails

26 C. Examples of Accessory Uses.

- 27 • Caretaker's residence
- 28 • Educational centers
- 29 • Columbaria and mausoleums
- 30 • Incidental retail and concessions
- 31 • Maintenance facilities
- 32 • Playing fields, tennis courts, swimming pools and trails

- 1 • Parking for visitors and employees
- 2 • Picnic shelters and pedestrian amenities
- 3 • Ponds and water features
- 4 D. Exceptions. Golf courses are classified as Commercial Recreation.

5 **17.10.530 Public Safety Facilities.**

6 A. Characteristics. Public Safety Facilities provide police, fire, ambulance and emergency services
7 to the community. With the exception of ambulance services, these facilities are typically
8 publicly owned and operated.

9 B. Examples of Uses.

- 10 • Emergency communications centers
- 11 • Police and fire stations
- 12 • Publicly-and privately-operated ambulance facilities
- 13 • Public agency or private utility operations centers

14 C. Examples of Accessory Uses.

- 15 • Communication equipment and towers
- 16 • Kitchens and dining facilities
- 17 • Overnight accommodations for employees
- 18 • Parking for visitors, employees, fleet vehicles and equipment
- 19 • Training facilities
- 20 • Recreational facilities for employees

21 D. Exceptions. None.

22 **17.10.540 Surface Alternative Transportation Facilities.**

23 A. Characteristics. Surface Alternative Transportation Facilities support mass transit, including bus,
24 light rail, commuter rail, and bicycle transportation. Surface Alternative Transportation
25 Facilities do not include road rights-of-way and the associated improvements such as bicycle
26 paths, lanes or sidewalks.

27 B. Examples of Uses.

- 28 • Bicycle parking centers
- 29 • Bus stops and shelters
- 30 • Light rail or commuter stations and transit centers
- 31 • Transit park-and-ride facilities, both surface and structured
- 32 • Transit vehicle storage and maintenance yards

1 C. Examples of Accessory Uses.

- 2 • Ticketing equipment or booths
- 3 • Incidental retail Uses
- 4 • Public safety facilities
- 5 • Public open space

6 D. Exceptions.

- 7 1. Heavy rail facilities are classified as Warehouse and Freight Movement.
- 8 2. School bus yards are classified as Vehicle Storage.

9 **17.10.550 Telecommunication Facilities.**

10 A. Characteristics. Telecommunication Facilities include all devices, equipment, machinery,
11 structures and supporting structures necessary to produce or transfer a signal or message. Only
12 free-standing towers are classified as Telecommunication Facilities.

13 B. Examples of Uses.

- 14 • AM and FM radio and television towers, including “low power FM” facilities
- 15 • Wireless transmission towers
- 16 • Point-to-point microwave towers
- 17 • Two-way radio towers
- 18 • Receive only antennas

19 C. Examples of Accessory Uses.

- 20 • Broadcast facilities
- 21 • Offices
- 22 • Parking for visitors and employees
- 23 • Transmitter facilities
- 24 • Utility cabinets
- 25 • Generators and other incidental improvements

26 D. Exceptions.

- 27 1. Free-standing radio and television studios are classified as Offices.
- 28 2. Telecommunication Facilities at a Public Safety Facilities use are accessory to that Use.
- 29 3. Amateur “Ham” radio facilities on residential property are accessory to the Household
30 Living use.
- 31 4. Stealth telecommunication facilities mounted on or within buildings or structures are not
32 regulated as separate from the primary Use.

1 **17.10.560 Utility Facilities.**

2 A. Characteristics. Utility Facilities are local and regional infrastructure facilities which must be
3 located in or near the area to which the infrastructure is provided. Utilities may be publicly or
4 privately owned and operated. Most facilities have few or no on-site employees, although
5 treatment plants may be staffed continuously.

6 B. Examples of Uses.

- 7 • Electrical substations
- 8 • High tension electrical power lines
- 9 • Sewage disposal and conveyance systems
- 10 • Telephone exchange equipment
- 11 • Water or sewage pump stations
- 12 • Water towers and reservoirs
- 13 • Water quality and flow control facilities
- 14 • Water or sewage treatment plants

15 C. Examples of Accessory Uses.

- 16 • Control, monitoring, data and/or transmission equipment within or outside structures
- 17 • Offices
- 18 • Parking for visitors, employees and fleet vehicles
- 19 • Security fencing

20 D. Exceptions.

- 21 1. Utility offices where employees or customers are generally present are classified as Offices.
- 22 2. Public agency or private utility operations centers are classified as Public Safety Facilities.

SUBCHAPTER 12.21
SINGLE-FAMILY RESIDENTIAL ZONES

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- 3 **12.21.010** **Single Family Residential Zones**
- 4 **12.21.020** **Locational Characteristics**
- 5 **12.21.030** **Organization within This Chapter**
- 6
- 7 **12.21.100** **SFR-10 Single Family Residential**
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- 9 **12.21.120** **Housing Types**
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- 11 **12.21.140** **Accessory Uses Permitted by Right**
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- 15
- 16 **12.21.200** **SFR-8.5 Single Family Residential**
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- 25 **12.21.300** **SFR-7 Single Family Residential**
- 26 **12.21.310** **Purposes**
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- 29 **12.21.340** **Accessory Uses Permitted by Right**
- 30 **12.21.350** **Development Standards**
- 31 **12.21.360** **Variances and Adjustments**
- 32 **12.21.370** **Other Pertinent Regulations**
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- 34 **12.21.400** **SFR-6 Single Family Residential**
- 35 **12.21.410** **Purposes**
- 36 **12.21.420** **Applicability**
- 37 **12.21.430** **Housing Types**
- 38 **12.21.440** **Uses**
- 39 **12.21.450** **Accessory Uses Permitted by Right**
- 40 **12.21.460** **Development Standards**
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- 42 **12.21.480** **Other Pertinent Regulations**
- 43

- 1 **12.21.500** **SFR-4.5 Single Family Residential**
- 2 **12.21.510** **Purposes**
- 3 **12.21.520** **Housing Types**
- 4 **12.21.530** **Uses**
- 5 **12.21.540** **Accessory Uses Permitted by Right**
- 6 **12.21.550** **Development Standards**
- 7 **12.21.560** **Variances and Adjustments**
- 8 **12.21.570** **Other Pertinent Regulations**
- 9
- 10 **12.21.600** **SCR-LD Station Community Residential – Low Density**
- 11 **12.21.610** **Purposes**
- 12 **12.21.620** **Housing Types**
- 13 **12.21.630** **Uses**
- 14 **12.21.640** **Accessory Uses Permitted by Right**
- 15 **12.21.650** **Development Standards**
- 16 **12.21.660** **Variances and Adjustments**
- 17 **12.21.670** **Other Pertinent Regulations**
- 18
- 19 **12.21.700** **SCR-OTC Station Community Residential – Orenco Townsite Conservation**
- 20 **12.21.710** **Purposes**
- 21 **12.21.720** **Housing Types**
- 22 **12.21.730** **Uses**
- 23 **12.21.740** **Accessory Uses Permitted by Right**
- 24 **12.21.750** **Development Standards**
- 25 **12.21.760** **Variances and Adjustments**
- 26 **12.21.770** **Other Pertinent Regulations**
- 27
- 28 **12.21.800** **SCR-DNC Station Community Residential – Downtown Neighborhood**
- 29 **Conservation**
- 30 **12.21.810** **Purposes**
- 31 **12.21.820** **Housing Types**
- 32 **12.21.830** **Uses**
- 33 **12.21.840** **Accessory Uses Permitted by Right**
- 34 **12.21.850** **Development Standards**
- 35 **12.21.860** **Variances and Adjustments**
- 36 **12.21.870** **Other Pertinent Regulations**
- 37

1 **12.21.010 Single Family Residential Zones.** There are eight single family residential zones in the
2 City:

- 3 A. SFR–10 Single-Family Residential;
- 4 B. SFR–8.5 Single-Family Residential;
- 5 C. SFR–7 Single-Family Residential;
- 6 D. SFR–6 Single-Family Residential;
- 7 E. SFR–4.5 Single-Family Residential;
- 8 F. SCR–LD Station Community Residential Low Density;
- 9 G. SCR–OTC Station Community Residential Orenco Townsite Conservation; and
- 10 H. SCR–DNC Station Community Residential Downtown Neighborhood Conservation.

11 **12.21.020 Locational Characteristics.** On the Comprehensive Plan Land Use Map, single family
12 residential zones implement the RL Low Density Residential designation with the following exceptions:

- 13 A. SFR–4.5 implements the lowest density in the RM Medium Density Residential designation.
- 14 B. SCR–LD, SCR-OTC and SCR-DNC (among other zones) implement the SCPA Station
15 Community Planning Area designation.

16 **12.21.030 Organization within This Chapter.**

- 17 A. Common elements. Each section in this chapter contains the following subsections:
 - 18 1. Purposes.
 - 19 2. Permitted, Conditional, Limited and Not Permitted Housing Types (organized in tables).
 - 20 3. Permitted, Conditional, Limited and Not Permitted Uses (organized in tables).
 - 21 4. Accessory Uses Permitted.
 - 22 5. Development standards (organized in tables, illustrated in figures).
 - 23 6. Variances and Adjustments.
 - 24 7. Other pertinent regulations.
- 25 B. Purpose. Purpose statements for each zone chapter are descriptive of the zone’s characteristics
26 and intent, and are drawn from the Comprehensive Plan and/or the Community Development
27 Code. Purpose statements are informational and not intended to be regulations.
- 28 C. Housing Types. Residential Uses occupy a variety of Housing Types. Permitted, Conditionally
29 Permitted, Limited and Not Permitted housing types within each zone are summarized in tables
30 based on the definitions of Housing Types listed in Section 12.01.500. Neither the residential
31 Use categories nor the housing types distinguish between owner- or renter-occupation.
- 32 D. Uses. Permitted, Conditionally Permitted, Limited and Not Permitted Uses within each zone are
33 summarized in tables based on the standardized Use categories described in Subchapter 12.10.
 - 34 1. Permitted Uses (P) are allowed by right, subject to all applicable provisions of this Code.

2. Conditionally Permitted Uses (C) may be allowed, subject to approval on an individual basis as Conditional Uses. The Conditional Use permit application process and approval criteria are described in Section 12.80.020. Certain Conditional Uses may have additional standards as described in Subchapter 12.40.
3. Limited Uses (L) are permitted by right, but are subject to specified requirements, exceptions or restrictions which may vary with the nature, size, or location of the Use.
4. Not Permitted Uses (N) are not permitted in the zone under any circumstances.

E. Accessory Uses Permitted. Accessory Uses are permitted in each zone, in conjunction with the primary residence on the site and are subject to the same regulations as the primary Use unless stated otherwise in the Code. Characteristics and standards for certain Accessory Uses are listed in Subchapter 12.40.

F. Development Standards.

1. Development standards for each single family zone are summarized in tables. Development standards are typically numerical standards: minimum and maximum densities; minimum and maximum lot dimensions; structural setbacks; maximum building height and lot coverage. All new development must comply with the development standards unless a variance or adjustment is approved as described in Subsection G below.
2. Maximum residential densities in each single family residential zone are generally derived from the minimum lot size: Minimum densities are approximately 80% of the maximum density. Density calculation formulas for minimum and maximum density are described in Section 12.50.120. Minimum and maximum residential densities apply to all residential use categories. In single family residential zones, with the exception of the SCR-OTC zone, maximum density calculations do not include secondary dwelling units.
3. Certain development standards are illustrated in a Figure following the development standards table in each zone.

G. Variances and Adjustments. Applications to vary or adjust certain numeric standards in each zone may be requested and approved under Sections 12.80.152, 12.80.154, and 12.80.156. Certain numeric standards may also be subject to exceptions under specific circumstances, as described in the Standards section.

H. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision clearance, and street improvements, may also apply to development in single family zones. These site design and development standards may also have exceptions as described in those sections.

1 **12.21.100 SFR-10 Single-Family Residential.** The SFR-10 zone includes the following sections:

- 2 12.21.110 Purposes
- 3 12.21.120 Housing Types
- 4 12.21.130 Uses
- 5 12.21.140 Accessory Uses Permitted by Right
- 6 12.21.150 Development Standards
- 7 12.21.160 Variances and Adjustments
- 8 12.21.170 Other Pertinent Regulations

9 **12.21.110 Purposes.**

- 10 A. Create and Maintain Large Lot Residential Opportunities. The SFR-10 zone implements the
- 11 lowest density of the Low Density Residential Comprehensive Plan designation, providing an
- 12 opportunity for large lot residential development in appropriate areas.
- 13 B. Preserve Neighborhood Livability. The SFR-10 zone encourages livability in existing and future
- 14 large lot single family neighborhoods by allowing residential development with compatible non-
- 15 residential uses such as schools, assembly facilities and parks.

16 **12.21.120 Housing Types.** Table 12.21.120-1 lists Housing Types permitted in the SFR-10 zone.

17 Housing Types are defined in Section 12.01.500.

18 **TABLE 12.21.120-1**

19 **HOUSING TYPES IN THE SFR-10 ZONE**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	L	Limited to 20% of lots in newly platted subdivisions with 20 or more lots.
Three-dwelling (or more) townhouses	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Multiple-dwelling structure	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Manufactured dwelling	L	Permitted subject to Special Use standards in Section 12.40.190
Manufactured dwelling park	N	
Live-work dwelling	N	

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

21 **12.21.130 Uses.** Table 12.21.130-1 lists the Permitted, Conditionally Permitted, Limited, and Not

22 Permitted Uses in the SFR-10 zone.

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**TABLE 12.21.130-1:
USE CATEGORIES IN THE SFR-10 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.21.120-1
Group Living	L / N	Permitted for persons with disabilities with Director's Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses Not Permitted.
Residential Services	N	
Residential Business	N	
Commercial Use Categories--Only categories listed below permitted.		
Commercial Lodging	C / N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Retail Products and Services	C / N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories -- Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210.
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C / N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P / C / N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

1 **12.21.140 Accessory Uses Permitted by Right.**

- 2 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
3 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
4 permitted on any lot containing one primary residence.
- 5 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
6 subject to additional requirements in Section 12.40.100.
- 7 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
8 subject to additional requirements in Section 12.40.170.
- 9 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
10 specific neighborhood are permitted when approved as an amenity of that neighborhood during
11 the development process.
- 12 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
13 registered family child care homes as defined in ORS 657A are permitted; and certified or
14 registered residential homes as defined in ORS 443 are also permitted.
- 15 F. Household Energy Production Facilities. Household energy production facilities are defined in
16 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
17 State and Local permits.
- 18 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
19 issuance of necessary and appropriate Federal, State and Local permits.
- 20 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
21 permitted, excluding commercial buildings or structures.

22 **12.21.150 Development Standards.** Base zone development standards in the SFR-10 zone are
23 listed in Table 12.21.150-1. Certain standards are illustrated in Figure 12.21.150-A. Maximum density
24 in Table 12.21.150-1 does not include secondary dwelling units.

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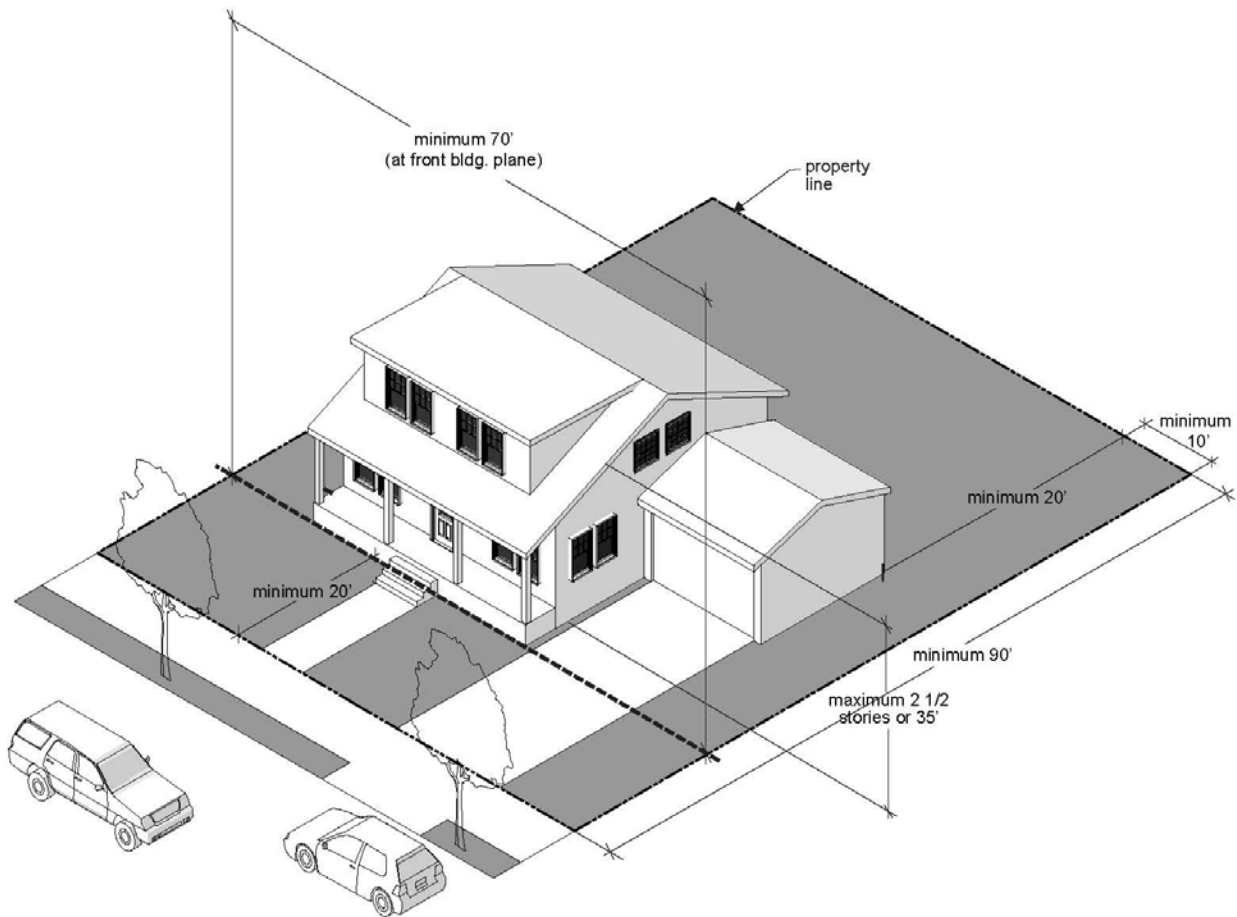
**TABLE 12.21.150-1:
DEVELOPMENT STANDARDS IN THE SFR-10 ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	10,000 sq. ft.	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.21.120-1. Variation of lot areas permitted in some subdivisions: see Section 12.50.110
Maximum Lot Size	19,999 sq. ft.	
Minimum Density	3.5 du/na	
Maximum Density	4.35 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions *		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.120-1.
• Width (at front building plane)	70 feet	Variation of widths permitted in some subdivisions: see Section 12.50.110
• Depth	90 feet	
• Frontage	12 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160
Minimum Setbacks *		
• Front Yard	20 feet	Variation of front yards permitted in some subdivisions: see Subsection 12.50.130.E
• Side Yard	10 feet	Variation of side yards permitted in some subdivisions: see Subsection 12.50.130.E Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.21.120-1.
• Rear Yard	20 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500
Maximum Lot Coverage	40% for interior lot 45% for corner lot	Does not apply to townhouse lots.
Minimum Usable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

3 * Standards illustrated in Figure 12.21.150-A

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**FIGURE 12.21.150-A
DEVELOPMENT STANDARDS IN THE SFR-10 ZONE**



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4 **12.21.160 Variances and Adjustments.**

5 A. Applications to allow Housing Types other than those permitted in Table 12.21.120-1 shall be
6 processed only as Planned Unit Developments under Section 12.80.120.

7 B. Applications for Variances and Adjustments to other base zone standards in the SFR-10 zone
8 may be approved under one of four processes:

9 1. As a Variance pursuant to Section 12.80.152;

10 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
11 Section 12.80.154;

12 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
13 Section 12.80.156; or

14 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.21.170 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SFR-10 zone as follows:

- 3 • Section 12.50.200 Site Design
 - 4 • Section 12.50.300 Vehicle Parking
 - 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
 - 6 • Section 12.50.500 Access and Street Standards
 - 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
 - 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.21.200 SFR-8.5 Single-Family Residential.** The SFR-8.5 zone includes the following sections:

- 2 12.21.210 Purposes
- 3 12.21.220 Housing Types
- 4 12.21.230 Uses
- 5 12.21.240 Accessory Uses
- 6 12.21.250 Development Standards
- 7 12.21.260 Variances and Adjustments
- 8 12.21.270 Other Pertinent Regulations

9 **12.21.210 Purposes.**

- 10 A. Create and Maintain Large Lot Residential Opportunities. The SFR-8.5 zone implements the
- 11 lower end of the Low Density Residential Comprehensive Plan designation range, providing an
- 12 opportunity for large lot residential development in appropriate areas.
- 13 B. Preserve Neighborhood Livability. The SFR-8.5 zone encourages livability in existing and
- 14 future large lot single family neighborhoods by allowing residential development with
- 15 compatible non-residential Uses such as schools, assembly facilities and parks.

16 **12.21.220 Housing Types.** Table 12.21.220-1 lists Housing Types permitted in the SFR-8.5 zone.

17 Housing Types are defined in Section 12.01.500.

18 **TABLE 12.21 220-1**

19 **HOUSING TYPES IN THE SFR-8.5 ZONE**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	L	Limited to 20% of lots in newly platted subdivisions with 20 or more lots.
Three-dwelling (or more) townhouses	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Multiple-dwelling structure	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Manufactured dwelling	L	Permitted subject to Special Use standards in Section 12.40.190
Manufactured dwelling park	N	
Live-work dwelling	N	

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

21 **12.21.230 Uses.** Table 12.21.230-1 lists the Permitted, Conditionally Permitted, Limited, and Not

22 Permitted Uses in the SFR-8.5 zone.

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**TABLE 12.21.230-1:
USE CATEGORIES IN THE SFR-8.5 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types (Table 12.21.220-1)
Group Living	L/N	Permitted for persons with disabilities with Director’s Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses not Not Permitted.
Residential Service	N	
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Institutional Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

1 **12.21.240 Accessory Uses Permitted by Right.**

- 2 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
3 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
4 permitted on any lot containing one primary residence.
- 5 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
6 subject to additional requirements in Section 12.40.100.
- 7 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
8 subject to additional requirements in Section 12.40.170.
- 9 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
10 specific neighborhood are permitted when approved as an amenity of that neighborhood during
11 the development process.
- 12 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
13 registered family child care homes as defined in ORS 657A are permitted; and certified or
14 registered residential homes as defined in ORS 443 are also permitted.
- 15 F. Household Energy Production Facilities. Household energy production facilities are defined in
16 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
17 State and Local permits.
- 18 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
19 issuance of necessary and appropriate Federal, State and Local permits.
- 20 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
21 permitted, excluding commercial buildings or structures.

22 **12.21.250 Development Standards.** Development standards in the SFR–8.5 zone are listed in
23 Table 12.21.250-1. Certain standards are illustrated in Figure 12.21.250-A. Maximum density in Table
24 12.21.250-1 does not include secondary dwelling units.

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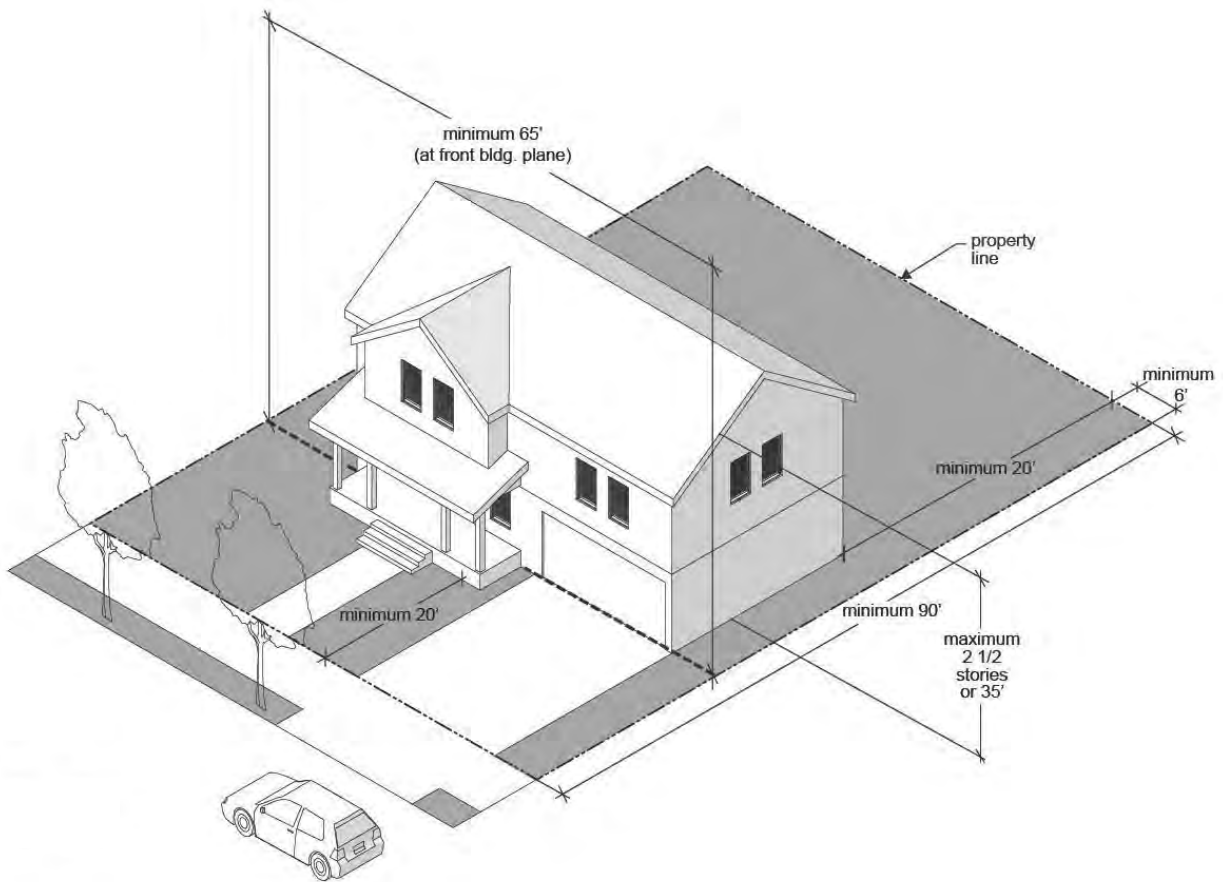
**TABLE 12.21.250-1:
DEVELOPMENT STANDARDS IN THE SFR-8.5 ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	8,500 sf.	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.21.220-1. Variation of lot areas permitted in some subdivisions: see Section 12.50.110
Maximum Lot Size	16,999 sf.	
Minimum Density	4 du/na	Does not include SDUs.
Maximum Density	5 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions *		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.220-1.
• Width (at front building plane)	65 feet	Variation of widths permitted in some subdivisions: see Section 12.50.110
• Depth	90 feet	
• Frontage	12 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160
Minimum Setbacks *		
• Front Yard	20 feet	Variation of front yards permitted in some subdivisions: see Subsection 12.50.130.E
• Side Yard		Variation of side yards permitted in some subdivisions: see Subsection 12.50.130.E Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.21.220-1.
○ Interior Lots	6 feet	
○ Corner Lots	8 feet	
• Rear Yard	20 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500.
Maximum Lot Coverage	45% for standard lot 50% for corner lot	Does not apply to townhouse lots.
Minimum Usable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

3 * Standards illustrated in Figure 12.21.250-A

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**FIGURE 12.21.250-A:
DEVELOPMENT STANDARDS IN THE SFR-8.5 ZONE**



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4 **12.21.260 Variances and Adjustments.**

5 A. Applications to allow Housing Types other than those permitted in Table 12.21.220-1 shall be
6 processed only as Planned Unit Developments under Section 12.80.120.

7 B. Applications for Variances and Adjustments to other base zone standards in the SFR-8.5 zone
8 may be approved under one of four processes:

9 1. As a Variance pursuant to Section 12.80.152;

10 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
11 Section 12.80.154;

12 3. As a Type III Adjustment in conjunction with a Primary Type III application pursuant to
13 Section 12.80.156; or

14 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.21.270 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SFR-8.5 zone as follows:

- 3 • Section 12.50.200 Site Design
 - 4 • Section 12.50.300 Vehicle Parking
 - 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
 - 6 • Section 12.50.500 Access and Street Standards
 - 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
 - 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.21.300 SFR-7 Single-Family Residential.** The SFR-7 zone includes the following sections:

- 2 12.21.310 Purposes
- 3 12.21.320 Housing Types
- 4 12.21.330 Uses
- 5 12.21.340 Accessory Uses Permitted by Right
- 6 12.21.350 Development Standards
- 7 12.21.360 Variances and Adjustments
- 8 12.21.370 Other Pertinent Regulations

9 **12.21.310 Purposes.**

- 10 A. Create and Maintain Large Lot Residential Opportunities. The SFR-7 zone implements the
- 11 middle of the Low Density Residential Comprehensive Plan designation density range, providing
- 12 an opportunity for residential development on moderate sized lots in appropriate areas.
- 13 B. Preserve Neighborhood Livability. The SFR-7 zone encourages livability in existing and future
- 14 single family neighborhoods with moderate sized lots by allowing residential development with
- 15 compatible non-residential Uses such as schools, assembly facilities and parks.

16 **12.21.320 Housing Types.** Table 12.21.320-1 lists Housing Types permitted in the SFR-7 zone.

17 Housing Types are defined in Section 12.01.500.

18 **TABLE 12.21.320-1**

19 **HOUSING TYPES IN THE SFR-7 ZONE**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	L	Limited to 20% of lots in newly platted subdivisions with 20 or more lots.
Three-dwelling (or more) townhouses	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Multiple-dwelling structure	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190
Manufactured dwelling park	N	
Live-work dwelling	N	

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

21 **12.21.330 Uses.** Table 12.21.330-1 lists the Permitted, Conditionally Permitted, Limited, and Not

22 Permitted Uses in the SFR-7 zone.

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**TABLE 12.21.330-1:
USE CATEGORIES IN THE SFR-7 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types (Table 12.21.320-1)
Group Living	L/N	Permitted for persons with disabilities with Director’s Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses Not Permitted.
Residential Services	N	
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses in this category Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval; subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

1 **12.21.340 Accessory Uses Permitted by Right.**

- 2 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
3 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
4 permitted on any lot containing one primary residence.
- 5 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
6 subject to additional requirements in Section 12.40.100.
- 7 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
8 subject to additional requirements in Section 12.40.170.
- 9 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
10 specific neighborhood are permitted when approved as an amenity of that neighborhood during
11 the development process.
- 12 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
13 registered family child care homes as defined in ORS 657A are permitted; and certified or
14 registered residential homes as defined in ORS 443are also permitted.
- 15 F. Household Energy Production Facilities. Household energy production facilities are defined in
16 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
17 State and Local permits.
- 18 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
19 issuance of necessary and appropriate Federal, State and Local permits.
- 20 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
21 permitted, excluding commercial buildings or structures.

22 **12.21.350 Development Standards.** Base zone development standards in the SFR-7 zone are listed
23 in Table 12.21.350-1. Certain standards are illustrated in Figure 12.21.350-A. Maximum density in
24 Table 12.21.350-1 does not include secondary dwelling units.

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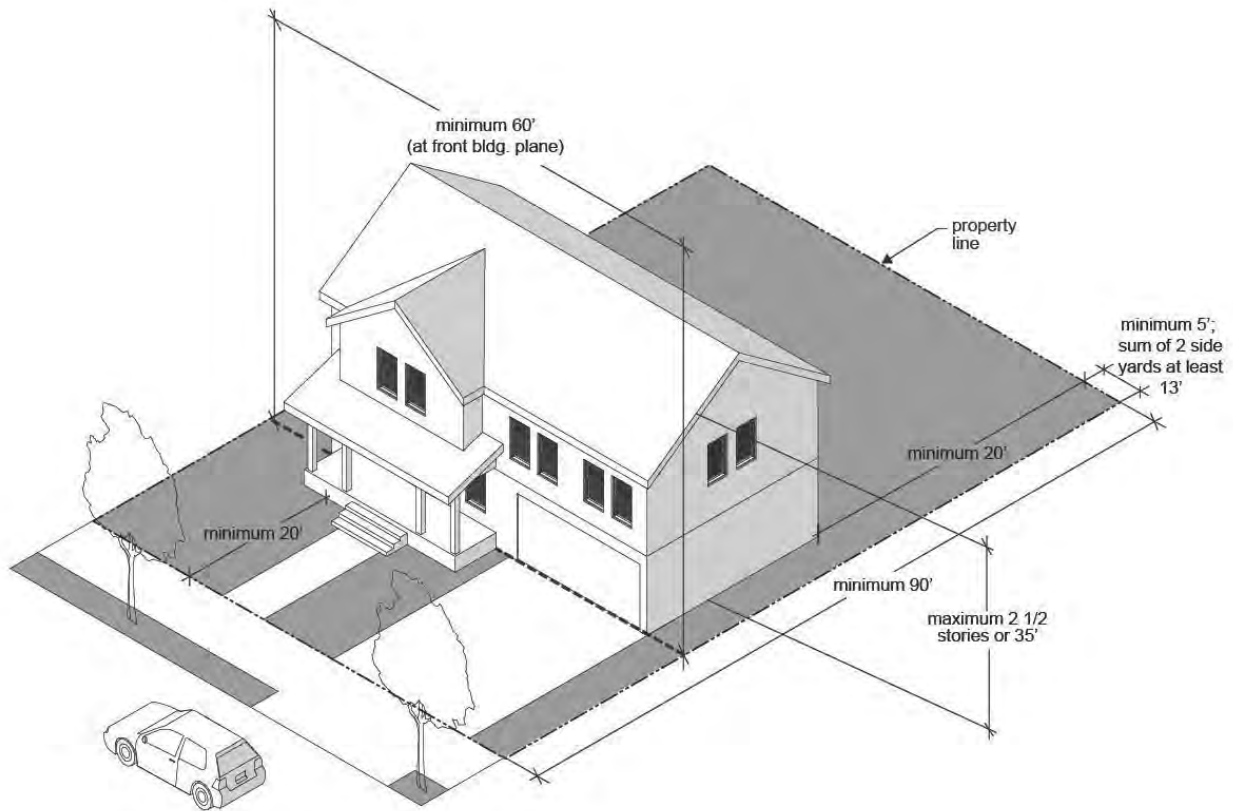
**TABLE 12.21.350-1:
DEVELOPMENT STANDARDS IN THE SFR-7 ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	7000 sq. ft.	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.21.320-1. Variation of lot areas permitted in some subdivisions: see Section 12.50.110
Maximum Lot Size	13,999 sq. ft.	
Minimum Density	5.0 du/na	Does not include SDUs.
Maximum Density	6.25 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions *		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.320-1.
• Width (at front building plane)	60 feet	Variation of widths permitted in some subdivisions: see Section 12.50.110
• Depth	90 feet	
• Frontage	12 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160
Minimum Setbacks *		
• Front Yard	20 feet	Variation of front yards permitted in some subdivisions: see Subsection 12.50.130.E
• Side Yard	5 feet; sum of 2 side yards at least 13 feet	Variation of side yards permitted in some subdivisions: see Subsection 12.50.130.E Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.21.320-1.
• Rear Yard	20 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height *	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500.
Maximum Lot Coverage	45% for standard lot 50% for corner lot	Does not apply to townhouse lots.
Minimum Usable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

3 * Standards illustrated in Figure 12.21.350-A

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**FIGURE 12.21.350-A:
DEVELOPMENT STANDARDS IN THE SFR-7 ZONE**



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4 **12.21.360 Variances and Adjustments.**

- 5 A. Applications to allow Housing Types other than those permitted in Table 12.21.320-1 shall be
6 processed only as Planned Unit Developments under Section 12.80.120.
- 7 B. Applications for Variances and Adjustments to other base zone standards in the SFR-7 zone may
8 be approved under one of four processes:
- 9 1. As a Variance pursuant to Section 12.80.152;
 - 10 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
11 Section 12.80.154;
 - 12 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
13 Section 12.80.156; or
 - 14 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

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1 **12.21.370 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SFR-7 zone as follows:

- 3 • Section 12.50.200 Site Design
 - 4 • Section 12.50.300 Vehicle Parking
 - 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
 - 6 • Section 12.50.500 Access and Street Standards
 - 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
 - 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.21.400 SFR-6 Single-Family Residential.** The SFR-6 zone includes the following sections:

- 2 12.21.410 Purposes
- 3 12.21.420 Applicability
- 4 12.21.430 Housing Types
- 5 12.21.440 Uses
- 6 12.21.450 Accessory Uses Permitted by Right
- 7 12.21.460 Development Standards
- 8 12.21.470 Variances and Adjustments
- 9 12.21.480 Other Pertinent Regulations

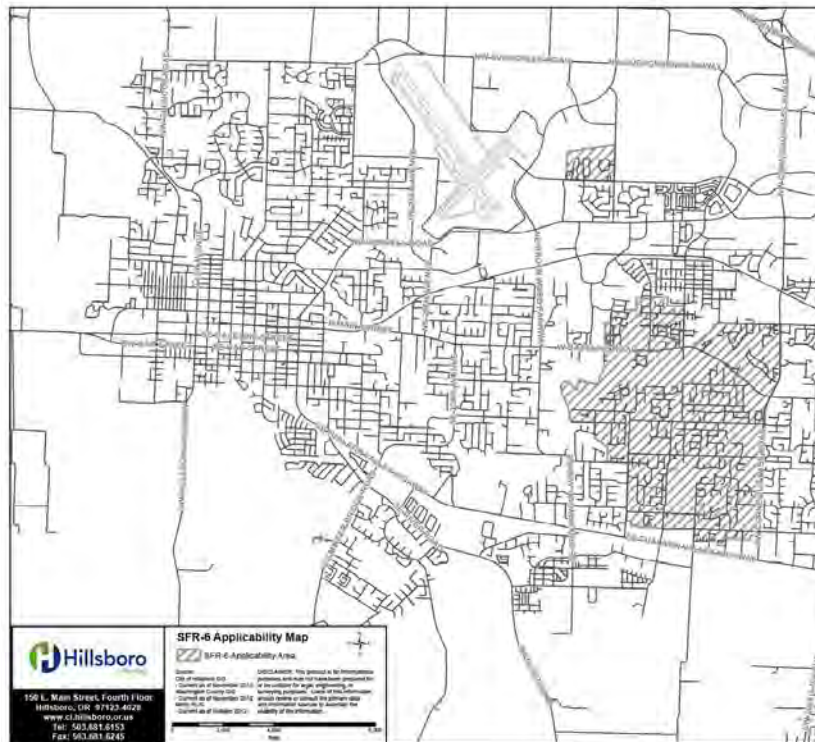
10 **12.21.410 Purposes.**

- 11 A. Create and Maintain Smaller Lot Residential Opportunities. The SFR-6 zone implements the
- 12 highest end of the Low Density Residential Comprehensive Plan designation density range,
- 13 providing an opportunity for smaller lot residential development in appropriate areas.
- 14 B. Preserve Neighborhood Livability. The SFR-6 zone encourages livability in existing and future
- 15 smaller lot single family neighborhoods by allowing residential development with compatible
- 16 non-residential Uses such as schools, assembly facilities and parks.

17 **12.21.420 Applicability.** Use of the SFR-6 zone is restricted to the areas identified on Figure

18 12.21.420-A.

19 **FIGURE 12.21.420-A: SFR-6 ZONE APPLICABILITY**



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1 **12.21.430 Housing Types.** Table 12.21.430-1 lists Housing Types permitted in the SFR-6 zone.
 2 Housing Types are defined in Section 12.01.500.

3 **TABLE 12.21.430-1:**
 4 **HOUSING TYPES IN THE SFR-6 ZONE**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	L	Limited to 20% of lots in newly platted subdivisions with 20 or more lots.
Three-dwelling (or more) townhouses	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Multiple-dwelling structure	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190
Manufactured dwelling park	N	
Live-work dwelling	N	

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

6 **12.21.440 Uses.** Table 12.21.440-1 lists the Permitted, Conditionally Permitted, Limited, and Not
 7 Permitted Uses in the SFR-6 zone.

8 **TABLE 12.21.440-1:**
 9 **USE CATEGORIES IN THE SFR-6 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types (Table 12.21.430-1)
Group Living	L/N	Permitted for persons with disabilities with Director's Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses Not Permitted.
Residential Services	N	
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.

Use	Status	Clarifications
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

2 **12.21.450 Accessory Uses Permitted by Right.**

- 3 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
4 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
5 permitted on any lot containing one primary residence.
- 6 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
7 subject to additional requirements in Section 12.40.100.
- 8 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
9 subject to additional requirements in Section 12.40.170.
- 10 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
11 specific neighborhood are permitted when approved as an amenity of that neighborhood during
12 the development process.
- 13 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
14 registered family child care homes as defined in ORS 657A are permitted; and certified or
15 registered residential homes as defined in ORS 443 are also permitted.

- 1 F. Household Energy Production Facilities. Household energy production facilities are defined in
 2 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
 3 State and Local permits.
- 4 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
 5 issuance of necessary and appropriate Federal, State and Local permits.
- 6 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
 7 permitted, excluding commercial buildings or structures.

8 **12.21.460 Development Standards.** Base zone development standards in the SFR-6 zone are listed
 9 in Table 12.21.460-1. Certain standards are illustrated in Figure 12.21.460-A. Maximum density in
 10 Table 12.21.460-1 does not include secondary dwelling units.

11 **TABLE 12.21.460-1:**
 12 **DEVELOPMENT STANDARDS IN THE SFR-6 ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	6,000 sq. ft.	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.21.430-1. Variation of lot areas permitted in some subdivisions: see Section 12.50.110
Maximum Lot Size	11,999 sq. ft.	
Minimum Density	6.0 du/na	Does not include SDUs.
Maximum Density	7.5 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions *		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.430-1.
• Width (at front building plane)	55 feet	Variation of widths permitted in some subdivisions: see Section 12.50.110
• Depth	85 feet	
• Frontage	12 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160
Minimum Setbacks*		Variation of front yards permitted in some subdivisions: see Subsection 12.50.130.E
• Front Yard (interior lots): to house or garage door	20 feet	
• Front Yard (corner lots) ○ to house	10 feet on 1 frontage; 20 feet on the other	
○ to garage door	20 feet	

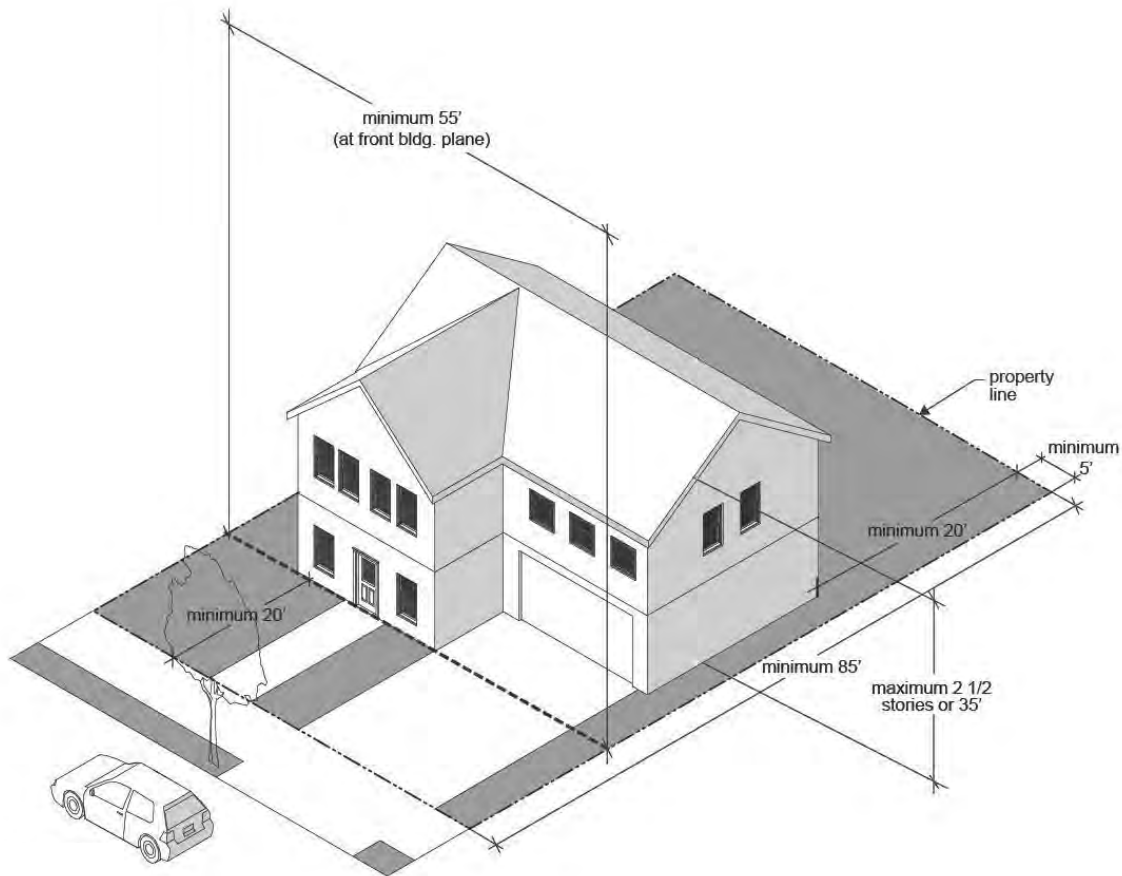
Standard	Requirement	Clarifications
Side Yard	5 feet	Variation of side yards permitted in some subdivisions: see Subsection 12.50.130.E Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.21.430-1.
Rear Yard	20 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500
Maximum Lot Coverage	55% for interior lot 60% for corner lot	Does not apply to townhouse lots.
Minimum Usable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.21.460-A

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**FIGURE 12.21.460-A:
DEVELOPMENT STANDARDS IN THE SFR-6 ZONE**



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4 **12.21.470 Variances and Adjustments.**

- 5 A. Applications to allow Housing Types other than those permitted in Table 12.21.430-1 shall be
6 processed only as Planned Unit Developments under Section 12.80.120.
- 7 B. Applications for Variances and Adjustments to other base zone standards in the SFR-6 zone may
8 be approved under one of four processes:
- 9 1. As a Variance pursuant to Section 12.80.152;
 - 10 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
11 Section 12.80.154;
 - 12 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
13 Section 12.80.156; or
 - 14 4. With a Significant Natural Resource Permit application pursuant to Section 12.80.130.

1 **12.21.480 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SFR-6 zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.21.500 SFR-4.5 Single-Family Residential.** The SFR-4.5 zone includes the following sections:

- 2 12.21.510 Purposes
- 3 12.21.520 Housing Types
- 4 12.21.530 Uses
- 5 12.21.540 Accessory Uses Permitted by Right
- 6 12.21.550 Development Standards
- 7 12.21.560 Variances and Adjustments
- 8 12.21.570 Other Pertinent Regulations

9 **12.21.510 Purposes.**

- 10 A. Create and Maintain Small Lot Residential Opportunities. The SFR-4.5 zone implements the
- 11 lowest density of the Medium Density Residential Comprehensive Plan designation, providing
- 12 an opportunity for small lot, primarily single family residential development in appropriate areas.
- 13 B. Preserve Neighborhood Livability. The SFR-4.5 zone encourages livability in existing and
- 14 future small lot single family neighborhoods by allowing residential development with
- 15 compatible non-residential Uses such as schools, assembly facilities and parks.

16 **12.21.520 Housing Types.** Table 12.21.520-1 lists Housing Types permitted in the SFR-4.5 zone.

17 Housing Types are defined in Section 12.01.500.

18 **TABLE 12.21.520-1:**

19 **HOUSING TYPES PERMITTED IN SFR-4.5**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Three-dwelling (or more) townhouses	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Multiple-dwelling structure	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190
Manufactured dwelling park	N	
Live-work dwellings	N	

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

1 **12.21.530** Uses. Table 12.21.530-1 lists the permitted, conditionally permitted, limited, and Not
 2 Permitted uses in the SFR-4.5 zone.

3 **TABLE 12.21.530-1:**
 4 **USE CATEGORIES IN THE SFR-4.5 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types (Table 12.21.520-1)
Group Living	L/N	Permitted for persons with disabilities with Director’s Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses Not Permitted.
Residential Services	N	
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210.
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

1 **12.21.540 Accessory uses Permitted by Right.**

- 2 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
3 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
4 permitted on any lot containing one primary residence. SDUs are permitted only internally
5 within the primary house.
- 6 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
7 subject to additional requirements in Section 12.40.100.
- 8 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
9 subject to additional requirements in Section 12.40.170.
- 10 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
11 specific neighborhood are permitted when approved as an amenity of that neighborhood during
12 the development process.
- 13 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
14 registered family child care homes as defined in ORS 657A are permitted; and certified or
15 registered residential homes as defined in ORS 443 are also permitted.
- 16 F. Household Energy Production Facilities. Household energy production facilities are defined in
17 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
18 State and Local permits.
- 19 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
20 issuance of necessary and appropriate Federal, State and Local permits.
- 21 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
22 permitted, excluding commercial buildings or structures.

23 **12.21.550 Development Standards.** Base zone development standards in the SFR-4.5 zone are
24 listed in Table 12.21.550-1. Certain standards are illustrated in Figure 12.21.550-A.

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**TABLE 12.21.550-1:
DEVELOPMENT STANDARDS IN THE SFR-4.5 ZONE**

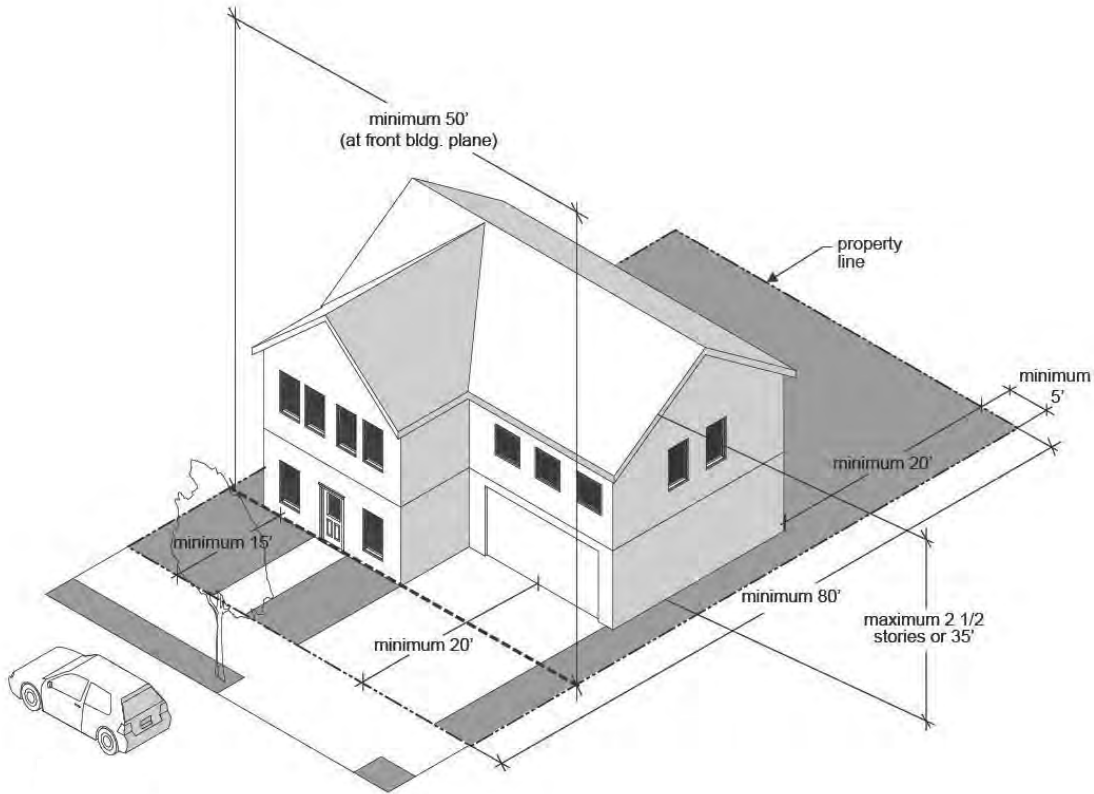
Standard	Requirement	Clarifications
Minimum Lot Size	4,500 sq. ft.	Variation of lot areas permitted in some subdivisions: see Section 12.50.110.
Maximum Lot Size	8,999 sq. ft.	
Minimum Density	8.0 du/na	Does not include SDUs.
Maximum Density	10.0 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions*		
<ul style="list-style-type: none"> • Width (at front building plane) 	50 feet	Variation of widths permitted in some subdivisions: see Section 12.50.110.
<ul style="list-style-type: none"> • Depth 	80 feet	
<ul style="list-style-type: none"> • Frontage 	12 feet	
Minimum Setbacks*		
<ul style="list-style-type: none"> • Front Yard (interior lots) <ul style="list-style-type: none"> ○ to house ○ to garage door 	15 feet 20 feet	Variation of front yards permitted in some subdivisions: see Subsection 12.50.130.E.
<ul style="list-style-type: none"> • Front Yard (corner lots) <ul style="list-style-type: none"> ○ to house ○ to garage door 	10 feet on 1 frontage; 15 feet on the other 20 feet	
<ul style="list-style-type: none"> • Side Yard 	5 feet	
<ul style="list-style-type: none"> • Rear Yard 	20 feet	Variation of side yards permitted in some subdivisions: see Subsection 12.50.130.E.
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500.
Maximum Lot Coverage	55% for interior lot 60% for corner lot	Does not apply to townhouse lots.
Minimum Usable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

3 * Standards illustrated in Figure 12.21.550-A

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**FIGURE 12.21.550-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SFR-4.5 ZONE**



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5 **12.21.560 Variances and Adjustments.**

6 A. Applications to allow Housing Types other than those permitted in Table 12.21.520-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.

8 B. Applications for Variances and Adjustments to other base zone standards in the SFR-4.5 zone
9 may be approved under one of four processes:

- 10 1. As a Variance pursuant to Section 12.80.152
- 11 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
- 13 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156; or
- 15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

16

1 **12.21.570 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SFR-4.5 zone as follows:

- 3 • Section 12.50.200 Site Design
 - 4 • Section 12.50.300 Vehicle Parking
 - 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
 - 6 • Section 12.50.500 Access and Street Standards
 - 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
 - 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.21.600 SCR-LD Station Community Residential – Low Density.** The SCR-LD zone includes
 2 the following sections:

- 3 12.21.610 Purposes
- 4 12.21.620 Housing Types
- 5 12.21.630 Uses
- 6 12.21.640 Accessory Uses Permitted by Right
- 7 12.21.650 Development Standards
- 8 12.21.660 Variances and Adjustments
- 9 12.21.670 Other Pertinent Regulations

10 **12.21.610 Purposes.**

- 11 A. Provide Housing Options in Proximity to Transit. The SCR-LD zone implements the SCPA
 12 Station Community Planning Area Comprehensive Plan designation, providing opportunities for
 13 development of attached and detached single family dwellings and secondary dwelling units
 14 generally greater than one-half mile or more from a transit stop.
- 15 B. Transition Residential Density. The SCR-LD zone may also be applied to serve as a transition
 16 area between higher intensity development within a Station Community Planning Area and lower
 17 density neighborhoods.
- 18 C. Preserve Neighborhood Livability. The SCR-LD zone encourages livability in existing and
 19 future single family residential neighborhoods by allowing residential development with
 20 compatible non-residential uses such as schools, assembly facilities and parks.

21 **12.21.620 Housing Types.** Table 12.21.620-1 lists Housing Types permitted in the SCR-LD zone.
 22 Housing Types are defined in Section 12.01.500.

23 **TABLE 12.21.620-1:**
 24 **HOUSING TYPES PERMITTED IN SCR-LD**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	L	Permitted only in Planned Unit Developments pursuant to Section 12.80.120.
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190.
Manufactured dwelling park	N	
Live-work dwellings	N	

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

1 **12.21.630** Uses. Table 12.21.630-1 lists the Permitted, Conditionally Permitted, Limited, and Not
 2 Permitted Uses in the SCR-LD zone.

3 **TABLE 12.21.630-1:**
 4 **USE CATEGORIES IN THE SCR-LD ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.21.620-1
Group Living	L/N	Permitted for persons with disabilities with Director's Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses Not Permitted.
Residential Services	N	
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

1 **12.21.640 Accessory Uses Permitted by Right.**

- 2 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
 3 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
 4 permitted on any lot containing one primary residence.
- 5 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
 6 subject to additional requirements in Section 12.40.100.
- 7 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
 8 subject to additional requirements in Section 12.40.170.
- 9 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
 10 specific neighborhood are permitted when approved as an amenity of that neighborhood during
 11 the development process.
- 12 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
 13 registered family child care homes as defined in ORS 657A are permitted; and certified or
 14 registered residential homes as defined in ORS 443 are also permitted.
- 15 F. Household Energy Production Facilities. Household energy production facilities are defined in
 16 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
 17 State and Local permits.
- 18 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
 19 issuance of necessary and appropriate Federal, State and Local permits.
- 20 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
 21 permitted, excluding commercial buildings or structures.

22 **12.21.650 Development Standards.** Base zone development standards in the SCR-LD zone are
 23 listed in Table 12.21.650-1. Certain standards are illustrated in Figure 12.21.650-A. Maximum density
 24 in Table 12.21.650-1 includes secondary dwelling units.

25 **TABLE 12.21.650-1:**
 26 **DEVELOPMENT STANDARDS IN THE SCR-LD ZONE**

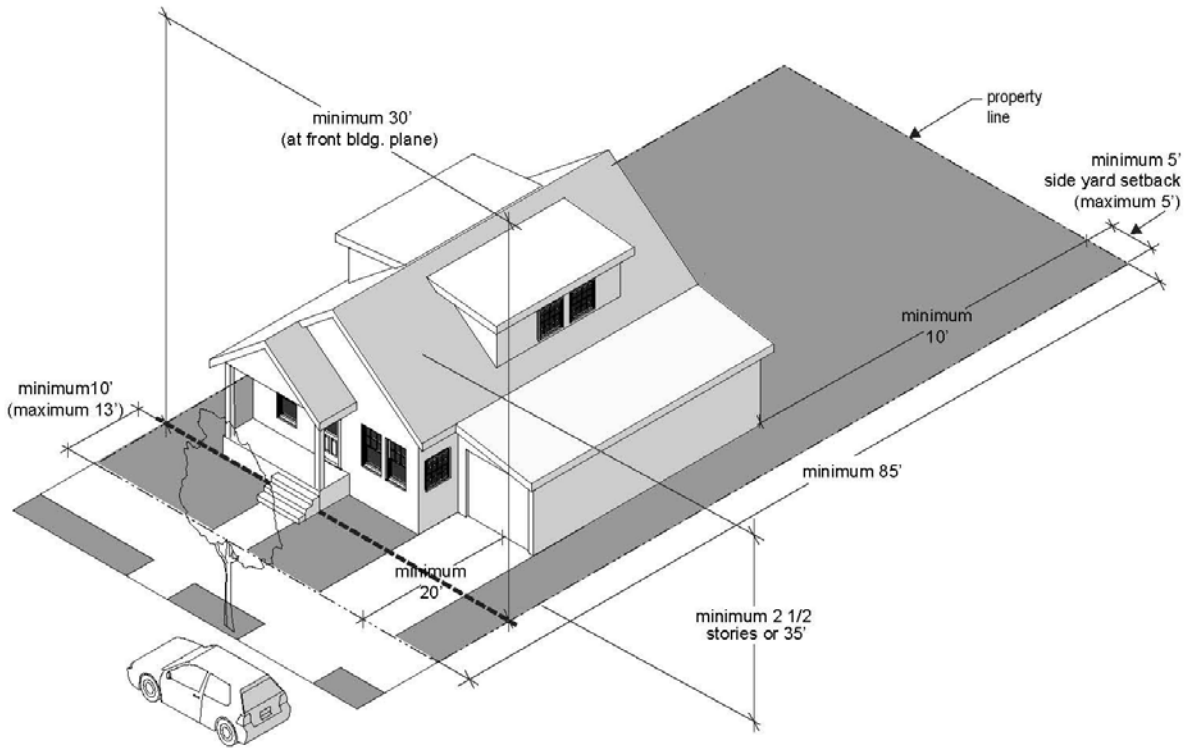
Standard	Requirement	Clarifications
Minimum Lot Size		Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.21.620-1.
<ul style="list-style-type: none"> Detached Single-Family Dwelling without SDU 	3,600 sq. ft.	
<ul style="list-style-type: none"> Detached Single-Family Dwelling with SDU; Two-dwelling townhouse; or duplex 	6,000 sq. ft.	
Maximum Lot Size		
<ul style="list-style-type: none"> Detached Single-Dwelling Structure without SDU 	7,199 sq. ft.	
<ul style="list-style-type: none"> Detached Single-Dwelling Structure with SDU; Two-dwelling townhouse; or duplex 	11,999 sq. ft.	

Standard	Requirement	Clarifications
Minimum Density	9.0 du/na	Within 100 feet of a developed non-SCPA neighborhood, maximum density limited as follows: either 7.0 du/na; or the density of the adjacent area, whichever is greater.
Maximum Density	14.0 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions*		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.620-1.
• Width (at front building plane)	30 feet	
• Depth	85 feet	
• Frontage	30 feet	
Minimum Setbacks*		Adjustments to setbacks permitted for townhouse partitions under Table 12.21.620-1.
• Front Yard		Minimum front yard setback subordinate to public utility easements.
○ to house	10 feet	
○ to garage door	20 feet	
• Side Yard	5 feet	
• Rear Yard		
○ to house	10 feet	
○ to garage door	Either 5 feet or less; or 19 feet or more	
Maximum Setbacks		Applicable to house; not to garage door.
• Front Yard	13 feet	
• Side Yard	5 feet	
• Rear (including alley)	None	
Minimum Building Height*	None	
Maximum Building Height	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500
Maximum Lot Coverage	None	
Minimum Usable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.21.650-A

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**FIGURE 12.21.650-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SCR-LD ZONE**



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5 **12.21.660 Variances and Adjustments.**

6 A. Applications to allow Housing Types other than those permitted in Table 12.21.620-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.

8 B. Applications for Variances and Adjustments to other base zone standards in the SCR-LD zone
9 may be approved under one of four processes:

- 10 1. As a Variance pursuant to Section 12.80.152
- 11 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
- 13 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156; or
- 15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

16

1 **12.21.670 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SCR-LD zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.21.700 SCR-OTC Station Community Residential – Orenco Townsite Conservation.** The
 2 SCR-OTC zone includes the following sections:

- 3 12.21.710 Purposes
- 4 12.21.720 Housing Types
- 5 12.21.730 Uses
- 6 12.21.740 Accessory Uses Permitted by Right
- 7 12.21.750 Development Standards
- 8 12.21.760 Variances and Adjustments
- 9 12.21.770 Other Pertinent Regulations

10 **12.21.710 Purposes.**

- 11 A. Preserve the Historic Orenco Townsite. The SCR-OTC zone implements the SCPA Station
 12 Community Planning Area Comprehensive Plan designation in the historic Orenco
 13 neighborhood, conserving the historic lotting pattern, open space and architectural character of
 14 the townsite, providing opportunities for rehabilitation of existing buildings and construction of
 15 compatible new development.
- 16 B. Provide Transit-Supportive Housing Options. The SCR-OTC zone provides for the development
 17 of detached single family residences and secondary dwelling units that are within reasonable
 18 proximity to the Orenco Light Rail Transit station.
- 19 C. Preserve Neighborhood Livability. The SCR-OTC zone encourages livability in an existing
 20 historic neighborhood by allowing compatible non-residential Uses such as schools,
 21 neighborhood commercial, and parks.

22 **12.21.720 Housing Types.** Table 12.21.720-1 lists Housing Types permitted in the SCR-OTC
 23 zone. Housing Types are defined in Section 12.01.500.

24 **TABLE 12.21.720-1:**
 25 **HOUSING TYPES PERMITTED IN SCR-OTC**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190 and Orenco Plan District Townsite architectural standards in Section 12.62.500.
Manufactured dwelling park	N	
Live-work dwellings	N	

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

1 **12.21.730** Uses. Table 12.21.730-1 lists the Permitted, Conditionally Permitted, Limited, and Not
 2 Permitted Uses in the SCR-OTC zone.

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**TABLE 12.21.730-1:
 USE CATEGORIES IN THE SCR-OTC ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.21.720-1
Group Living	L/N	Permitted for persons with disabilities with Director's Interpretation of Reasonable Accommodation only (see Section 12.80.050); all other uses Not Permitted.
Residential Services	N	
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses on lots abutting NW Alder Street between NW 228th and NW 231st Avenues, subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Eating and Drinking Establishments	L	Small-scale eating and drinking establishment uses permitted on lots abutting NW Alder Street between NW 228th and NW 231st Avenues.
Office	L	Small-scale office uses permitted on lots abutting NW Alder Street between NW 228th and NW 231st Avenues.
Retail Products and Services	C/L/N	Small-scale retail products and services uses permitted on lots abutting NW Alder Street between NW 228th and NW 231st Avenues. Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons. All other uses Not Permitted.
Industrial Use Categories -- Not Permitted		
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	
Detention Facilities	N	
Medical Centers	N	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval; subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted
Schools	C	Subject to public assembly regulations in Section 12.40.210.

Use	Status	Clarifications
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

2 **12.21.740 Accessory Uses Permitted by Right.**

- 3 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
4 and are permitted subject to additional requirements in Section 12.40.230, and to the Townsite
5 architectural requirements of the Orenco Plan District under Section 12.62.500. One SDU is
6 permitted on any lot containing one primary residence. SDUs in the SCR-OTC zone shall meet
7 the following additional standards:
- 8 1. The SDU shall be located on a lot which meets the minimum lot area of the zone;
 - 9 2. The SDU shall be located on the rear one-third of a lot abutting a platted alley; and
 - 10 3. Access to the SDU shall be from the alley.
- 11 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
12 subject to additional requirements in Section 12.40.100. All accessory structures are subject to
13 the architectural requirements of the Orenco Plan District under Section 12.62.400.
- 14 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
15 subject to additional requirements in Section 12.40.170.
- 16 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
17 specific neighborhood are permitted when approved as an amenity of that neighborhood during
18 the development process.
- 19 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
20 registered family child care homes as defined in ORS 657A are permitted; and certified or
21 registered residential homes as defined in ORS 443 are also permitted.
- 22 F. Household Energy Production Facilities. Household energy production facilities are defined in
23 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
24 State and Local permits.
- 25 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
26 issuance of necessary and appropriate Federal, State and Local permits.

H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are permitted, excluding commercial buildings or structures.

12.21.750 Development Standards. Base zone development standards in the SCR-OTC zone are listed in Table 12.21.750-1. Certain standards are illustrated in Figure 12.21.750-A. Maximum density in Table 12.21.750-1 includes secondary dwelling units.

**TABLE 12.21.750-1:
DEVELOPMENT STANDARDS IN THE SCR-OTC ZONE**

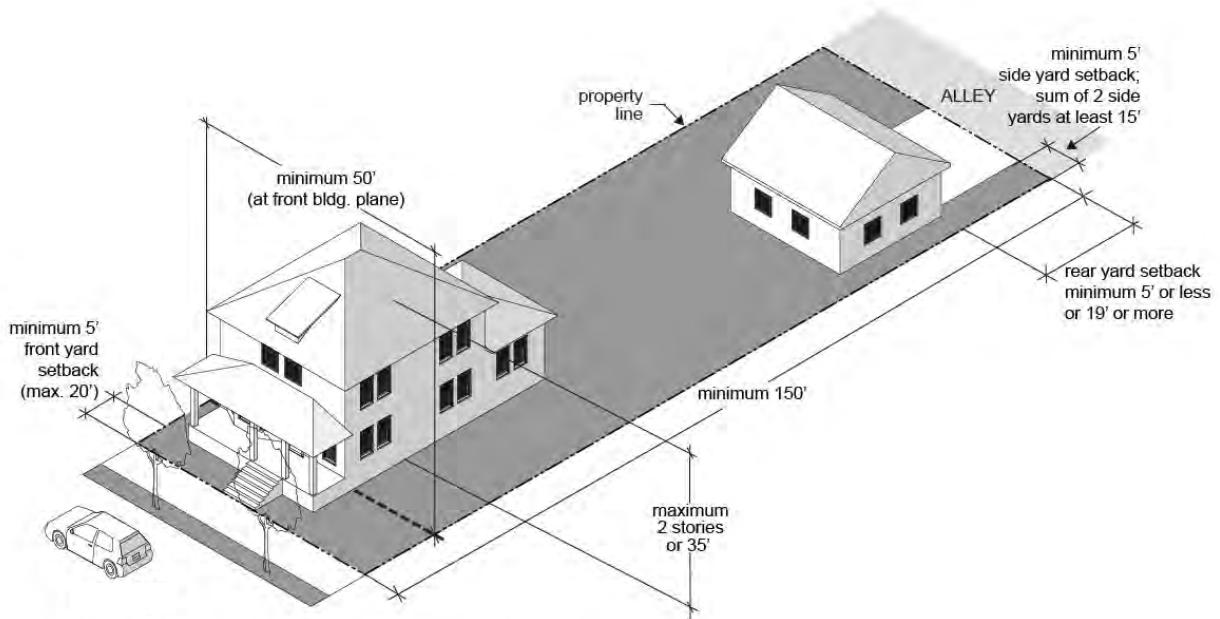
Standard	Requirement	Clarifications
Minimum Lot Size		
• Residential	7,500 sq. ft.	
• Commercial	None	
Maximum Lot Size		
• Residential	See clarifications	Maximum residential lot size subject to original townsite lot dimensions.
• Commercial	None	
Minimum Density	6.0 du/na	
Maximum Density	12.0 du/na	Maximum density includes SDUs.
Minimum FAR	0.4	Applicable only to commercial development on lots abutting NW Alder Street between NW 228th and NW 231st Avenues
Minimum Lot Dimensions*		
• Width (at front building plane)	50 feet	
• Depth	150 feet	
• Frontage	50 feet	Alley frontage Not Permitted without street frontage on the same lot; flag lots not permitted (see Section 12.62.400 I).
Minimum Setbacks*: Residential		
• Front Yard		Minimum front yard setback subordinate to public utility easements.
○ to house	5 feet	
○ to garage door	19 feet	Garage locations subject to additional requirements in Section 12.62.500.
• Side Yard	5 feet; sum of 2 side yards at least 15 feet	Common wall garages permitted with zero side setback, subject to IBC compliance
• Rear Yard		
○ to house	16 feet to alley	
○ to garage door	Either 5 feet or less; or 19 feet or more	Garage locations subject to additional requirements in Section 12.62.500.

Standard	Requirement	Clarifications
Minimum Setbacks: Commercial	None	All setbacks subordinate to public utility easements and IBC requirements.
Maximum Setbacks: Residential		
• Front Yard	20 feet	
• Side Yard	None	
• Rear Yard	None	
Maximum Setbacks: Commercial		
• Front Yard	10 feet	
• Side Yard	None	
• Rear Yard	None	
Minimum Building Height*		
• Residential	None	
• Commercial		
○ < 800 ft. from LRT Station	2 stories or 25 feet, whichever is less	
○ > 800 ft. from LRT Station	None	
Maximum Building Height*		
Residential	2 stories or 35 feet	
Commercial	5 stories or 75 feet	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 *Illustrated in Figure 12.21.750-A

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**FIGURE 12.21.750-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SCR-OTC ZONE**



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5 **12.21.760 Variances and Adjustments.**

- 6 A. Applications to allow Housing Types other than those permitted in Table 12.21.720-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.
- 8 B. Applications for Variances and Adjustments to other base zone standards in the SCR-OTC zone
9 may be approved under one of four processes:
- 10 4. As a Variance pursuant to Section 12.80.152
 - 11 5. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
 - 13 6. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156; or
 - 15 7. With a Significant Natural Resource Permit application pursuant to Section 12.80.130.

16

1 **12.21.770 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SCR-OTC zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.62.400 Orenco Plan District Standards Specific to the Orenco Townsite area
- 9 • Section 12.62.500 Architectural Conservation Standards Specific to the Orenco Townsite
10 Area

11

1 **12.21.800 SCR-DNC Station Community Residential – Downtown Neighborhood**

2 **Conservation.** The SCR-DNC zone includes the following sections:

- 3 12.21.810 Purposes
- 4 12.21.820 Housing Types
- 5 12.21.830 Uses
- 6 12.21.840 Accessory Uses Permitted by Right
- 7 12.21.850 Development Standards
- 8 12.21.860 Variances and Adjustments
- 9 12.21.870 Other Pertinent Regulations

10 **12.21.810 Purposes.**

- 11 A. Preserve Historic Downtown Neighborhoods. The SCR-DNC zone implements the SCPA
12 Station Community Planning Area Comprehensive Plan designation in the historic
13 neighborhoods near the downtown, conserving their historic, open space and architectural
14 qualities and providing opportunities for rehabilitation of existing buildings and construction of
15 compatible new development.
- 16 B. Provide Transit-Supportive Housing Options. The SCR-DNC zone provides for the development
17 of detached and attached single family residences, multi-family dwellings, live-work dwellings,
18 and small-scale commercial development with reasonable proximity to the downtown LRT
19 stations.
- 20 C. Preserve Neighborhood Livability. The SCR-DNC zone encourages livability in an existing
21 historic neighborhood by allowing compatible non-residential Uses such as schools and parks.
- 22 D. Provide Mixed-Use Development Opportunities. In the SCR-DNC zone, residential businesses
23 and neighborhood commercial Uses are permitted in selected areas.

24 **12.21.820 Housing Types.** Table 12.21.820-1 lists Housing Types permitted in the SCR-DNC
25 zone. Housing Types are defined in Section 12.01.500.

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**TABLE 12.21.820-1:
HOUSING TYPES PERMITTED IN SCR-DNC**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	L	On lots smaller than 22,000 sq. ft., building size limited to not more than 4 dwelling units.
Multiple-dwelling structure	L	
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190 and Downtown Plan District architectural standards in Section 12.61.800.
Manufactured dwelling park	N	
Live-work dwellings	P	

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

4 **12.21.830 Uses.** Table 12.21.830-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
5 Permitted in the SCR-DNC zone.

6
7

**TABLE 12.21.830-1:
USE CATEGORIES IN THE SCR-DNC ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.21.820-1
Group Living	L/N	Group living permitted up to 15 residents; residential facilities permitted; all other uses not permitted. On lots smaller than 22,000 sq. ft., building size limited to not more than 4 dwelling units or equivalent number of residents.
Residential Services	L/N	
Residential Business	C/L	Residential businesses permitted as conditional uses in certain areas, subject to additional regulations in Subsection 12.61.700.G
Commercial Use Categories - Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns with not more than 5 bedroom units permitted as conditional uses, subject to additional standards in Section 12.40.130; all other uses in this category Not Permitted.
Eating and Drinking Establishments	L	Permitted in Mixed-Use buildings in the Arterial Exception Area on NE First Avenue; see special provisions in Subsection 12.61.700.H.
Office	L	Permitted in Mixed-Use buildings in the Arterial Exception Area on NE First Avenue; see special provisions in Subsection 12.61.700.H.

Use	Status	Clarifications
Retail Products and Services	L	Permitted in Mixed-Use buildings in the Arterial Exception Area on NE First Avenue; see special provisions in Subsection 12.61.700.H.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	
Detention Facilities	N	
Hospitals and Medical Centers	N	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval; subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	N	
Surface Alternative Transportation Facilities	N	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

2 **12.21.840 Accessory Uses Permitted by Right.**

- 3 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
4 and are permitted subject to additional requirements in Section 12.40.230, and to the
5 architectural requirements of the Downtown Plan District under Section 12.61.800. One SDU is
6 permitted on any lot containing one primary residence.
- 7 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
8 subject to additional requirements in Section 12.40.100. All accessory structures are subject to
9 the architectural requirements of the Downtown Plan District under Section 12.61.800.
- 10 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
11 subject to additional requirements in Section 12.40.170.

- 1 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
 2 specific neighborhood are permitted when approved as an amenity of that neighborhood during
 3 the development process.
- 4 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
 5 registered family child care homes as defined in ORS 657A are permitted; and certified or
 6 registered residential homes as defined in ORS 443 are also permitted.
- 7 F. Household Energy Production Facilities. Household energy production facilities are defined in
 8 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
 9 State and Local permits.
- 10 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
 11 issuance of necessary and appropriate Federal, State and Local permits.
- 12 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
 13 permitted, excluding commercial buildings or structures.

14 **12.21.850 Development Standards.**

- 15 A. Development Standards in General. Base zone development standards in the SCR-DNC zone are
 16 listed in Table 12.21.860-1. Certain standards are illustrated in Figure 12.21.860-A. Maximum
 17 density in Table 12.21.860-1 includes secondary dwelling units.

18 **TABLE 12.21.860-1:**
 19 **DEVELOPMENT STANDARDS IN THE SCR-DNC ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size		
• Detached single-family dwelling without SDU	3000 sq. ft.	
• Detached single-family dwelling with SDU	6000 sq. ft.	
• Two-dwelling townhouse or duplex	6000 sq. ft.	Adjustments to lot areas permitted for townhouse partitions under Table 12.21.820-1.
• Three-dwelling (or more) townhouse	3000 sq. ft. per unit	
• Multi-family dwelling	3000 sq. ft. per unit	
• Commercial structure	None	
Maximum Lot Size		
• Detached single-family dwelling without SDU	4850 sq. ft.	
• Detached single-family dwelling with SDU	9680 sq. ft.	
• Two-dwelling townhouse or duplex	9680 sq. ft.	Adjustments to lot areas permitted for townhouse partitions under Table 12.21.820-1.
• Three-dwelling (or more) townhouse	None	
• Multi-family dwelling	None	
• Commercial structure	None	

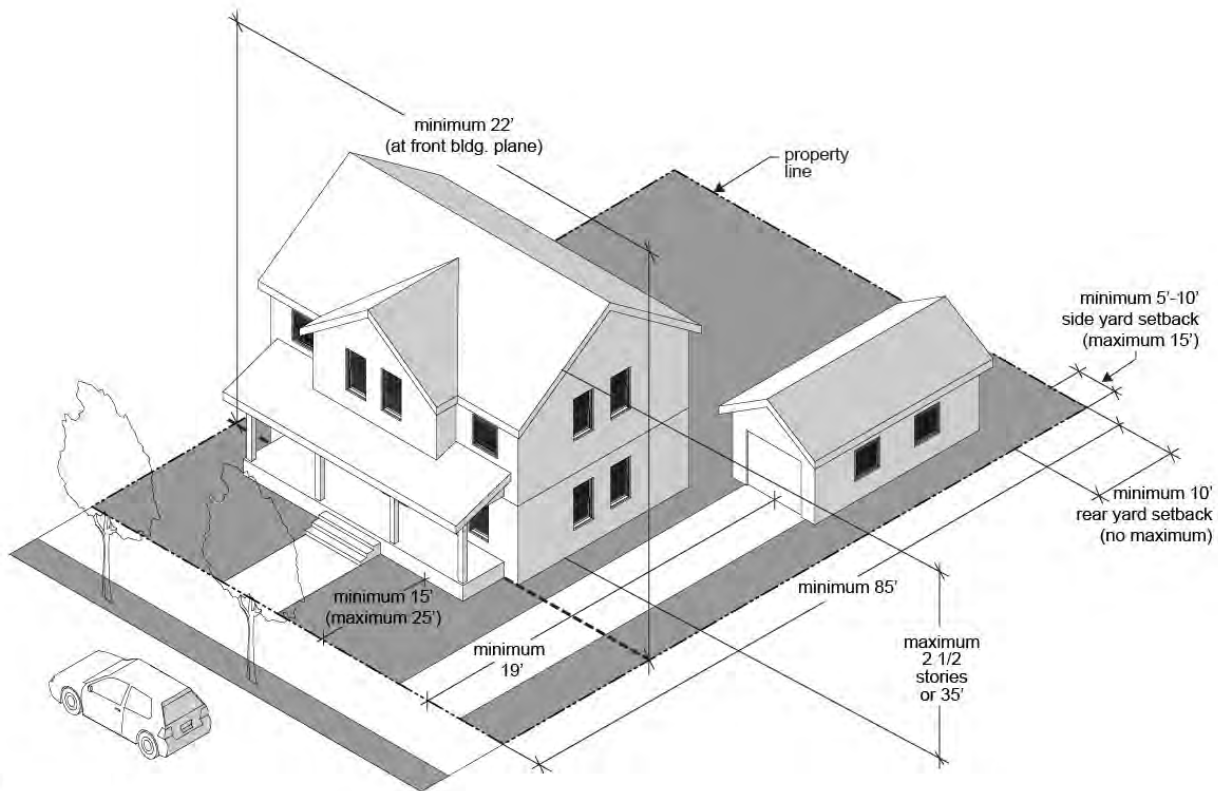
Standard	Requirement	Clarifications
Minimum Density		
• Within 1300 ft. of an LRT station	15 du/na	
• Beyond 1300 ft. of an LRT station	9 du/na	
Maximum Density		
• Within 1300 ft. of an LRT station	23 du/na	
• Beyond 1300 ft. of an LRT station	14 du/na	
• Arterial Exception Area	18 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)		
• Dwelling with front-loaded garage	22 feet	Adjustments to lot dimensions permitted to allow townhouse partitions.
• Dwelling with rear-loaded garage	18 feet	
• Depth	85 feet	
• Frontage	Same as lot width	
Minimum Setbacks		
• Front Yard		
○ on Main Street between 5th and 10th Avenues	20 feet	
○ elsewhere to house	15 feet	
○ elsewhere to garage door	19 feet	
• Side Yard		Adjustments to side yard setbacks permitted for townhouse partitions under Table 12.21.820-1.
○ Arterial Exception Area	10 feet for 3-story Mixed-Use buildings abutting the Area edge	See Subsection 12.61.700.H.4
○ Elsewhere	5 feet, or 10 feet if abutting SCC-DT	
• Rear Yard		
○ To structure	10 feet	
○ To rear-loading garage door	Either 5 feet or less, or 19 feet or more	
Maximum Setbacks		

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Front Yard 	25 feet	<p>Maximum front yard setback subordinate to public utility easements.</p> <p>Maximum front yards subject to averaging pursuant to Subsection 12.61.700.E.</p> <p>Additional 10 feet front setback for pedestrian amenities permitted in the Arterial Exception Area through Development Review.</p>
<ul style="list-style-type: none"> • Side Yard 	15 feet	
<ul style="list-style-type: none"> • Rear (including alley) 	None	
Minimum Building Height		
<ul style="list-style-type: none"> • Residential 	None	
<ul style="list-style-type: none"> • Mixed-Use 	2 stories	
Maximum Building Height*		
<ul style="list-style-type: none"> • Arterial Exception Area 	3 stories	See Subsection 12.61.700.H.
<ul style="list-style-type: none"> • Elsewhere 	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500
Maximum Building Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	15%	Additional screening landscaping required in Arterial Exception Area: see Subsection 12.61.700.H.

1 *Illustrated in Figure 12.21.860-A

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**FIGURE 12.21.860-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SCR-DNC ZONE**



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5 B. Reduced Front Yard Setbacks in the SCR-DNC Zone. Front yard setbacks for new dwellings
6 constructed in the SCR-DNC zone may be reduced if dwellings on abutting lots on two sides
7 have front setbacks less than the applicable standard in Table 12.21.860-1. Reduced front yard
8 setbacks shall comply with the following standards:

- 9
- 10 1. If the dwellings on two abutting lots have reduced front setbacks, the front setback of the
new dwelling may be reduced to the average front setback of the abutting dwellings.
 - 11 2. If only one dwelling on an abutting lot has a reduced front setback, the front setback of the
12 new dwelling may be reduced to the average of the front setback of the abutting dwelling and
13 the required front setback.

14 **12.21.860 Variances and Adjustments.**

- 15 A. Applications to allow housing types other than those permitted in Table 12.21.820-1 shall be
16 processed only as Planned Unit Developments under Section 12.80.120.
- 17 B. Applications for Variances and Adjustments to other base zone standards in the SCR-DNC zone
18 may be approved under one of four processes:
- 19 1. As a Variance pursuant to Section 12.80.152

- 1 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
2 Section 12.80.154;
- 3 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
4 Section 12.80.156; or
- 5 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

6 **12.21.870 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
7 clearance, and street improvements also apply to development in the SCR-DNC zone as follows:

- 8 • Section 12.50.200 Site Design
- 9 • Section 12.50.300 Vehicle Parking
- 10 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 11 • Section 12.50.500 Access and Street Standards
- 12 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 13 • Section 12.61.300 Downtown Plan District Standards Applicable to all Zones
- 14 • Section 12.61.700 Downtown Plan District Standards Specific to the SCR-DNC zone
- 15 • Section 12.61.800 Downtown Plan District Standards Architectural Conservation Standards

SUBCHAPTER 12.22
MULTI-FAMILY RESIDENTIAL ZONES

1
2

- 3 **12.22.010 Multi-Family Residential Zones**
- 4 **12.22.020 Locational Characteristics**
- 5 **12.22.030 Organization within This Chapter**
- 6
- 7 **12.22.100 MFR-1 Multi-Family Residential Zone**
- 8 **12.22.110 Purposes**
- 9 **12.22.120 Housing Types**
- 10 **12.22.130 Uses**
- 11 **12.22.140 Accessory Uses Permitted by Right**
- 12 **12.22.150 Development Standards**
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- 14 **12.22.170 Other Pertinent Regulations**
- 15
- 16 **12.22.200 MFR-2 Multi-Family Residential Zone**
- 17 **12.22.210 Purposes**
- 18 **12.22.220 Housing Types**
- 19 **12.22.230 Uses**
- 20 **12.22.240 Accessory Uses Permitted by Right**
- 21 **12.22.250 Development Standards**
- 22 **12.22.260 Variances and Adjustments**
- 23 **12.22.270 Other Pertinent Regulations**
- 24
- 25 **12.22.300 MFR-3 Multi-Family Residential Zone**
- 26 **12.22.310 Purposes**
- 27 **12.22.320 Housing Types**
- 28 **12.22.330 Uses**
- 29 **12.22.340 Accessory Uses Permitted by Right**
- 30 **12.22.350 Development Standards**
- 31 **12.22.360 Variances and Adjustments**
- 32 **12.22.370 Other Pertinent Regulations**
- 33
- 34 **12.22.400 SCR-MD Station Community Residential Zone – Medium Density**
- 35 **12.22.410 Purposes**
- 36 **12.22.420 Housing Types**
- 37 **12.22.430 Uses**
- 38 **12.22.440 Accessory Uses Permitted by Right**
- 39 **12.22.450 Special Provisions Regarding Commercial Uses**
- 40 **12.22.460 Development Standards**
- 41 **12.22.470 Variances and Adjustments**
- 42 **12.22.480 Other Pertinent Regulations**
- 43

1	12.22.500	SCR-HD Station Community Residential Zone – High Density
2	12.22.510	Purpose
3	12.22.520	Housing Types
4	12.22.530	Uses
5	12.22.540	Accessory Uses Permitted by Right
6	12.22.550	Special Provisions Regarding Uses
7	12.22.560	Development Standards
8	12.22.570	Variances and Adjustments
9	12.22.580	Other Pertinent Regulations
10		

1 **12.22.010 Multi-Family Residential Zones.** There are five multi-family residential zones in the
2 City:

- 3 A. MFR-1 Multi-Family Residential;
- 4 B. MFR-2 Multi-Family Residential;
- 5 C. MFR-3 Multi-Family Residential;
- 6 D. SCR-MD Station Community Residential – Medium Density; and
- 7 E. SCR-HD Station Community Residential – High Density.

8 **12.22.020 Locational Characteristics.** On the Comprehensive Plan Land Use Map, multi-family
9 residential zones implement the Medium Density Residential, High Density Residential, Mid-Rise
10 Density Residential and Station Community Planning Area designations as follows:

- 11 A. MFR-1 implements higher densities in the RM Medium Density Residential Plan designation.
- 12 B. MFR-2 implements the RH High Density Residential Plan designation.
- 13 C. MFR-3 implements the RMR Mid-Rise Density Residential Plan designation.
- 14 D. SCR–MD and SCR-HD (among other zones) implement the SCPA Station Community Planning
15 Area designation where these zones are designated on the zoning map.

16 **12.22.030 Organization within This Chapter.**

- 17 A. Common Elements. Each section in this chapter contains the following subsections:
 - 18 1. Purposes;
 - 19 2. Permitted, Conditional, Limited and Not Permitted Housing Types (organized in tables);
 - 20 3. Permitted, Conditional, Limited and Not Permitted Uses (organized in tables);
 - 21 4. Accessory Uses Permitted;
 - 22 5. Development Standards (organized in tables, illustrated in figures);
 - 23 6. Variances and Adjustments; and
 - 24 7. Other Pertinent Regulations.
- 25 B. Purpose. Purpose statements for each zone chapter are descriptive of the zone’s characteristics
26 and intent, and are drawn from the Comprehensive Plan and/or the Community Development
27 Code. Purpose statements are informational and not intended to be regulations.
- 28 C. Allowed Housing Types. Residential uses occupy a variety of housing types. Permitted,
29 Conditionally Permitted, Limited and Not Permitted housing types within each zone are
30 summarized in tables based on the definitions of housing types listed in Section 12.01.500.
31 Neither the residential use categories nor the housing types distinguish between owner- or renter-
32 occupation.
- 33 D. Uses. Permitted, Conditionally Permitted, Limited and Not Permitted Uses within each zone are
34 summarized in tables based on the standardized use categories contained in Subchapter 12.10.

- 1 1. Permitted Uses (P) are permitted by right, subject to all applicable provisions of this Code.
- 2 2. Conditionally Permitted Uses (C) may be allowed, subject to approval on an individual basis
- 3 as conditional uses. The conditional use permit application process and approval criteria are
- 4 described in Sections 12.70.050 and 12.80.020. Certain conditional uses may have additional
- 5 standards as described in Subchapter 12.40.
- 6 3. Limited Uses (L) are permitted by right, but are subject to specified requirements,
- 7 exceptions, or restrictions which may vary with the nature, size, or location of the use.
- 8 4. Not Permitted Uses (N) are not permitted in the zone under any circumstances.
- 9 E. Accessory Uses. Accessory Uses are permitted in each zone, in conjunction with the primary
- 10 residence on the site and subject to the same regulations as the primary Use unless stated
- 11 otherwise in the Code. Characteristics and standards for certain Accessory Uses are listed in
- 12 Subchapter 12.40.
- 13 F. Special Provisions Regarding Uses. Where certain notations in the Clarifications column of the
- 14 Uses tables require further explanation, they are noted in this section.
- 15 G. Development Standards.
- 16 1. Development standards for each multi-family zone are summarized in tables. Development
- 17 standards are typically numerical standards: minimum and maximum densities; minimum
- 18 and maximum lot dimensions; structural setbacks; maximum building height and lot
- 19 coverage. All new development must comply with the development standards unless a
- 20 discretionary variance or adjustment is approved as described in Subsection H below.
- 21 2. Maximum residential densities in each multi-family residential zone are generally derived
- 22 from the minimum lot size; minimum densities are approximately 80% of the maximum
- 23 density. Density calculation formulas for minimum and maximum density are described in
- 24 Section 12.50.120. Minimum and maximum residential densities apply to all residential use
- 25 categories.
- 26 3. Certain development standards are illustrated in a Figure immediately following the
- 27 development standards table.
- 28 H. Variances and Adjustments. Applications to vary or adjust certain numeric standards in each
- 29 zone may be requested and approved under Sections 12.80.152, 12.80.154, and 12.80.156.
- 30 Certain numeric standards may also be subject to exceptions under specific circumstances, as
- 31 described in the Development Standards sections within each zone.
- 32 I. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision
- 33 clearance, and street improvements may also apply to development in multi-family zones. These
- 34 site design and development standards may also have exceptions as described in those sections.
- 35

1 **12.22.100 MFR-1 Multi-Family Residential Zone.** The MFR-1 zone includes the following
 2 sections:

- 3 12.22.110 Purposes
- 4 12.22.120 Housing Types
- 5 12.22.130 Uses
- 6 12.22.140 Accessory Uses Permitted by Right
- 7 12.22.150 Development Standards
- 8 12.22.160 Variances and Adjustments
- 9 12.22.170 Other Pertinent Regulations

10 **12.22.110 Purposes.**

- 11 A. Create and Maintain Attached and Detached Single Family Residential Opportunities. The
 12 MFR-1 zone implements the highest density of the Medium Density Residential Comprehensive
 13 Plan designation, providing an opportunity for small lot detached single family, attached single
 14 family, and multi-family residential development in appropriate areas.
- 15 B. Preserve Neighborhood Livability. The MFR-1 zone encourages livability in existing and future
 16 single family attached and multi-family residential neighborhoods by allowing residential
 17 development with compatible non-residential Uses such as schools, assembly facilities and
 18 parks.

19 **12.22.120 Housing Types.** Table 12.22.120-1 lists Housing Types permitted in the MFR-1 zone.
 20 Housing Types are defined in Section 12.01.500.

21 **TABLE 12.22.120-1:**
 22 **HOUSING TYPES PERMITTED IN MFR-1**

Housing Types	Status	Clarifications
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	L	Permitted subject to Special Use standards in Section 12.40.190.
Manufactured dwelling park	L	Permitted subject to Special Use standards in Section 12.40.180.
Live-work dwelling	N	

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

1 **12.22.130 Uses.** Table 12.22.130-1 lists the Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted Uses in the MFR-1 zone.

3 **TABLE 12.22.130-1:**
 4 **USE CATEGORIES IN THE MFR-1 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.22.120-1
Group Living	P	Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Services	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit; caregivers excluded from density calculation.
Residential Business	N	
Commercial Use Categories - Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210
Community Services	C	
Detention Facilities	N	
Hospitals	C	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	

Use	Status	Clarifications
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunication Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage, subject to additional regulations in Section 12.40.260.

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

12.22.140 Accessory Uses Permitted by Right.

- A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500, and are permitted subject to additional requirements in Section 12.40.230. One SDU is permitted on any lot containing one primary residence.
- B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted subject to additional requirements in Section 12.40.100.
- C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted subject to additional requirements in Section 12.40.170.
- D. Community Recreation Facilities. Community recreation facilities used solely by residents of a specific neighborhood are permitted when approved as an amenity of that neighborhood during the development process.
- E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or registered family child care homes as defined in ORS 657A are permitted; and certified or registered residential homes as defined in ORS 443 are also permitted.
- F. Household Energy Production Facilities. Household energy production facilities are defined in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal, State and Local permits.
- G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to issuance of necessary and appropriate Federal, State and Local permits.
- H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are permitted, excluding commercial buildings or structures.

12.22.150 Development Standards. Base zone development standards in the MFR-1 zone are listed in Table 12.22.150-1. Certain standards are illustrated in Figure 12.22.150-A. Maximum density in Table 12.22.150-1 does not include secondary dwelling units.

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**TABLE 12.22.150-1:
DEVELOPMENT STANDARDS IN THE MFR-1 ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size		Variation of lot areas required in detached subdivisions: see Section 12.50.110.
<ul style="list-style-type: none"> • Detached single-family dwelling 	4,500 sq. ft.	Adjustments to lot areas permitted as a Type II or a Type III Adjustment: see Section 12.80.154 or 12.80.156.
<ul style="list-style-type: none"> • Two-dwelling townhouse or duplex 	6,000 sq. ft.	Adjustments to lot areas also permitted for townhouse partitions permitted under Table 12.22.120-1 as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
<ul style="list-style-type: none"> • Three-dwelling (or more) townhouse 	9,000 sq. ft.	Adjustments to lot areas also permitted for townhouse partitions permitted under Table 12.22.120-1 as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
<ul style="list-style-type: none"> • Multiple-dwelling structure 	9,000 sq. ft.	On lots smaller than 22,000 sq. ft., building size limited to not more than 4 dwelling units.
Maximum Lot Size	Not applicable	
Minimum Density	11 du/na	
Maximum Density	16 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions*		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.120-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
<ul style="list-style-type: none"> • Width (at front building plane) 	50 feet	Variation of widths required in detached subdivisions: see Section 12.50.110.
<ul style="list-style-type: none"> • Depth 	85 feet	
<ul style="list-style-type: none"> • Frontage 	12 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160, or as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
Minimum Setbacks *		
<ul style="list-style-type: none"> • Front Yard (interior lots) <ul style="list-style-type: none"> ○ to structure ○ to garage door 	15 feet 20 feet	Variation of front yards required in detached subdivisions: see Subsection 12.50.130.E.
<ul style="list-style-type: none"> • Front Yard (corner lots) <ul style="list-style-type: none"> ○ to structure ○ to garage door 	10 feet on 1 frontage; 20 feet on the other 20 feet	

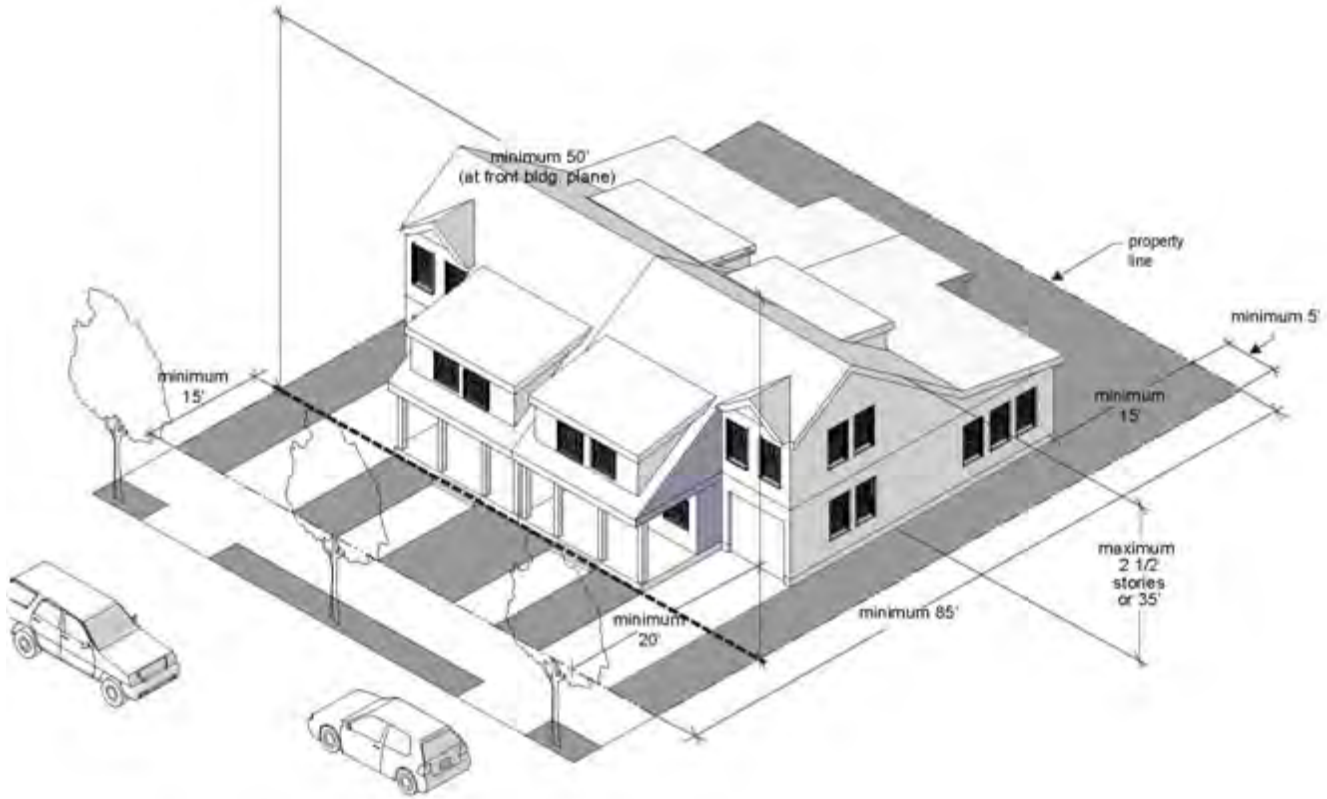
Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Side Yard 	5 feet	Variation of side yards permitted in detached subdivisions: see Subsection 12.50.110.E. Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.21.120-1.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ to structure ○ to garage door 	15 feet 20 feet	
<ul style="list-style-type: none"> • Interior Yard (corner lots) 	5 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	2 ½ stories or 35 feet, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500
Maximum Lot Coverage	65%	
<ul style="list-style-type: none"> • Detached single-family dwelling without SDU 		
<ul style="list-style-type: none"> • Detached single-family dwelling with SDU 		
<ul style="list-style-type: none"> • Attached dwelling unit on individual lot • Duplex or multiple-dwelling structure 		
Minimum Useable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.22.150-A

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**FIGURE 12.22.150-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE MFR-1 ZONE**



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6 **12.22.160 Variances and Adjustments.**

- 7 A. Applications to allow Housing Types other than those permitted in Table 12.22.120-1 shall be
8 processed only as Planned Unit Developments under Section 12.80.120.
- 9 B. Applications for Variances and Adjustments to other base zone standards in the MFR-1 zone
10 may be approved under one of four processes:
- 11 1. As a Variance pursuant to Section 12.80.152;
 - 12 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
13 Section 12.80.154;
 - 14 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
15 Section 12.80.156; or
 - 16 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.22.170 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the MFR-1 zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.500 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.22.200 MFR-2 Multi-Family Residential Zone** The MFR-2 zone includes the following
 2 sections:

- 3 12.22.210 Purposes
- 4 12.22.220 Housing Types
- 5 12.22.230 Uses
- 6 12.22.240 Accessory Uses Permitted by Right
- 7 12.22.250 Development Standards
- 8 12.22.260 Variances and Adjustments
- 9 12.22.270 Other Pertinent Regulations

10 **12.22.210 Purposes.**

- 11 A. Create and Maintain Attached Single Family and Multi-Family Residential Opportunities. The
 12 MFR-2 zone implements the High Density Residential Comprehensive Plan designation,
 13 providing opportunities for higher density attached single-family and multi-family residential
 14 development in appropriate areas.
- 15 B. Preserve Neighborhood Livability. The MFR-2 zone encourages livability in existing and future
 16 attached single family and multi-family residential neighborhoods by allowing residential
 17 development with compatible non-residential Uses such as schools, assembly facilities and
 18 parks.

19 **12.22.220 Housing Types.** Table 12.22.220-1 lists Housing Types permitted in the MFR-2 zone.
 20 Housing Types are defined in Section 12.01.500.

21 **TABLE 12.22.220-1:**
 22 **HOUSING TYPES PERMITTED IN MFR-2**

Housing Types	Status	Notes
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.22.230** Uses. Table 12.22.230-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the MFR-2 zone.

3 **TABLE 12.22.230-1:**
 4 **USE CATEGORIES IN THE MFR-2 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.22.220-1
Group Living	P	Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Services	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit; caregivers excluded from density calculation.
Residential Business	N	
Commercial Use Categories - Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Eating and Drinking Establishments	L/N	Mobile Businesses permitted pursuant to Municipal Code Chapter 5; all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210.
Community Services	C	
Detention Facilities	N	
Hospitals	C	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval and subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	

Use	Status	Clarifications
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunication Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage, subject to additional regulations in Section 12.40.260.

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

2 **12.22.240 Accessory Uses Permitted by Right.**

- 3 A. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
4 subject to additional requirements in Section 12.40.100.
- 5 B. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
6 subject to additional requirements in Section 12.40.170.
- 7 C. Community Recreation Facilities. Community recreation facilities used solely by residents of a
8 specific neighborhood are permitted when approved as an amenity of that neighborhood during
9 the development process.
- 10 D. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
11 registered family child care homes as defined in ORS 657A are permitted; and certified or
12 registered residential homes as defined in ORS 443 are also permitted.
- 13 E. Household Energy Production Facilities. Household energy production facilities are defined in
14 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
15 State and Local permits.
- 16 F. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
17 issuance of necessary and appropriate Federal, State and Local permits.
- 18 G. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
19 permitted, excluding commercial buildings or structures.

20 **12.22.250 Development Standards.** Base zone development standards in the MFR-2 zone are
21 listed in Table 12.22.250-1. Certain standards are illustrated in Figure 12.22.250-A.

22 **TABLE 12.22.250-1:**
23 **DEVELOPMENT STANDARDS IN THE MFR-2 ZONE**

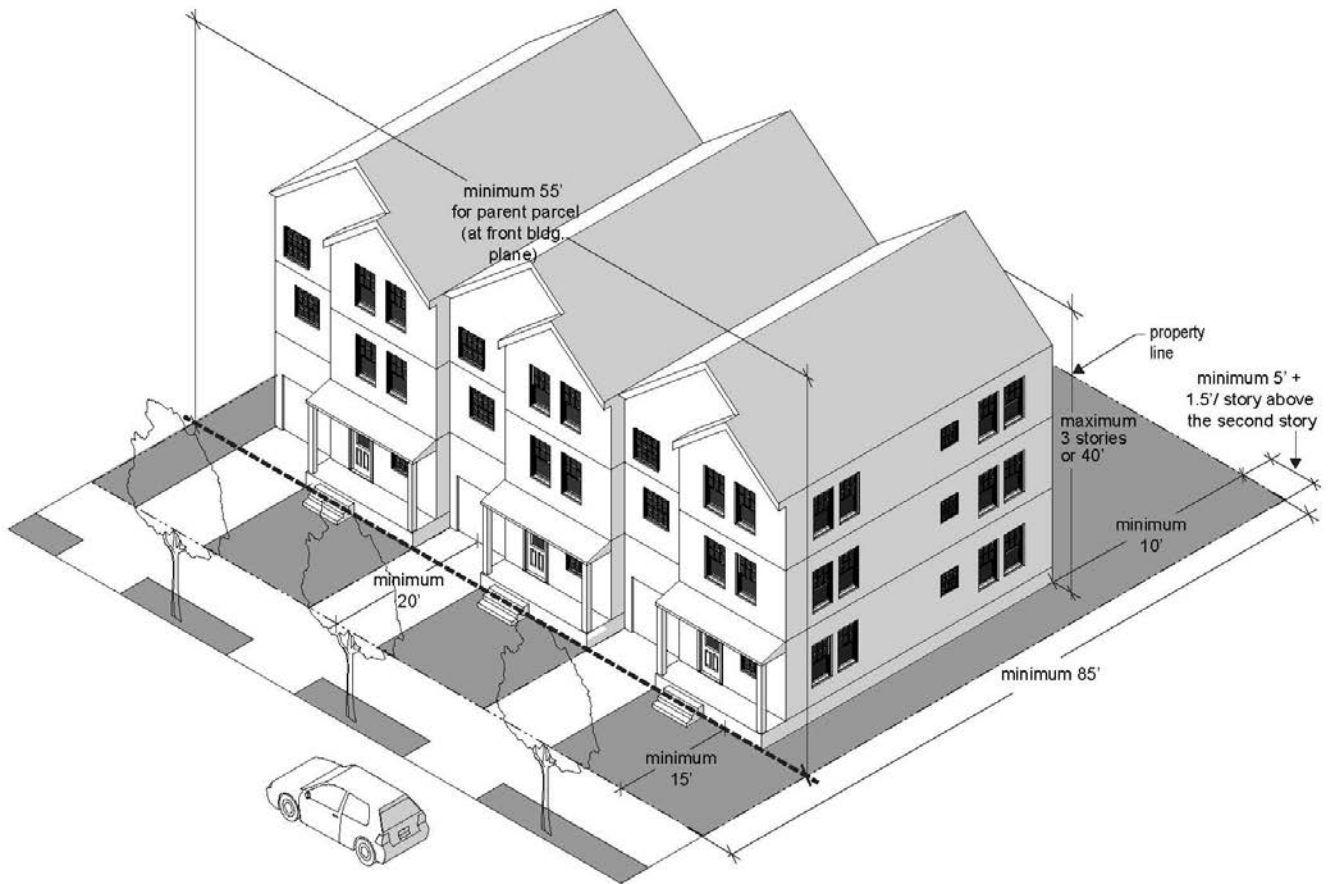
Standard	Requirement	Clarifications
Minimum Lot Size	6,000 sq. ft.; 2000 sq. ft. per dwelling unit	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.22.220-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156
Maximum Lot Size	Not applicable	
Minimum Density	12 du/na	

Standard	Requirement	Clarifications
Maximum Density	21.25 du/na	
Minimum FAR	Not applicable	
Minimum Lot Dimensions*		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.22.220-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156
<ul style="list-style-type: none"> • Width (at front building plane) 	55 feet	
<ul style="list-style-type: none"> • Depth 	85 feet	
<ul style="list-style-type: none"> • Frontage 	25 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156
Minimum Setbacks*		
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ to structure ○ to garage door 	15 feet 20 feet	
<ul style="list-style-type: none"> • Side Yard 	5 feet + 1.5 feet/story above second story	Side yard setbacks on the common wall may be waived for townhouse partitions or subdivisions permitted under Table 12.22.220-1.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ to structure ○ to garage door 	10 feet 20 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	3 stories or 40 feet, whichever is less	
Maximum Lot Coverage		
<ul style="list-style-type: none"> • Duplexes or multiple-dwelling structures 	50%	
<ul style="list-style-type: none"> • Attached dwelling unit on individual lot 	75%	
Useable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.22.250-A

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**FIGURE 12.22.250-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE MFR-2 ZONE**



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5 **12.22.260 Variances and Adjustments.**

6 A. Applications to allow Housing Types other than those permitted in Table 12.22.220-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.

8 B. Applications for Variances and Adjustments to other base zone standards in the MFR-2 zone
9 may be approved under one of four processes:

- 10 1. As a Variance pursuant to Section 12.80.152.
11 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
13 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156;
15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.22.270 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the MFR-2 zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.22.300 MFR-3 Multi-Family Residential Zone.** The MFR-3 zone includes the following
 2 sections:

- 3 12.22.310 Purposes
- 4 12.22.320 Housing Types
- 5 12.22.330 Uses
- 6 12.22.340 Accessory Uses Permitted by Right
- 7 12.22.350 Development Standards
- 8 12.22.360 Variances and Adjustments
- 9 12.22.370 Other Pertinent Regulations

10 **12.22.310 Purposes.**

- 11 A. Create and Maintain Attached Single Family and Multi-Family Residential Opportunities. The
 12 MFR-3 zone implements the Mid-Rise Residential Comprehensive Plan designation, providing
 13 an opportunity for higher density attached single-family and multi-family residential
 14 development in appropriate areas.
- 15 B. Preserve Neighborhood Livability. The MFR-3 zone encourages livability in existing and future
 16 attached multi-family residential neighborhoods by allowing residential development with
 17 compatible non-residential Uses such as schools, assembly facilities and parks.

18 **12.22.320 Housing Types.** Table 12.22.320-1 lists Housing Types permitted in the MFR-3 zone.
 19 Housing Types are defined in Section 12.01.500.

20 **TABLE 12.22.320-1:**
 21 **HOUSING TYPES PERMITTED IN MFR-3**

Housing Types	Status	Notes
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

23

1 **12.22.330** Uses. Table 12.22.330-1 lists uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the MFR-3 zone. *[Revised from HZO Sections 35 and 36.]*

3 **TABLE 12.22.330-1:**
 4 **USE CATEGORIES IN THE MFR-3 ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.22.320-1
Group Living	P	Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Services	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	N	
Commercial Use Categories - Only categories listed below permitted.		
Commercial Lodging	C/N	Bed-and-breakfast inns permitted as Conditional Uses subject to additional standards in Section 12.40.130; all other uses Not Permitted.
Eating and Drinking Establishments	L/N	Mobile Businesses permitted pursuant to Municipal Code Chapter 5, all other uses Not Permitted.
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC occupancy in the primary assembly area < 250 persons; all other uses Not Permitted.
Industrial Use Categories – Not Permitted.		
Institutional Use Categories		
Colleges and Universities	C	Subject to public assembly regulations in Section 12.40.210.
Community Services	C	
Detention Facilities	N	
Hospitals	C	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval and subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	

Use	Status	Clarifications
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunication Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	C	With no equipment storage; Subject to Section 12.40.260.

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

12.22.340 Accessory Uses Permitted by Right.

- A. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted subject to additional requirements in Section 12.40.100.
- B. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted subject to additional requirements in Section 12.40.170.
- C. Community Recreation Facilities. Community recreation facilities used solely by residents of a specific neighborhood are permitted when approved as an amenity of that neighborhood during the development process.
- D. Certified or Registered Family Child Care Homes and Residential Homes. Certified or registered family child care homes as defined in ORS 657A are permitted, and certified or registered residential homes as defined in ORS 443 are also permitted.
- E. Household Energy Production Facilities. Household energy production facilities are defined in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal, State and Local permits.
- F. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to issuance of necessary and appropriate Federal, State and Local permits.
- G. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are permitted, excluding commercial buildings or structures.

12.22.350 Development Standards. Development standards in the MFR-3 zone are listed in Table 12.22.350-1. Certain standards are illustrated in Figure 12.22.350-A.

**TABLE 12.22.350-1:
DEVELOPMENT STANDARDS IN THE MFR-3 ZONE**

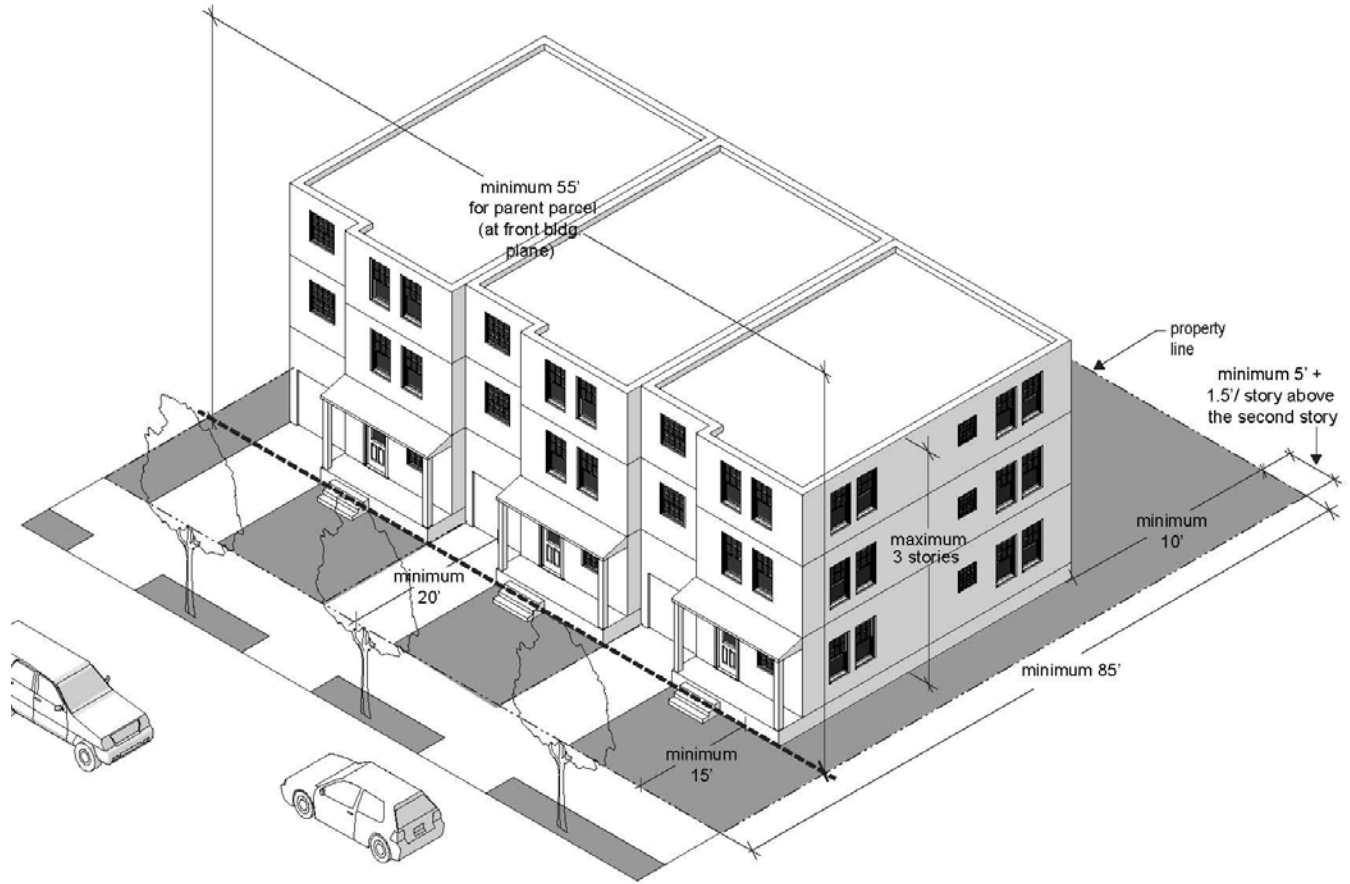
Standard	Requirement	Clarification
Minimum Lot Size	6,000 sq. ft.; 1500 sq. ft. per dwelling unit	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.22.320-1 as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
Maximum Lot Size	Not applicable	
Minimum Density	23 du/na	
Maximum Density	28.75 du/na	

Standard	Requirement	Clarification
Minimum FAR	Not applicable	
Minimum Lot Dimensions*		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.21.320-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
<ul style="list-style-type: none"> • Width (at building frontage) 	55 feet	
<ul style="list-style-type: none"> • Depth 	85 feet	
<ul style="list-style-type: none"> • Frontage 	25 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160 as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
Minimum Setbacks*		
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ to structure ○ to garage door 	10 feet 20 feet	
<ul style="list-style-type: none"> • Side Yard 	5 feet + 1 foot/story above second story	Side yard setbacks on the common wall may be waived for townhouse partitions or subdivisions permitted under Table 12.22.320-1.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ to structure ○ to garage door 	10 feet 20 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	3 stories outright; 5 stories with Planning Commission approval	4-5 story height subject to Planning Commission approval under a Type III Development Review process
Maximum Lot Coverage		
<ul style="list-style-type: none"> • Duplexes or multiple-dwelling structures 	60%	
<ul style="list-style-type: none"> • Attached dwelling unit on individual lot 	85%	
Useable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.22.350-A

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**FIGURE 12.22.350-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE MFR-3 ZONE**



4

5 **12.22.360 Variances and Adjustments.**

6 A. Applications to allow Housing Types other than those permitted in Table 12.22.320-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.

8 B. Applications for Variances and Adjustments to other base zone standards in the MFR-3 zone
9 may be approved under one of four processes:

- 10 1. As a Variance pursuant to Section 12.80.152;
- 11 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
- 13 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156; or
- 15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.22.370 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the MFR-3 zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.22.400 SCR-MD Station Community Residential Zone – Medium Density.** The SCR-MD
 2 zone includes the following sections:

- 3 12.22.410 Purposes
- 4 12.22.420 Housing Types
- 5 12.22.430 Uses
- 6 12.22.440 Accessory Uses Permitted
- 7 12.22.450 Special Provisions Regarding Commercial Uses
- 8 12.22.460 Development Standards
- 9 12.22.470 Variances and Adjustments
- 10 12.22.480 Other Pertinent Regulations

11 **12.22.410 Purposes.**

- 12 A. Provide Housing Options in Proximity to Transit: The SCR-MD zone implements the SCPA
 13 Station Community Planning Area designation, providing an opportunity for medium density
 14 residential development generally within one-quarter to one-half mile of a light rail station.
- 15 B. Transition Residential Density. The SCR-MD zone may also be applied to serve as a transition
 16 area between lower-density neighborhoods and higher intensity development nearer light rail
 17 stations.
- 18 C. Preserve Neighborhood Livability. The SCR-MD zone encourages livability in attached single
 19 family and multi-family residential neighborhoods by allowing residential development with
 20 compatible non residential Uses such as schools, assembly facilities, parks, and appropriately-
 21 scaled neighborhood commercial Uses.

22 **12.22.420 Housing Types.** Table 12.22.420-1 lists Housing Types permitted in the SCR-MD zone.
 23 Housing Types are defined in Section 12.01.500.

24 **TABLE 12.22.420-1:**
 25 **HOUSING TYPES PERMITTED IN SCR-MD**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	N	
Manufactured dwelling	L	Permitted subject to Special Use regulations in Section 12.40.190
Manufactured dwelling park	N	
Live-work dwellings	N	

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

1 **12.22.430** Uses. Table 12.22.430-1 lists uses allowed, Conditionally Permitted, Limited, or Not
 2 Permitted in the SCR-MD zone.

3 **TABLE 12.22.430-1:**
 4 **USE CATEGORIES IN THE SCR-MD ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types (Table 12.22.420-1)
Group Living	P	Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Services	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	N	
Commercial Use Categories – Only categories listed below permitted.		
Eating and Drinking Establishments	L	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC in the primary assembly area < 250 persons. See Section 12.22.450 for all other commercial uses.
Office	L	
Retail Products and Services	L/C	
Industrial Use Categories - Not Permitted.		
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park and ride facilities permitted as conditional uses; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240

Use	Status	Clarifications
Utilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

2 **12.22.440 Accessory Uses Permitted by Right.**

- 3 A. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500,
4 and are permitted subject to additional requirements in Section 12.40.230. One SDU is
5 permitted on any lot containing one primary residence.
- 6 B. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
7 subject to additional requirements in Section 12.40.100.
- 8 C. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
9 subject to additional requirements in Section 12.40.170.
- 10 D. Community Recreation Facilities. Community recreation facilities used solely by residents of a
11 specific neighborhood are permitted when approved as an amenity of that neighborhood during
12 the development process.
- 13 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
14 registered family child care homes as defined in ORS 657A are permitted, and certified or
15 registered residential homes as defined in ORS 443 are also permitted.
- 16 F. Household Energy Production Facilities. Household energy production facilities are defined in
17 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
18 State and Local permits.
- 19 G. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
20 issuance of necessary and appropriate Federal, State and Local permits.
- 21 H. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
22 permitted, excluding commercial buildings or structures.

23 **12.22.450 Special Provisions Regarding Commercial Uses.**

- 24 A. Commercial Building Footprint Limitation. Single story commercial buildings, with a footprint
25 less than 10,000 sq. ft. are permitted outright at the intersection of two Arterial streets, or of an
26 Arterial and a Collector street. Larger multi-story commercial buildings or Mixed-Use
27 commercial/residential buildings with a footprint up to 20,000 sq. ft. are permitted with
28 Conditional Use approval.
- 29 B. Animal Service Facilities. Overnight pet boarding permitted outright at veterinary clinics;
30 elsewhere only with conditional use approval. Outdoor exercise areas not permitted. See
31 Section 12.40.110 for additional regulations on this use.

1 **12.22.460 Development Standards.** Development standards in the SCR-MD zone are listed in
 2 Table 12.22.460-1. Certain standards are illustrated in Figure 12.22.460-A.

3 **TABLE 12.22.460-1:**
 4 **DEVELOPMENT STANDARDS IN THE SCR-MD ZONE**

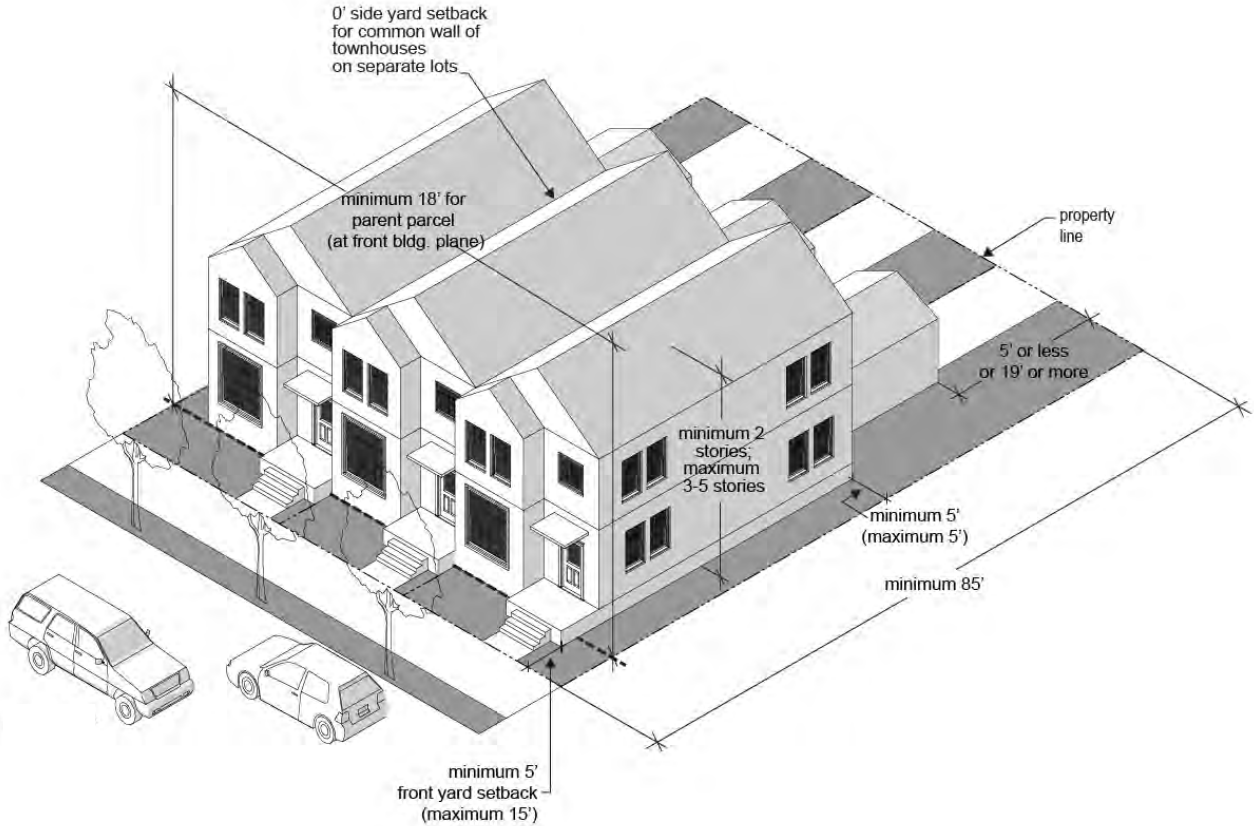
Standard	Requirement	Clarifications
Minimum Lot Size		
<ul style="list-style-type: none"> • Detached single-dwelling structure without SDU 	2000 sq. ft.	Adjustments to lot areas also permitted for townhouse partitions permitted under Table 12.22.420-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
<ul style="list-style-type: none"> • Detached single-dwelling structure with attached SDU 	3200 sq. ft.	
<ul style="list-style-type: none"> • Detached single-dwelling structure with detached SDU; two-dwelling townhouse; or duplex 	4500 sq. ft.	
<ul style="list-style-type: none"> • Three or more dwelling townhouse or Multiple - dwelling structure 	6000 sq. ft.	
Maximum Lot Size	None	
Minimum Density	18.0 du/na	Within 100 feet of a developed standard zone single family neighborhood, minimum/maximum density limited to either 7.0 du/na; or the density of the adjacent area, whichever is greater. Up to 36 du/na may be approved by the Planning Commission through a Planned Unit Development process.
Maximum Density	23.0 du/na	
Minimum FAR		
<ul style="list-style-type: none"> • Within 1,300 ft. of an LRT station 	0.5	Applies only to commercial uses permitted under Table 12.22.430-1.
<ul style="list-style-type: none"> • Beyond 1,300 ft. of an LRT station 	0.4	
Minimum Lot Dimensions*		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.22.420-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156
<ul style="list-style-type: none"> • Width (at front building plane) <ul style="list-style-type: none"> ○ Residential with front-yard garage access ○ Residential with rear-yard garage access ○ Commercial 	22 feet	
	18 feet	
	none	
<ul style="list-style-type: none"> • Depth 	85 feet	

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Frontage <ul style="list-style-type: none"> ○ Residential with front-yard garage access ○ Residential with rear-yard garage access ○ Commercial 	<p>18 feet</p> <p>22 feet</p> <p>none</p>	
Minimum Setbacks*		
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ to dwelling ○ to garage door 	<p>5 feet</p> <p>20 feet</p>	Front yard setbacks subordinate to public utility easements and building Code requirements.
<ul style="list-style-type: none"> • Side Yard 	5 feet	Side yard setbacks on the common wall may be waived for townhouse partitions or subdivisions permitted under Table 12.22.420-1.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ To dwelling ○ To garage door 	<p>10 feet</p> <p>Either 5 feet or less; or 19 feet or more</p>	
Maximum Setbacks*		
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ Detached single dwelling ○ Duplex ○ Townhouse ○ Multiple dwelling structure 	<p>13 feet</p> <p>13 feet</p> <p>13 feet</p> <p>15 feet</p>	Maximum setbacks subordinate to public utility easements. Maximum front setback applicable only to dwelling, not to garage door
<ul style="list-style-type: none"> • Side Yard (all structures) 	5 feet	Maximum side setback not applicable on townhouse common walls
<ul style="list-style-type: none"> • Rear (including alley) 	None	
Minimum Building Height	2 stories	
Maximum Building Height*	3 stories	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.22.460-A

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2
3

**FIGURE 12.22.460-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SCR-MD ZONE**



4

5 **12.22.470 Variances and Adjustments.**

- 6 A. Applications to allow Housing Types other than those permitted in Table 12.22.420-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.
- 8 B. Applications for Variances and Adjustments to other base zone standards in the SCR-MD zone
9 may be approved under one of four processes:
- 10 1. As a Variance pursuant to Section 12.80.152;
 - 11 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
 - 13 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156; or
 - 15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.22.480 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SCR-MD zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development
- 9

1 **12.22.500 SCR-HD Station Community Residential Zone – High Density.** The SCR-HD zone
 2 includes the following sections:

- 3 12.22.510 Purpose
- 4 12.22.520 Housing Types
- 5 12.22.530 Uses
- 6 12.22.540 Accessory Uses Permitted
- 7 12.22.550 Special Provisions Regarding Uses
- 8 12.22.560 Development Standards
- 9 12.22.570 Variances and Adjustments
- 10 12.22.580 Other Pertinent Regulations

11 **12.22.510 Purposes.**

- 12 A. Provide Housing Options in Proximity to Transit: The SCR-HD zone implements the SCPA
 13 Station Community Planning Area designation, providing an opportunity for higher density
 14 residential development generally within one-quarter mile of a light rail station.
- 15 B. Preserve Neighborhood Livability. The SCR-HD zone encourages livability in high density
 16 multi-family and attached single family neighborhoods by allowing residential development with
 17 compatible non-residential Uses such as schools, assembly facilities, parks, and with
 18 appropriately-scaled neighborhood commercial Uses.

19 **12.22.520 Housing Types.** Table 12.22.520-1 lists Housing Types permitted in the SCR-HD zone.
 20 Housing Types are defined in Section 12.01.500.

21 **TABLE 12.22.520-1:**
 22 **HOUSING TYPES PERMITTED IN SCR-HD**

Housing Type	Status	Notes
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwellings	N	

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

24

1 **12.22.530** Uses. Table 12.22.530-1 lists uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the SCR-HD zone.

3 **TABLE 12.22.530-1:**
 4 **USE CATEGORIES IN THE SCR-HD ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types (Table 12.22.520-1)
Group Living	P	Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Services	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	N	
Commercial Use Categories - Only categories listed below permitted.		
Commercial Lodging	C	
Commercial Recreation	C/N	Indoor recreation facilities permitted with Conditional Use approval; outdoor recreational facilities Not Permitted.
Eating and Drinking Establishments	L	Minor Assembly Facilities permitted with Conditional use approval if maximum IBC in the primary assembly area < 250 persons. See Section 12.22.550 for other commercial uses.
Office	L	
Retail Products and Services	L/C	
Industrial Use Categories - Not Permitted		
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C/N	Religious institutions such as churches, synagogues, mosques or temples subject to Conditional Use approval, subject to public assembly regulations in Section 12.40.210; all other uses Not Permitted.
Schools	C	Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	

Use	Status	Clarifications
Surface Alternative Transportation Facilities	P/C/N	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240
Utility Facilities	C	With no equipment storage; subject to additional regulations in Section 12.40.260.

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

2 **12.22.540 Accessory Uses Permitted by Right.**

- 3 A. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are permitted
4 subject to additional requirements in Section 12.40.100.
- 5 B. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
6 subject to additional requirements in Section 12.40.170.
- 7 C. Community Recreation Facilities. Community recreation facilities used solely by residents of a
8 specific neighborhood are permitted when approved as an amenity of that neighborhood during
9 the development process.
- 10 D. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
11 registered family child care homes as defined in ORS 657A are permitted, and certified or
12 registered residential homes as defined in ORS 443 are also permitted.
- 13 E. Household Energy Production Facilities. Household energy production facilities are defined in
14 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
15 State and Local permits.
- 16 F. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
17 issuance of necessary and appropriate Federal, State and Local permits.
- 18 G. Horticultural Activities. Horticultural activities are defined in Section 12.01.500, and are
19 permitted, excluding commercial buildings or structures.

20 **12.22.550 Special Provisions Regarding Uses.**

- 21 A. Commercial Building Footprint Limitation. Commercial Uses are limited in size and intensity to
22 promote a local orientation and to limit adverse impacts on nearby residential areas. Multi-story
23 commercial buildings or Mixed-Use commercial/residential buildings are permitted with a
24 footprint up to 20,000 sq. ft.
- 25 B. Animal Service Facilities. Overnight pet boarding permitted outright at veterinary clinics;
26 elsewhere only with Conditional Use approval. Outdoor exercise areas not permitted. See
27 Section 12.40.110 for additional regulations on this use.

1 **12.22.560 Development Standards.** Development standards in the SCR-HD zone are listed in
 2 Table 12.22.560-1. Certain standards are illustrated in Figure 12.22.560-A.

3 **TABLE 12.22.560-1:**
 4 **DEVELOPMENT STANDARDS IN THE SCR-HD ZONE**

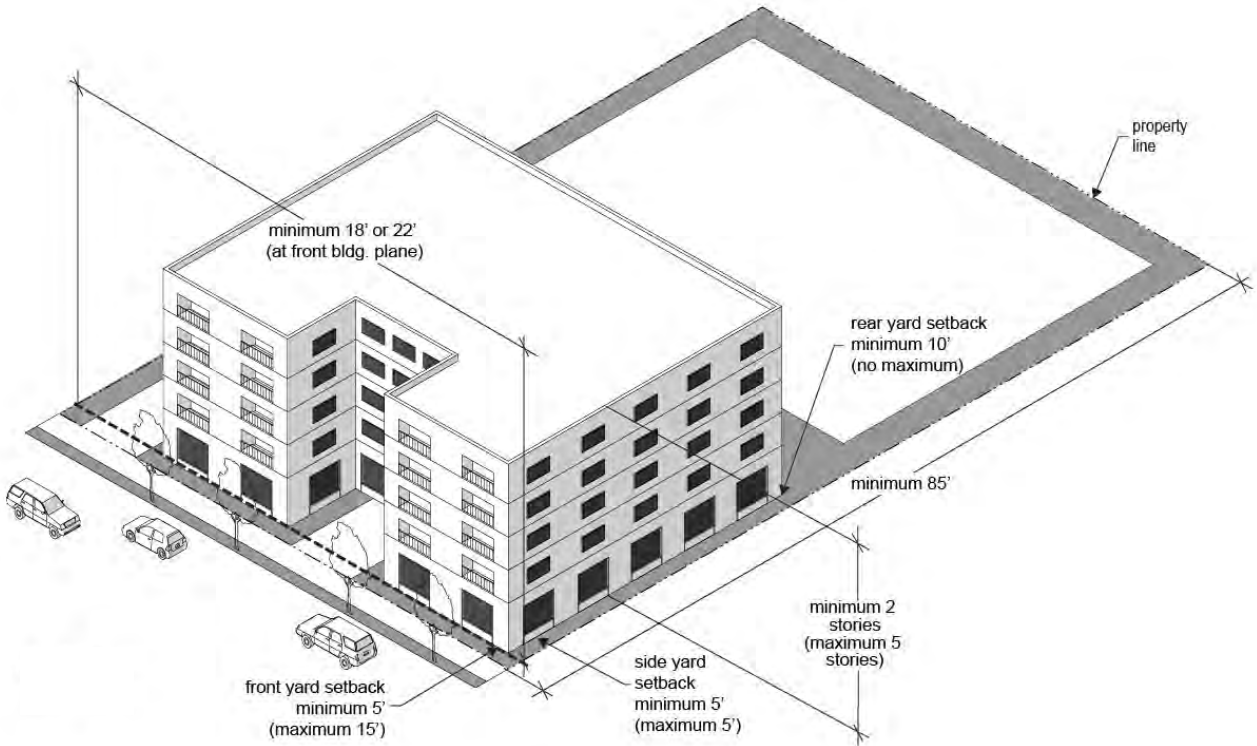
Standard	Requirement	Clarifications
Minimum Lot Size	1500 sq. ft. per unit	Adjustments to lot areas permitted for townhouse partitions permitted under Table 12.22.520-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
Maximum Lot Size	1800 sq. ft. per unit	
Minimum Density	24 du/na	Within 100 feet of a developed standard zone single family neighborhood, minimum/maximum density limited to either 7.0 du/na; or the density of the adjacent area, whichever is greater. Up to 45 du/na may be approved by the Planning Commission under a Planned Unit Development application process.
Maximum Density	30 du/na	
Minimum FAR		Applies only to commercial Uses permitted under Table 12.22.530-1.
<ul style="list-style-type: none"> • Within 1,300 ft. of an LRT station 	0.5	
<ul style="list-style-type: none"> • Beyond 1,300 ft. of an LRT station 	0.4	
Minimum Lot Dimensions*		Adjustments to lot dimensions permitted for townhouse partitions permitted under Table 12.22.520-1, as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156.
<ul style="list-style-type: none"> • Width (at front building plane) <ul style="list-style-type: none"> ○ Residential with front-yard garage access ○ Residential with rear-yard garage access ○ Commercial 	22 feet 18 feet none	
<ul style="list-style-type: none"> • Depth 	85 feet	
<ul style="list-style-type: none"> • Frontage <ul style="list-style-type: none"> ○ Residential with front-yard garage access ○ Residential with rear-yard garage access ○ Commercial 	18 feet 22 feet none	
Minimum Setbacks*		
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ to dwelling ○ to garage door 	5 feet 20 feet	

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Side Yard 	5 feet	Adjustments to side setbacks permitted for townhouse partitions allowed under Table 12.21.520-1.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ To dwelling ○ To garage door 	10 feet Either 5 feet or less; or 19 feet or more	
Maximum Setbacks*		
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ Duplex ○ Townhouse ○ Multiple dwelling structure 	13 feet 13 feet 15 feet	Maximum front setback applicable only to dwelling, not to garage door.
<ul style="list-style-type: none"> • Side Yard (all structures) 	5 feet	Maximum side setback not applicable on townhouse common walls.
<ul style="list-style-type: none"> • Rear (including alley) 	None	
Minimum Building Height	2 stories	
Maximum Building Height*	5 stories	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.22.560-A

2

1 **FIGURE 12.22.560-A:**
 2 **MINIMUM LOT DIMENSIONS, SETBACKS**
 3 **AND HEIGHT REQUIREMENTS IN THE SCR-HD ZONE**
 4



5
 6 **12.22.570 Variances and Adjustments.**

- 7 A. Applications to allow Housing Types other than those permitted in Table 12.22.520-1 shall be
 8 processed only as Planned Unit Developments under Section 12.80.120.
- 9 B. Applications for Variances and Adjustments to other base zone standards in the SCR-HD zone
 10 may be approved under one of four processes:
- 11 1. As a Variance pursuant to Section 12.80.152;
 - 12 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
 13 Section 12.80.154;
 - 14 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
 15 Section 12.80.156; or
 - 16 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.
- 17

1 **12.22.580 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SCR-HD zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.700 Design Standards for Residential Development

**SUBCHAPTER 12.23
COMMERCIAL ZONES**

1
2

- 3 **12.23.010 Commercial Zones**
- 4 **12.23.020 Locational Characteristics**
- 5 **12.23.030 Organization within This Chapter**
- 6
- 7 **12.23.100 C-N Commercial - Neighborhood Zone**
- 8 **12.23.110 Purpose**
- 9 **12.23.120 Housing Types**
- 10 **12.23.130 Uses**
- 11 **12.23.140 Accessory Uses Permitted by Right**
- 12 **12.23.150 Special Provisions Regarding Uses by Right**
- 13 **12.23.160 Development Standards**
- 14 **12.23.170 Variances and Adjustments**
- 15 **12.23.180 Other Pertinent Regulations**
- 16
- 17 **12.23.200 C-G Commercial - General Zone**
- 18 **12.23.210 Purpose**
- 19 **12.23.220 Housing Types**
- 20 **12.23.230 Uses**
- 21 **12.23.240 Accessory Uses Permitted by Right**
- 22 **12.23.250 Special Provisions Regarding Uses**
- 23 **12.23.260 Development Standards**
- 24 **12.23.270 Variances and Adjustments**
- 25 **12.23.280 Other Pertinent Regulations**
- 26
- 27 **12.23.300 SCC-DT Station Community Commercial - Downtown Zone**
- 28 **12.23.310 Purpose**
- 29 **12.23.320 Housing Types**
- 30 **12.23.330 Uses**
- 31 **12.23.340 Accessory Uses Permitted By Right**
- 32 **12.23.350 Special Provisions Regarding Uses**
- 33 **12.23.360 Development Standards**
- 34 **12.23.370 Variances and Adjustments**
- 35 **12.23.380 Other Pertinent Regulations**
- 36

- 1 **12.23.400 SCC-SC Station Community Commercial-Station Commercial Zone**
- 2 **12.23.410 Purpose**
- 3 **12.23.420 Housing Types**
- 4 **12.23.430 Uses**
- 5 **12.23.440 Accessory Uses Permitted By Right**
- 6 **12.23.450 Special Provisions Regarding Uses**
- 7 **12.23.460 Development Standards**
- 8 **12.23.470 Variances and Adjustments**
- 9 **12.23.480 Other Pertinent Regulations**
- 10
- 11 **12.23.500 SCC-MM Station Community Commercial-Multi-Modal Zone**
- 12 **12.23.510 Purpose**
- 13 **12.23.520 Housing Types**
- 14 **12.23.530 Uses**
- 15 **12.23.540 Accessory Uses Permitted By Right**
- 16 **12.23.550 Special Provisions Regarding Uses**
- 17 **12.23.560 Development Standards**
- 18 **12.23.570 Variances and Adjustments**
- 19 **12.23.580 Other Pertinent Regulations**
- 20

1 **12.23.010 Commercial Zones.** There are five commercial zones in the City:

- 2 A. C-N Commercial - Neighborhood;
- 3 B. C-G Commercial - General;
- 4 C. SCC-DT Station Community Commercial-Downtown;
- 5 D. SCC-SC Station Community Commercial-Station Commercial; and
- 6 E. SCC-MM Station Community Commercial-Multi-Modal.

7 **12.23.020 Locational Characteristics.** On the Comprehensive Plan Land Use Map, commercial
8 zones implement the Medium Density Residential, High Density Residential, Industrial, and Station
9 Community Planning Area designations as follows:

- 10 A. C-N does not implement a specific Plan designation, but may be applied in the Medium Density,
11 High Density Residential, or Industrial Plan designations.
- 12 B. C-G implements the Commercial Plan designation.
- 13 C. SCC-DT, SCC-SC, and SCC-MM (among other zones) implement certain locations in the SCPA
14 Station Community Planning Area designation where these zones are designated on the zoning
15 map.

16 **12.23.030 Organization within This Chapter.**

- 17 A. Common Elements. Each section in this chapter contains the following subsections:
 - 18 1. Purpose;
 - 19 2. Permitted, conditional, limited, and not permitted Housing Types (organized in tables);
 - 20 3. Permitted, Conditional, Limited and Not Permitted Uses (organized in tables);
 - 21 4. Accessory Uses permitted;
 - 22 5. Special provisions regarding Uses;
 - 23 6. Development standards (organized in tables, illustrated in figures);
 - 24 7. Variances and adjustments; and
 - 25 8. Other pertinent regulations.
- 26 B. Purpose. Purpose statements for each zone chapter are descriptive of the zone's characteristics
27 and intent, and are drawn from the Comprehensive Plan and/or the Community Development
28 Code. Purpose statements are informational and not intended to be regulations.
- 29 C. Allowed Housing Types. Residential uses (where allowed in commercial zones) occupy a
30 variety of Housing Types. Permitted, Conditionally Permitted, Limited and Not Permitted
31 Housing Types within each zone are summarized in tables based on the definitions of Housing
32 Types listed in Section 12.01.500. Neither the residential Use categories nor the Housing Types
33 distinguish between owner- or renter-occupation.
- 34 D. Uses. Permitted, Conditionally Permitted, Limited and Not Permitted Uses within each zone are
35 summarized in tables based on the standardized Use categories contained in Subchapter 12.10.

- 1 1. Permitted Uses (P) are permitted by right, subject to all applicable provisions of this Code.
- 2 2. Conditionally Permitted Uses (C) maybe allowed, subject to approval on an individual basis
- 3 as conditional uses. The Conditional Use application process and approval criteria are
- 4 described in Sections 12.70.050 and 12.80.020. Certain conditional uses may have additional
- 5 standards as described in Subchapter 12.40.
- 6 3. Limited Uses (L) are permitted by right, but are subject to specified requirements,
- 7 exceptions, or restrictions which may vary with the nature, size or location of the use.
- 8 4. Not Permitted Uses (N) are not permitted in the zone under any circumstance.
- 9 E. Accessory Uses. Accessory Uses are permitted in each zone in conjunction with the primary use
- 10 on the site and subject to the same regulations as the primary use unless stated otherwise in the
- 11 code. Characteristics and standards for certain accessory uses are listed in Subchapter 12.40.
- 12 F. Special Provisions Regarding Uses. Where certain notations in the Clarifications column of the
- 13 Uses tables require further explanation, they are noted in this section.
- 14 G. Development Standards.
- 15 1. Development standards in each commercial zone are summarized in tables. Development
- 16 standards are typically numerical standards: minimum and maximum densities (if
- 17 applicable); minimum and maximum lot dimensions; structural setbacks; maximum building
- 18 height and lot coverage. All development must comply with the development standards
- 19 unless a discretionary Variance or Adjustment is approved as described in Subsection H
- 20 below.
- 21 2. Maximum residential densities in each commercial zone that allows residential development
- 22 are generally derived from the minimum lot size; minimum densities are approximately 80%
- 23 of the maximum density. Density calculation formulas for minimum and maximum density
- 24 are described in Section 12.50.120. Minimum and maximum residential densities apply to all
- 25 residential Use categories.
- 26 3. With the exception of the SCC-DT zone, certain development standards are illustrated in a
- 27 Figure immediately following the development standards table.
- 28 H. Variances and Adjustments. Applications to vary or adjust certain numeric standards in each
- 29 zone may be requested and approved under Sections 12.80.152, 12.80.154, and 12.80.156.
- 30 Certain numeric standards may also be subject to exceptions under specific circumstances, as
- 31 described in the Standards section.
- 32 I. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision
- 33 clearance, and street improvements may also apply to development in commercial zones. These
- 34 site design and development standards may also have exceptions as described in those sections.
- 35

1 **12.23.100 C-N Commercial - Neighborhood Zone.** The C-N zone includes the following
 2 sections:

- 3 12.23.110 Purpose
- 4 12.23.120 Housing Types
- 5 12.23.130 Uses
- 6 12.23.140 Accessory Uses Permitted
- 7 12.23.150 Special Provisions Regarding Uses by Right
- 8 12.23.160 Development Standards
- 9 12.23.170 Variances and Adjustments
- 10 12.23.180 Other Pertinent Regulations

11 **12.23.110 Purpose.**

- 12 A. Provide Neighborhood-Scale Services. The C-N zone does not implement a single specific
 13 Comprehensive Plan designation, but may be allowed in the Medium Density Residential, High
 14 Density Residential, or Industrial Plan designations. In these areas, the C-N zone provides
 15 opportunity to locate small-scale commercial nodes within residential and industrial
 16 neighborhoods, giving residents and employees more convenient access to goods and services.
- 17 B. Reduce Vehicle Trips and Encourage Active Transportation. The C-N zone reduces automobile
 18 use and increases walking and bicycling opportunities by allowing small-scale retail, service and
 19 office commercial Uses in closer proximity to homes and businesses.

20 **12.23.120 Housing Types.** Table 12.23.120-1 lists Housing Types permitted in the C-N zone.
 21 Housing Types are defined in Section 12.01.500.

22 **TABLE 12.23.120-1:**
 23 **HOUSING TYPES PERMITTED IN THE C-N ZONE**

Housing Types	Status	Clarifications
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple-dwelling structure	L	Residential uses permitted in upper floor(s) of a commercial building.
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	L	Residential uses permitted in upper floor(s) of a commercial building.

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

25

1 **12.23.130 Uses.** Table 12.23.130-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the C-N zone.

3 **TABLE 12.23.130-1:**
 4 **USE CATEGORIES IN THE C-N ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L	Permitted only in the upper floor(s) of a Mixed-Use building with commercial on the first floor.
Group Living	N	
Residential Service	N	
Residential Business	L	Residential use (including live-work dwellings) limited to above or behind business use
Commercial Use Categories - only categories listed below permitted.		
Eating and Drinking Establishments	L/C	See Section 12.23.150.
Educational Services	L	Maximum floor area 2500 sq. ft.; see also Section 12.23.150.
Office	L	See Section 12.23.150.
Retail Products and Services	L/C	See Section 12.23.150. Repair uses permitted with Conditional Use approval; Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; subject to additional regulations in Section 12.40.210.
Vehicle Service and Repair	C	See Section 12.23.150. Automobile service stations subject to Conditional Use approval and additional regulations in Section 12.40.120.
Industrial Use Categories - Not Permitted.		
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	Permitted with Conditional Use approval if permitted as Conditional Use in an adjacent residential zone.
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C/N	Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; larger facilities Not Permitted. Also subject to additional regulations in Section 12.40.210.
Schools	C	Permitted with Conditional Use approval if permitted as Conditional Use in an adjacent residential zone.

Use	Status	Clarifications
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	N	
Surface Alternative Transportation Facilities	C/N	Transit facilities and park-and-ride facilities permitted with Conditional Use approval; all other uses Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utility Facilities	C	With no equipment storage; subject to Section 12.40.260.

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

2 **12.23.140 Accessory Uses Permitted by Right.** Accessory Uses vary based on the applicable Use
3 category, as described in Subchapter 12.10. Accessory Uses are permitted in conjunction with the
4 primary commercial Use on the site and are subject to the same regulations as the primary commercial
5 Use unless stated otherwise in the Code.

6 **12.23.150 Special Provisions Regarding Uses.**

7 A. For all Commercial Uses.

- 8 1. All business activities, including any service, repair, processing and storage shall be
9 conducted wholly within an enclosed building. Refuse containment shall be located within a
10 screened enclosure. Outdoor seating and display of plants is permitted.
- 11 2. Maximum floor area of each Use (except educational services as noted in Table 12.23.130-1)
12 shall be 4000 sq. ft. on the first floor. Floor area constructed below finished grade area is not
13 included in this maximum.
- 14 3. Second-floor commercial Uses on properties not designated MU Mixed-Use on the
15 Comprehensive Plan Map are subject to Conditional Use approval pursuant to Section
16 12.80.020.

17 B. Eating and Drinking Establishments Permitted Outright. Eating and drinking establishments are
18 permitted outright if in compliance with the limitations in Subsection A above and the following
19 additional standards:

- 20 1. Maximum floor area of the establishment does not exceed 1,500 square feet;
- 21 2. Carry-out service and limited seating are available; and
- 22 3. Drive-thru service is not available.

23 C. Eating and Drinking Establishments Permitted with Conditional Use Approval. Eating and
24 drinking establishments larger than those described in Subsection B above are permitted with
25 Conditional Use approval if in compliance with the limitations of Subsection A above and the
26 following additional standards:

27

1. Maximum seating capacity of the establishment is 50 or fewer patrons;
2. Drive-through service is not available; and
3. Distilled liquors are not served.

D. Animal Service Facilities. Animal service facilities without outdoor exercise areas are permitted outright. Overnight boarding is permitted outright at veterinary clinics only, but may be permitted as a Conditional Use at other facilities.

12.23.160 Development Standards. Base zone development standards in the C-N zone are listed in Table 12.23.160-1. Certain standards are illustrated in Figure 12.23.160-A.

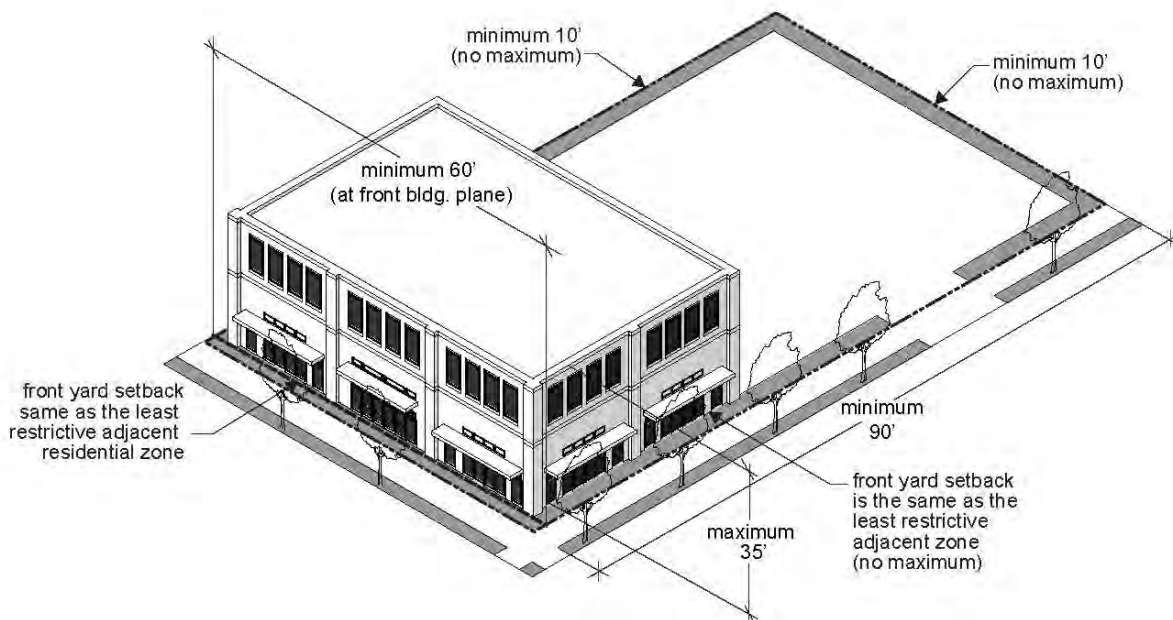
**TABLE 12.23.160-1:
DEVELOPMENT STANDARDS IN THE C-N ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	7,000 sq. ft.	
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	24 du/na	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions*		
• Width (at front building plane)	60 feet	
• Depth	90 feet	
Minimum Lot Frontage	25 feet	Flag lots not permitted.
Minimum Setbacks*		Minimum setbacks for buildings with second floor commercial uses located on property not designated MU Mixed-Use on the Comprehensive Plan Map shall be at least one-half the height of the principal structure. Setbacks subordinate to public utility easements and building code requirements.
• Front Yard	Same as front yard setback of the least restrictive adjacent zone	
○ Adjacent to non-residential		
○ Adjacent to residential		
• Side Yard		
○ Adjacent to non-residential	10 feet	
○ Adjacent to residential	10 feet	
• Rear Yard		
○ Adjacent to non-residential	10 feet	
○ Adjacent to residential	10 feet	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height*	35 feet or 2½ stories, whichever is less	See measurement and illustration in Section 12.50.140; see also definition of half-story in Section 12.01.500.

Standard	Requirement	Clarifications
Maximum Lot Coverage	50%	
Minimum Usable Open Space	Not applicable	
Minimum Landscaping	15%	

1 * Standards illustrated in Figure 12.23.160-A

2 **FIGURE 12.23.160-A:**
3 **MINIMUM LOT DIMENSIONS, SETBACKS**
4 **AND HEIGHT REQUIREMENTS IN THE C-N ZONE**



5

6 **12.23.170 Variances and Adjustments.**

7 A. Applications to allow Housing Types other than those permitted in Table 12.23.120-1 shall be
8 processed only as Planned Unit Developments under Section 12.80.120.

9 B. Applications for Variances and Adjustments to other base zone standards in the C-N zone may
10 be approved under one of four processes:

- 11 1. As a Variance pursuant to Section 12.80.152;
- 12 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
13 Section 12.80.154;
- 14 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
15 Section 12.80.156; or
- 16 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.23.180 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the C-N zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 9

1 **12.23.200 C-G Commercial - General Zone.** The C-G zone includes the following sections:

- 2 12.23.210 Purpose
- 3 12.23.220 Housing Types
- 4 12.23.230 Uses
- 5 12.23.240 Accessory Uses Permitted
- 6 12.23.250 Special Provisions Regarding Uses
- 7 12.23.260 Development Standards
- 8 12.23.270 Variances and Adjustments
- 9 12.23.280 Other Pertinent Regulations

10 **12.23.210 Purpose.**

- 11 A. Provide Full Range of Commercial Activities. The C-G zone implements the Commercial
- 12 Comprehensive Plan designation, providing opportunities for all types of retail, service, and
- 13 office commercial Uses in a variety of locations throughout the city. Within the C-G zone,
- 14 certain retail Uses may be subject to square footage limitations based on Metro Title 4
- 15 requirements.
- 16 B. Reduce Vehicle Trips and Encourage Use of Alternative Transportation. By siting a wide mix of
- 17 commercial Uses in central locations and on transit routes, the C-G zone provides customers and
- 18 employees with opportunities to undertake several errands in a single trip and/or to access the
- 19 commercial Uses by walking, bicycling or transit.

20 **12.23.220 Housing Types.** Table 12.23.220-1 lists Housing Types permitted in the C-G zone.

21 Housing Types are defined in Section 12.01.500.

22 **TABLE 12.23.220-1:**

23 **HOUSING TYPES PERMITTED IN THE C-G ZONE**

Housing Types	Status	Clarifications
Detached single-family dwelling	C/L/N	Improvement of existing dwellings permitted w/ Conditional Use approval; expansion of existing dwellings subject to Non-Conforming use approval pursuant to Subchapter 12.30 and Section 12.80.100; new detached Not Permitted.
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple-dwelling structure	L	Residential uses permitted in upper floor(s) of a commercial building.
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	L	Residential uses permitted in upper floor(s) of a commercial building.

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

1 **12.23.230 Uses.** Table 12.23.230-1 lists uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the C-G zone.

3 **TABLE 12.23.230-1:**
 4 **USE CATEGORIES IN THE C-G ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	C/L/N	Improvement of existing dwellings permitted with Conditional Use approval; expansion of existing dwellings subject to Non-Conforming Use approval pursuant to Subchapter 12.30 and Section 12.80.100; new detached dwellings Not Permitted.
Group Living	L/C	Group Living for persons with disabilities permitted with Director' Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other uses permitted with Conditional Use approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculations.
Residential Service	C/L	Residential Services not exceeding maximum residential density permitted with Conditional Use approval. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculations.
Residential Business	L	Residential Uses permitted in upper floor(s) of a live-work dwelling or a commercial building.
Commercial Use Categories – Only categories listed below permitted		
Commercial Lodging	P	
Commercial Recreation	P	
Commercial Parking	P	
Durable Goods Sales	P	
Eating and Drinking Establishments	P	
Educational Services	P	
Office	P	
Retail Products and Services	P/L/C	Major retail uses (60,000+ sq. ft. NLA) limited in certain locations: see Section 12.23.250. Child care facilities permitted with Conditional Use approval. Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in primary assembly area < 250 persons; subject to additional regulations in Section 12.40.210.
Self-Service Storage	P	
Vehicle Service and Repair	P/C	Fueling stations and car washes permitted with Conditional Use approval.

Use	Status	Clarifications
Industrial Use Categories		
Industrial Service	P	
Manufacturing and Production	L/N	Custom manufacturing of goods for retail sale on premises permitted; all other uses Not Permitted.
Solid Waste Treatment and Recycling	N	
Vehicle Storage	L/N	Incidental RV storage permitted with self-service storage only; all other uses Not Permitted.
Warehouse and Freight Movement	N	
Wholesale Sales	L	Office and showroom permitted where on-site sales limited to small items.
Institutional Use Categories		
Colleges and Universities	C	
Community Services	C	
Detention Facilities	C	
Hospitals	C	
Major Assembly Facilities	C	Subject to additional regulations in Section 12.40.210.
Schools	C/N	Middle and senior high schools permitted with Conditional Use approval; elementary schools Not Permitted.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C	Transit facilities permitted; park-and-ride facilities and transit vehicle storage and maintenance facilities subject to Conditional Use approval.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utility Facilities	P	With no equipment storage; subject to Section 12.40.260.

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

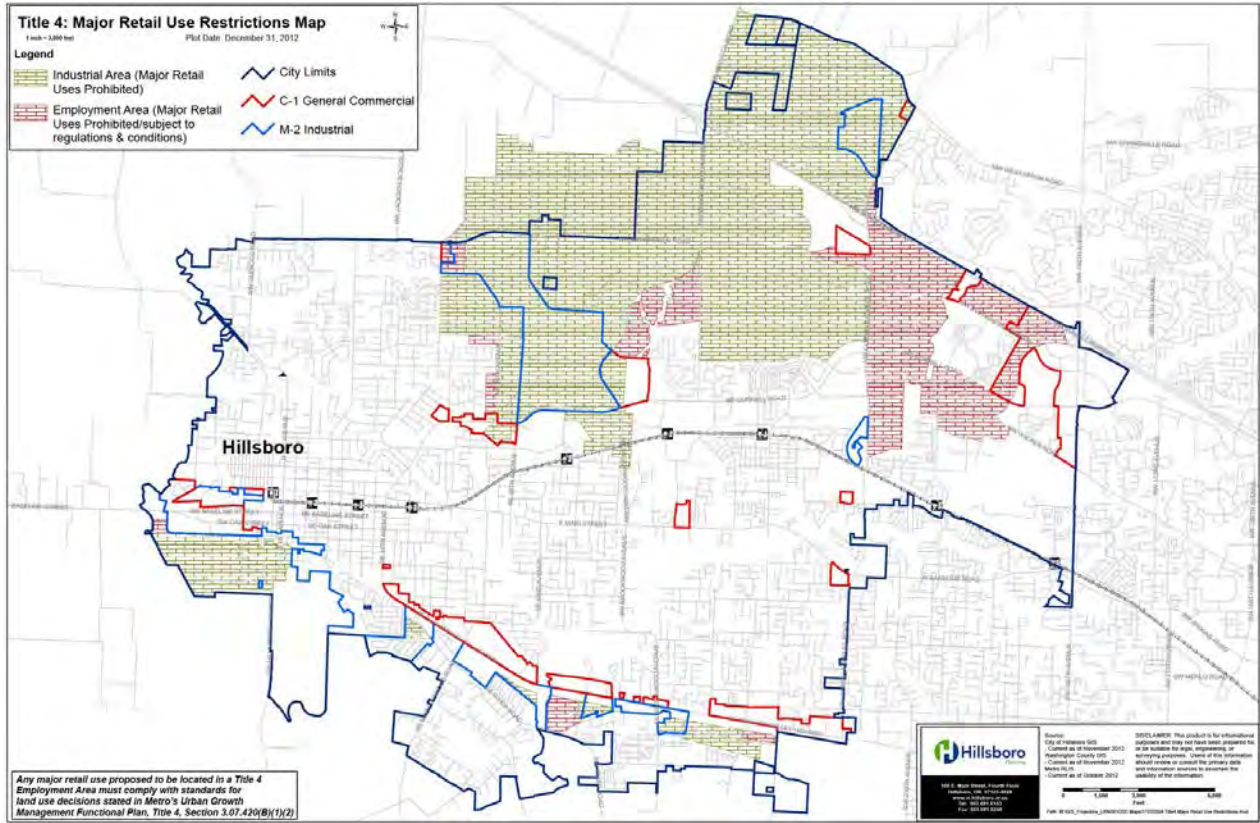
1 **12.23.240 Accessory Uses Permitted by Right.** Accessory Uses vary based on the Use categories
2 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary
3 commercial Use on the site and subject to the same regulations as the primary commercial Use unless
4 stated otherwise in the Code.

5 **12.23.250 Special Provisions Regarding Uses.**

- 6 A. Abutting a Residential Zone. All business activity on property abutting a residential zone shall
7 occur within an enclosed building, unless screening from the residential zone is provided by a
8 sight-obscuring fence at least six feet high.
- 9 B. Adjacent to or Across the Street from a Residential Zone. Openings in commercial structures
10 adjacent or across the street from a residential zone shall be designed to prevent glare, excessive
11 noise or other adverse impacts upon nearby residences.
- 12 C. Motor Vehicle, Boat or Trailer Rental or Sales Lots. Vehicle rental or sales lots shall be drained
13 and surfaced with crushed rock or paved with asphalt except where required landscaping is
14 installed pursuant to Sections 12.50.220 and 12.50.360.
- 15 D. Major Retail Uses Restrictions Based on Metro Title 4: Figure 12.23.250-A illustrates the
16 application of Metro Urban Growth Management Functional Plan Title 4 Retail in Employment
17 and Industrial Areas. Within the employment areas shown on Figure 12.23.250-A, a new major
18 retail Use may be permitted in a C-G zone only with Conditional Use approval pursuant to
19 Section 12.80.020. In addition to the Conditional Use approval criteria, the Conditional Use
20 application shall demonstrate compliance with the following approval criteria:
- 21 1. Transportation facilities are adequate to serve the major retail Use consistent with the City's
22 Transportation System Plan and adopted Metro Regional Transportation System Plan and
23 these facilities will be in place at the time when the retail Use begins operation; and
 - 24 2. Transportation facilities are adequate to meet the transportation need for other planned land
25 Uses within the surrounding employment area or are contained within the City's
26 Transportation System Plan.

1
2

**Figure 12.23.250-A:
C-G Zone Title 4 Major Retail Use Restrictions Map**



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1 **12.23.260 Development Standards.** Base zone development standards in the C-G zone are listed
 2 in Table 12.23.260-1. Certain standards are illustrated in Figure 12.23.260-A.

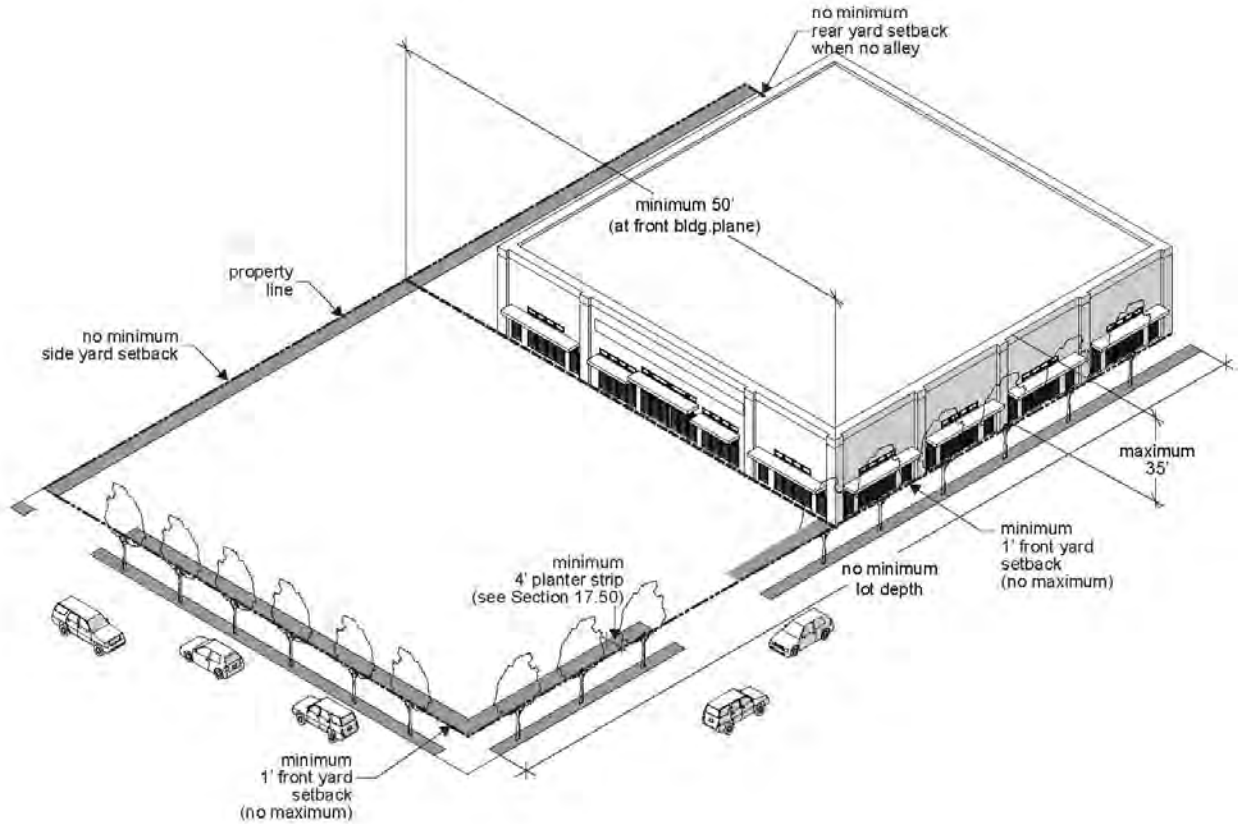
3 **TABLE 12.23.260-1:**
 4 **DEVELOPMENT STANDARDS IN THE C-G ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	24 du/na	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions*		
• Width (at front building plane)	50 feet	
• Depth	None	
Minimum Lot Frontage	25 feet	
Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building code requirements.
• Front Yard	1 foot	
• Side Yard	1 foot on alleys; otherwise none	
• Rear Yard	1 foot on alleys; otherwise none	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height	35 feet	
Maximum Lot Coverage	60%	
Minimum Usable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 15.50.220.

5 * Standards illustrated in Figure 12.23.260-A
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**FIGURE 12.23.260-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE C-G ZONE**



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6 **12.23.270 Variances and Adjustments.**

- 7 A. Applications to allow Housing Types other than those permitted in Table 12.23.220-1 shall be
8 processed only as Planned Unit Developments under Section 12.80.120.
- 9 B. Applications for Variances and Adjustments to other base zone standards in the C-N zone may
10 be approved under one of four processes:
- 11 1. As a Variance pursuant to Section 12.80.152;
 - 12 2. As a Type II Adjustment in conjunction with a primary Type III application pursuant to
13 Section 12.80.154;
 - 14 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
15 Section 12.80.156; or
 - 16 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.23.280 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the C-G zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 9

1 **12.23.300 SCC-DT Station Community Commercial – Downtown Zone.** The SCC-DT zone
2 includes the following sections:

- 3 12.23.310 Purpose
- 4 12.23.320 Housing Types
- 5 12.23.330 Uses
- 6 12.23.340 Accessory Uses Permitted By Right
- 7 12.23.350 Special Provisions Regarding Uses
- 8 12.23.360 Development Standards
- 9 12.23.370 Variances and Adjustments
- 10 12.23.380 Other Pertinent Regulations

11 **12.23.310 Purpose.**

- 12 A. Implement the Downtown Core Vision. The SCC-DT zone implements the Station Community
13 Planning Area Comprehensive Plan designation, and implements the Downtown Core Vision
14 Statement from the Downtown Framework Plan (Comprehensive Plan Section 26).
- 15 B. Create a Vibrant Downtown Core. The standards of the SCC-DT zone are intended to create a
16 downtown core that is a vibrant and active place, with shopping, dining, entertainment venues,
17 arts and cultural experiences, civic activities and spaces and public gathering places supported by
18 existing and new residents, employees and students living and working in and around the historic
19 core.
- 20 C. Provide Opportunities for Higher Density Residential and Mixed-Use Development. The higher
21 density residential and Mixed-Use residential/commercial development opportunities provided in
22 the SCC-DT zone increase housing choices and entrepreneurial opportunities in the historic
23 downtown.
- 24 D. Reduce Vehicle Trips and Encourage Active Transportation. The SCC-DT zone reduces
25 automobile use for some daily activities by allowing higher density residential, commercial and
26 Mixed-Use development in close proximity to light rail stations, increasing both transit use and
27 walking and bicycling opportunities.

28 **12.23.320 Housing Types.** Table 12.23.320-1 lists Housing Types permitted in the SCC-DT zone.
29 Housing Types are defined in Section 12.01.500.

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**TABLE 12.23.320-1:
HOUSING TYPES PERMITTED IN THE SCC-DT ZONE**

Housing Types	Status	Clarifications
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	L	Permitted only within Residential Compatibility Areas as shown on Figure 12.61.400-A; subject to minimum and maximum densities in Table 12.23.360-1.
Three-dwelling (or more) townhouses	L	Permitted only within Residential Compatibility Areas as shown on Figure 12.61.400-A; subject to minimum and maximum densities in Table 12.23.360-1.
Multiple-dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	L	Residential Uses permitted behind or above business Use.

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

4 **12.23.330 Uses.** Table 12.23.330-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
5 Permitted in the SCC-DT zone. Within each Use category, certain Uses may be restricted pursuant to
6 Section 12.30.900.

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**TABLE 12.23.330-1:
USE CATEGORIES IN THE SCC-DT ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Table 12.23.320-1.
Group Living	L/C	Group Living Facilities for persons with disabilities permitted with Director’s Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caretakers) equivalent to 1 dwelling unit.
Residential Service	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted only with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit; caregivers excluded from density calculation.
Residential Business	L	Residential use to be located behind or above business use.
Commercial Use Categories		
Commercial Lodging	P/N	Hotels permitted; motels Not Permitted.
Commercial Recreation	P/N	Indoor uses permitted; outdoor uses Not Permitted.

Use	Status	Clarifications
Commercial Parking	P	Location and design subject to Section 12.50.300.
Durable Goods Sales	N	
Eating and Drinking Establishments	L	Drive-through facilities subject to additional limitations in Section 12.23.350.
Educational Services	P	
Office	P	
Retail Products and Services	P/C/ L/N	Minor Assembly Facilities permitted with Conditional use approval if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; subject to additional regulations in Section 12.40.210. Animal service facilities subject to additional limitations in Section 12.40.110. New drive-through facilities not permitted; existing facilities subject to limitations in Section 12.61.400. Expansions of certain existing Uses Not Permitted: see Section 12.30.900.
Self-Service Storage	N	
Vehicle Service and Repair	C/N	Expansion of existing uses permitted with Conditional Use approval; new Uses Not Permitted.
Industrial Use Categories - Only Categories listed below permitted.		
Industrial Service	N	
Manufacturing and Production	C/N	Cottage industry permitted with conditional use approval; all other uses Not Permitted.
Institutional Use Categories		
Colleges and Universities	L	See Section 12.23.350.
Community Services	P	
Detention Facilities	C	
Hospitals and Medical Centers	L	See Section 12.23.350.
Major Assembly Facilities	C/N	Outdoor uses such as stadiums and amphitheaters Not Permitted; all other Uses subject to additional standards in Section 12.40.210.
Schools	C/N	Middle and senior high schools permitted with Conditional Use approval; elementary schools Not Permitted. Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	P	

Use	Status	Clarifications
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park-and-ride facilities permitted with Conditional Use approval; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utility Facilities	P	With no equipment storage; subject to Section 12.40.260.

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

12.23.340 Accessory Uses Permitted by Right. Accessory Uses vary based on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on the site and subject to the same regulations as the primary Use unless stated otherwise in the Code.

12.23.350 Special Provisions Regarding Uses.

- A. Accessory Uses to Household Uses: Home Occupations are defined in Section 12.01.500 and are permitted as Accessory Uses in permitted Housing Types subject to the regulations in Section 12.40.170.
- B. Drive-Through Facilities: New drive-through facilities are Not Permitted except as provided in Subsection 12.30.900.E.
- C. Animal Service Facilities. Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with Conditional Use approval. Outdoor exercise areas Not Permitted. See Section 12.40.110 for additional regulations on this Use.
- D. Institutional Uses. Colleges and universities, hospitals and medical centers, permitted with Planned Unit Development approval. Modifications of existing approved concept plans also permitted with Planned Unit Development approval.
- E. Mixed-Use Buildings. Any combination of Permitted, Conditional, or Limited Uses is permitted on any floor.

12.23.360 Development Standards. Base zone development standards in the SCC-DT zone are listed in Table 12.23.360-1. Certain standards are illustrated in Figures 12.61.400-A through 12.61.400-D in the Downtown Plan District section.

**TABLE 12.23.360-1:
DEVELOPMENT STANDARDS IN THE SCC-DT ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density		Densities applicable to free-standing residential buildings. Residential Compatibility Area locations shown on Figure 12.61.400-A.
• Within Residential Compatibility Area	18 du/na	
• Outside Residential Compatibility Area	30 du/na	

Standard	Requirement	Clarifications
Maximum Density		Densities applicable to free-standing residential buildings or Mixed-Use buildings. Residential Compatibility Area locations shown on Figure 12.61.400-A. Higher densities permitted with Type III approval.
• Within Residential Compatibility Area	36 du/na	
• Outside Residential Compatibility Area	90 du/na	
Minimum FAR	.75; .50 permitted in first phase	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
Minimum Setbacks		Setbacks subordinate to Building Code and public utility easements.
• Front Yard	Specified in Plan District	Front setbacks shown on Figure 12.61.400-A.
• Side Yard	none	
• Rear Yard	none	
Maximum Setbacks		Setbacks subordinate to Building Code and public utility easements.
• Front Yard	Specified in Plan District	Front setbacks shown on Figure 12.61.400-A.
• Side Yard	none	
• Rear Yard	none	
Minimum Building Height	See Section 12.61.400 C 1 and Figure 12.61.400-C.	
Maximum Building Height	See Section 12.61.400 C 2 and Figure 12.61.400-D.	
Maximum Lot Coverage	Not Applicable	
Minimum Useable Open Space	Variable	See Section 12.50.210 and Subsection 12.61.400.D.
Minimum Landscaping	Variable	See Section 12.50.220.

1 **12.23.370 Variances and Adjustments.**

- 2 A. Applications to allow Housing Types other than those permitted in Table 12.23.320-1 shall be
3 processed only as Planned Unit Developments under Section 12.80.120.
- 4 B. Applications for Variances and Adjustments to other base zone standards in the SCC-DT zone
5 may be approved under one of four processes:
- 6 1. As a Variance pursuant to Section 12.80.152;
- 7 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
8 Section 12.80.154;

- 1 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
2 Section 12.80.156; or
3 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

4 **12.23.380 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
5 clearance, and street improvements also apply to development in the SCC-DT zone as follows:

- 6 • Section 12.50.200 Site Design
7 • Section 12.50.300 Vehicle Parking
8 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
9 • Section 12.50.500 Access and Street Standards
10 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
11 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
12 • Subchapter 12.61 Downtown Plan District Standards
13

1 **12.23.400 SCC-SC Station Community Commercial - Station Commercial Zone.** The SCC-SC
 2 zone includes the following sections:

- 3 12.23.410 Purpose
- 4 12.23.420 Housing Types
- 5 12.23.430 Uses
- 6 12.23.440 Accessory Uses Permitted By Right
- 7 12.23.450 Special Provisions Regarding Uses
- 8 12.23.460 Development Standards
- 9 12.23.470 Variances and Adjustments
- 10 12.23.480 Other Pertinent Regulations

11 **12.23.410 Purpose.**

- 12 A. Provide Full Range of Commercial Activities. The SCC-SC zone implements the Station
 13 Community Planning Area Comprehensive Plan designation, providing opportunity to locate
 14 high intensity commercial and community service Uses in close proximity (less than 1,300 feet)
 15 to light rail stations outside downtown.
- 16 B. Provide Opportunities for Higher Density Residential and Mixed-Use Development. The higher
 17 density residential and mixed-use residential/commercial development opportunities provided in
 18 the SCC-SC zone increase housing choices and entrepreneurial opportunities for smaller scale
 19 businesses near light rail stations.
- 20 C. Reduce Vehicle Trips and Encourage Active Transportation. The SCC-SC zone reduces
 21 automobile use for some daily activities by allowing higher density residential, commercial and
 22 mixed-use development in close proximity to light rail stations, increasing both transit use and
 23 walking and bicycling opportunities.

24 **12.23.420 Housing Types.** Table 12.23.420-1 lists Housing Types permitted in the SCC-SC zone.
 25 Housing Types are defined in Section 12.01.500.

26 **TABLE 12.23.420-1:**
 27 **HOUSING TYPES PERMITTED IN THE SCC-SC ZONE**

Housing Types	Status	Clarifications
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	L	Residential uses permitted behind or above commercial use.

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

1 **12.23.430 Uses.** Table 12.23.430-1 lists uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the SCC-SC zone. Within each Use category, certain Uses may be restricted pursuant to
 3 Section 12.30.900.

4 **TABLE 12.23.430-1:**
 5 **USE CATEGORIES IN THE SCC-SC ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Table 12.23.420-1.
Group Living	L/C	Group Living Facilities for persons with disabilities permitted with Director’s Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	L	Residential use to be located behind or above business use.
Commercial Use Categories		
Commercial Lodging	P/N	Hotels permitted; motels Not Permitted.
Commercial Recreation	P/N	Indoor uses permitted; outdoor uses Not Permitted.
Commercial Parking	P	
Durable Goods Sales	L	Limited to certain locations. See Section 12.23.450.
Eating and Drinking Establishments	L	Drive-through facilities subject to additional limitations in Section 12.23.450.
Educational Services	L	See Section 12.23.450 regarding limitations.
Office	L	See Section 12.23.450 regarding limitations.
Retail Products and Services	P/C L/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; subject to additional regulations in Section 12.40.210. Animal service facilities and drive-through facilities subject to additional limitations in Section 12.23.450. Expansions of certain existing Uses Not Permitted: see Section 12.30.900.
Self-Service Storage	N	
Vehicle Service and Repair	L	See Section 12.30.900.
Industrial Use Categories – Only Categories listed below permitted.		
Industrial Service	N	

Use	Status	Clarifications
Manufacturing and Production	C/N	Cottage industry permitted with conditional use approval; all other uses Not Permitted.
Institutional Use Categories		
Colleges and Universities	L	See Section 12.23.450.
Community Services	P	
Detention Facilities	N	
Hospitals and Medical Centers	N	
Major Assembly Facilities	C/N	Outdoor uses such as stadiums and amphitheaters Not Permitted; all other uses subject to additional standards in Section 12.40.210.
Schools	C	Middle and senior high schools permitted with Conditional Use approval; elementary schools Not Permitted. Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park-and-ride facilities permitted with conditional use approval; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utility Facilities	P	With no equipment storage; subject to Section 12.40.260.

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

2 **12.23.440 Accessory Uses Permitted by Right.** Accessory Uses vary based on the Use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on
4 the site and subject to the same regulations as the primary Use unless stated otherwise in the Code.

5 **12.23.450 Special Provisions Regarding Uses.**

6 A. Accessory Uses to Household Uses. Home Occupations are defined in Section 12.01.500
7 permitted as accessory Uses in permitted Housing Types subject to the regulations in Section
8 12.40.170.

9 B. Commercial Building Footprint Limitation. Commercial Uses are limited in size and intensity to
10 promote a local orientation and to limit adverse impacts on nearby residential areas. Multi-story
11 commercial buildings or mixed-use commercial/ residential buildings are permitted with a
12 footprint up to 20,000 sq. ft.

13

1 C. Mixed-Use Buildings.

- 2 1. Within 200 feet of an HCT station site, multi-family residential developments with densities
 3 above 25 units per net acre shall include at least 10% of the ground floor (up to 5000 sq. ft.)
 4 as retail products and services or office commercial Uses. Live/work units do not meet this
 5 standard.
- 6 2. In mixed-use buildings including residential Uses, retail products and service and office Uses
 7 are permitted on all floors. Commercial Uses in a mixed-use building shall occupy at least
 8 5000 sq. feet of the ground floor.

9 D. Animal Service Facilities. Overnight pet boarding is permitted outright at veterinary clinics; but
 10 is allowed elsewhere only with Conditional Use approval. Outdoor exercise areas are Not
 11 Permitted. See Section 12.40.110 for additional regulations on this Use.

12 E. Drive-Through Facilities. New drive-through facilities are Not Permitted except as provided in
 13 Subsection 12.30.900.E.

14 F. Institutional Uses. Colleges and universities, hospitals and medical centers, are permitted with
 15 Planned Unit Development approval. Modifications of existing approved concept plans are also
 16 permitted with Planned Unit Development approval.

17 **12.23.460 Development Standards.** Development standards in the SCC-SC zone are listed in
 18 Table 12.23.460-1. Certain standards are illustrated in Figure 12.23.460-A.

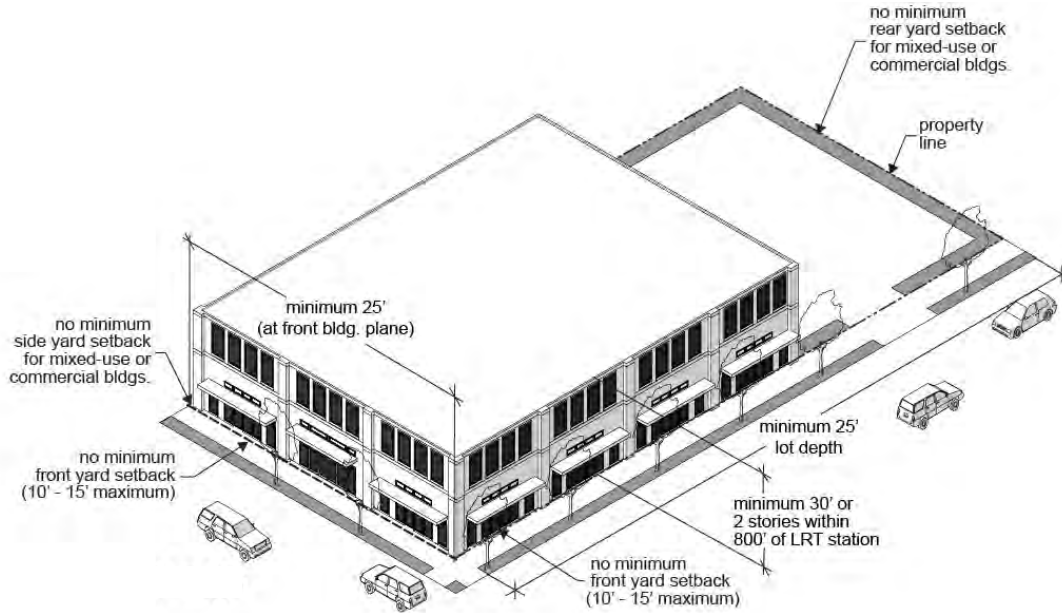
19 **TABLE 12.23.460-1:**
 20 **DEVELOPMENT STANDARDS IN THE SCC-SC ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density		
• Free-standing, within 1300' of an LRT station	30 du/na	
• Free-standing, beyond 1300' from an LRT station	24 du/na	
• In Mixed-Use Buildings	None	
Maximum Density		
• Free-standing, within 1300' of an LRT station	36 du/na	
• Free-standing, beyond 1300' from an LRT station	30 du/na	
• In Mixed-Use Buildings	None	
Minimum FAR		
• within 1300' of an LRT station	0.5	
• beyond 1300' from an LRT station	0.4	

Standard	Requirement	Clarifications
Minimum Lot Dimensions*		
• Width (at front building plane)	25 feet	
• Depth	25 feet	
Minimum Setbacks*		
• Front Yard	None	Setbacks subordinate to Building Code and public utility easements.
• Side Yard	None	
• Rear Yard	None	
Maximum Setbacks*		
• Front Yard <ul style="list-style-type: none"> ○ Mixed-Use or Commercial ○ Residential 	10 feet 15 feet	Additional 10 feet front yard setback for pedestrian amenities may be requested and approved through Development Review.
• Side Yard <ul style="list-style-type: none"> ○ Mixed-Use or Commercial ○ Residential 	None 5 feet (none on alleys)	
• Rear Yard <ul style="list-style-type: none"> ○ Mixed-Use or Commercial ○ Residential 	None 5 feet (none on alleys)	
Minimum Building Height*		
• Within 800 ft. of an LRT Station	30 feet	
• Beyond 800 ft. of an LRT Station	None	
Maximum Building Height*	75 feet	
Maximum Lot Coverage	Not applicable	
Minimum Useable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Variable	See Section 12.50.220.

1 * Standards illustrated in Figure 12.23.460-A

1 **FIGURE 12.23.460-A:**
 2 **MINIMUM LOT DIMENSIONS, SETBACKS**
 3 **AND HEIGHT REQUIREMENTS IN THE SCC-SC ZONE**



5

6 **12.23.470 Variances and Adjustments.**

- 7 A. Applications to allow Housing Types other than those permitted in Table 12.23.420-1 shall be
 8 processed only as Planned Unit Developments under Section 12.80.120.
- 9 B. Applications for Variances and Adjustments to other base zone standards in the SCC-SC zone
 10 may be approved under one of four processes:
- 11 1. As a Variance pursuant to Section 12.80.152;
 - 12 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
 13 Section 12.80.154;
 - 14 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
 15 Section 12.80.156; or
 - 16 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.23.480 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the SCC-SC zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 9 • Subchapter 12.61 Downtown Plan District Standards

10

1 **12.23.500 SCC-MM Station Community Commercial - Multi-Modal Zone.** The SCC-MM zone
 2 includes the following sections:

- 3 12.23.510 Purpose
- 4 12.23.520 Housing Types
- 5 12.23.530 Uses
- 6 12.23.540 Accessory Uses Permitted By Right
- 7 12.23.550 Special Provisions Regarding Uses
- 8 12.23.560 Development Standards
- 9 12.23.570 Variances and Adjustments
- 10 12.23.580 Other Pertinent Regulations

11 **12.23.510 Purpose.**

- 12 A. Provide Full Range of Commercial Activities. The SCC-MM zone implements the Station
 13 Community Planning Area Comprehensive Plan designation at locations on Arterial streets
 14 approximately 2,600 feet from an LRT platform, providing opportunity to locate a mixture of
 15 commercial and community service Uses oriented city-wide.
- 16 B. Provide Opportunities for Higher Density Residential and Mixed-Use Development. The higher
 17 density residential and mixed-use residential/commercial development opportunities provided in
 18 the SCC-MM zone increase housing choices and entrepreneurial opportunities for larger scale
 19 businesses.
- 20 C. Reduce Vehicle Trips and Encourage Active Transportation. By siting a wider mix of
 21 commercial Uses in SCC-MM locations on Arterial streets where existing and planned street
 22 systems will support such Uses, shoppers have opportunities to undertake several errands in a
 23 single trip and/or to access the commercial center by walking, bicycling or transit.

24 **12.23.520 Housing Types.** Table 12.23.520-1 lists Housing Types permitted in the SCC-MM zone.
 25 Housing Types are defined in Section 12.01.500.

26 **TABLE 12.23.520-1:**
 27 **HOUSING TYPES PERMITTED IN THE SCC-MM ZONE**

Housing Types	Status	Clarifications
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	L	Residential Uses permitted above or behind commercial use.

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

1 **12.23.530 Uses.** Table 12.23.530-1 lists uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the SCC-MM zone. Within each use category, certain Uses may be restricted pursuant to
 3 Section 12.30.900.

4 **TABLE 12.23.530-1:**
 5 **USE CATEGORIES IN THE SCC-MM ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Table 12.23.520-1.
Group Living	L/C	Group Living Facilities for person with disabilities permitted with Director’s Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other uses permitted with conditional use approval. Density calculated at 4 persons (excluding caretakers) equivalent to 1 dwelling unit.
Residential Service	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	L	Residential use to be located above or behind business use.
Commercial Use Categories		
Commercial Lodging	P	
Commercial Recreation	P	
Commercial Parking	P	
Durable Goods Sales	L	See Section 12.23.550 regarding limitations.
Eating and Drinking Establishments	P	
Educational Services	P	
Office	P	
Retail Products and Services	P/L	Some uses restricted: see Section 12.23.550 and Section 12.30.900.
Self-Service Storage	L	See Section 12.23.550 regarding limitations.
Vehicle Service and Repair	P/C	Fuel stations permitted subject to Conditional Use approval.
Industrial Use Categories – Only Categories listed below permitted.		
Industrial Service	N	
Manufacturing and Production	C	Cottage industry permitted with Conditional Use approval; all other Uses Not Permitted.
Institutional Use Categories		
Colleges and Universities	L	See Section 12.23.550.

Use	Status	Clarifications
Community Services	P	
Detention Facilities	N	
Hospitals and Medical Centers	C	
Major Assembly Facilities	C	Subject to additional standards in Section 12.40.210.
Schools	C/N	Middle and senior high schools permitted with Conditional Use approval; elementary schools Not Permitted. Subject to public assembly regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted; park-and-ride facilities permitted with Conditional Use approval; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utility Facilities	P	With no equipment storage; subject to Section 12.40.260.

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

2 **12.23.540 Accessory Uses Permitted by Right.** Accessory Uses vary based on the Use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on
4 the site and subject to the same regulations as the primary Use unless stated otherwise in the Code.

5 **12.23.550 Special Provisions Regarding Uses.**

6 A. Accessory Uses to Household Uses. Home Occupations as defined in Section 12.01.500 are
7 permitted as accessory Uses in permitted Housing Types subject to the regulations in Section
8 12.40.170.

9 B. Mixed-Use Buildings. In mixed-use buildings including residential Uses, retail products and
10 service and office Uses are permitted on all floors. Commercial Uses in a mixed-use building
11 shall occupy at least 5000 sq. ft. of the ground floor.

12 C. Animal Service Facilities. Overnight pet boarding is permitted outright at veterinary clinics; but
13 is allowed elsewhere only with Conditional Use approval. Outdoor exercise areas are Not
14 Permitted. See Section 12.40.110 for additional regulations on this Use.

15 D. Durable Goods. Durable Goods sales are permitted only on sites farther than 2,600 feet from a
16 light rail station.

17 E. Self-Service Storage. Self-service storage facilities shall be at least two stories in height, and
18 shall meet applicable FAR requirements. Exterior access to individual units is Not Permitted if
19 visible from a public right-of-way. Vehicle storage is Not Permitted.

F. Institutional Uses. Colleges and universities, hospitals and medical centers, are permitted with Planned Unit Development approval. Modifications of existing approved concept plans are also permitted with Planned Unit Development approval.

12.23.560 Development Standards. Development standards in the SCC-MM zone are listed in Table 12.23.560-1. Certain standards are illustrated in Figure 12.23.560-A.

**TABLE 12.23.560-1:
DEVELOPMENT STANDARDS IN THE SCC-MM ZONE**

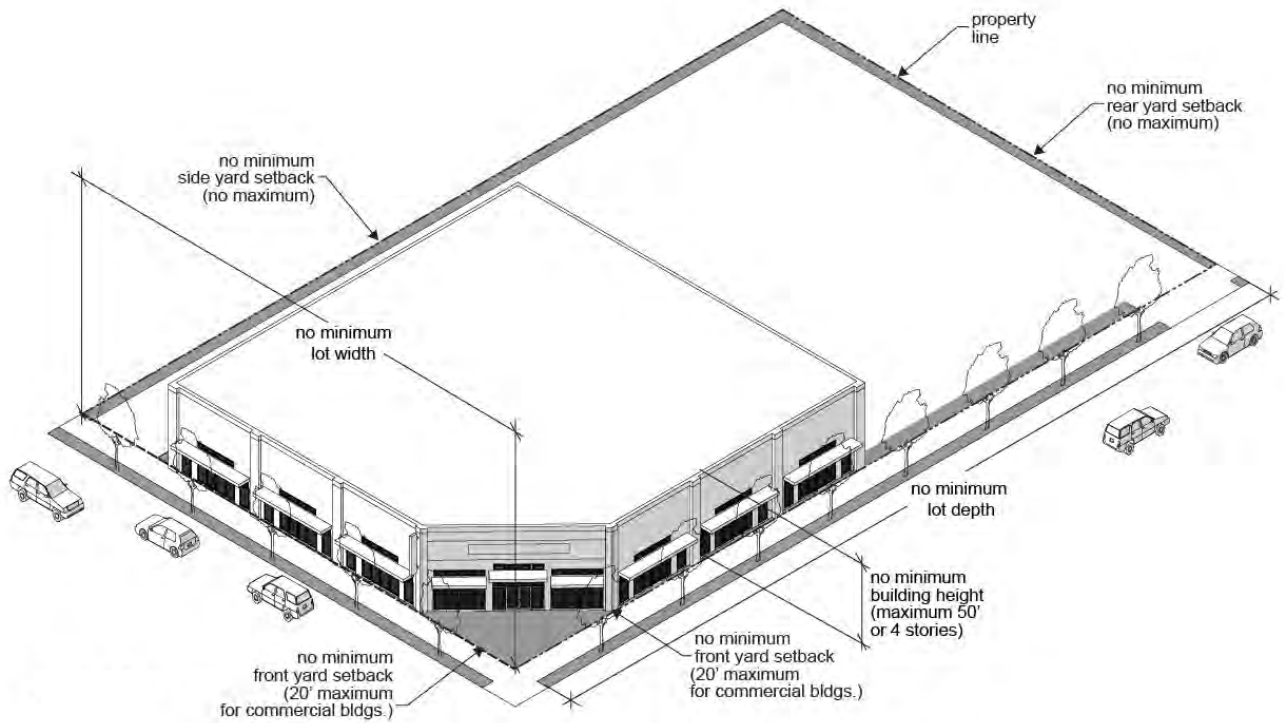
Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density		In Mixed-Use buildings, residential uses are permitted on or above the second floor.
• Free-Standing	15 du/na	
• In Mixed-Use Buildings	None	
Maximum Density Free-Standing and in Mixed-Use Buildings	30 du/na	
Minimum FAR	None	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
• Frontage	25 feet	
Minimum Setbacks		Setbacks subordinate to Building Code and public utility easements.
• Front Yard		
○ to structure	None	
○ to garage door	Either 5 feet or less; or 19 feet or more	
• Side Yard	None	
• Rear Yard		
○ to structure	None	
○ to garage door	Either 5 feet or less; or 19 feet or more	
Maximum Setbacks		Maximum setbacks apply only to buildings constructed within 50 feet of a transit truck route or major pedestrian route.
• Front Yard		Additional 10 feet front setback for pedestrian amenities may be requested and approved through Development Review.
○ Residential	15 feet	
○ Commercial	20 feet	

Standard	Requirement	Clarifications
• Side Yard	None	
• Rear Yard	None	
Minimum Building Height	None	
Maximum Building Height	50 feet	
Maximum Lot Coverage	Not applicable	
Minimum Useable Open Space	Variable	See Section 12.50.210.
Minimum Landscaping	Variable	See Section 12.50.220.

1 * Standards illustrated in Figure 12.23.560-A

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**FIGURE 12.23.560-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SCC-MM ZONE**



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1 **12.23.570 Variances and Adjustments.**

- 2 A. Applications to allow Housing Types other than those permitted in Table 12.23.520-1 shall be
3 processed only as Planned Unit Development under Section 12.80.120.
- 4 B. Applications for Variances and Adjustments to other base zone standards in the SCC-MM zone
5 may be approved under one of four processes:
- 6 1. As a Variance pursuant to Section 12.80.152;
 - 7 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
8 Section 12.80.154;
 - 9 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
10 Section 12.80.156; or
 - 11 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

12 **12.23.580 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
13 clearance, and street improvements also apply to development in the SCC-MM zone as follows:

- 14 • Section 12.50.200 Site Design
- 15 • Section 12.50.300 Vehicle Parking
- 16 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 17 • Section 12.50.500 Access and Street Standards
- 18 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 19 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

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**SUBCHAPTER 12.24
MIXED-USE AND URBAN CENTER ZONES**

- 3 **12.24.010** **Mixed-Use Zones**
- 4 **12.24.020** **Locational Characteristics**
- 5 **12.24.030** **Organization within This Chapter**
- 6
- 7 **12.24.100** **MU-N Mixed-Use - Neighborhood**
- 8 **12.24.110** **Purpose**
- 9 **12.24.120** **Housing Types**
- 10 **12.24.130** **Uses**
- 11 **12.24.140** **Accessory Uses Permitted by Right**
- 12 **12.24.150** **Special Provisions Regarding Uses**
- 13 **12.24.160** **Development Standards**
- 14 **12.24.170** **Variances and Adjustments**
- 15 **12.24.180** **Other Pertinent Regulations**
- 16
- 17 **12.24.200** **MU-C Mixed-Use – Commercial**
- 18 **12.24.210** **Purpose**
- 19 **12.24.220** **Housing Types**
- 20 **12.24.230** **Uses**
- 21 **12.24.240** **Accessory Uses Permitted by Right**
- 22 **12.24.250** **Special Provisions Regarding Uses**
- 23 **12.24.260** **Development Standards**
- 24 **12.24.270** **Variances and Adjustments**
- 25 **12.24.280** **Other Pertinent Regulations**
- 26
- 27 **12.24.300** **SCR-V Station Community Residential-Village**
- 28 **12.24.310** **Purpose**
- 29 **12.24.320** **Housing Types**
- 30 **12.24.330** **Uses**
- 31 **12.24.340** **Accessory Uses Permitted By Right**
- 32 **12.24.350** **Special Provisions Regarding Uses**
- 33 **12.24.360** **Development Standards**
- 34 **12.24.370** **Variances and Adjustments**
- 35 **12.24.380** **Other Pertinent Regulations**
- 36
- 37 **12.24.400** **UC-RM Urban Center - Residential Medium Density**
- 38 **12.24.410** **Purpose**
- 39 **12.24.420** **Housing Types**
- 40 **12.24.430** **Uses**
- 41 **12.24.440** **Accessory Uses Permitted by Right**
- 42 **12.24.450** **Special Provisions Regarding Uses**
- 43 **12.24.460** **Development Standards**

1	12.24.470	Variances and Adjustments
2	12.24.480	Other Pertinent Regulations
3		
4	12.24.500	UC-MU Urban Center - Mixed-Use Urban Density
5	12.24.510	Purpose
6	12.24.520	Housing Types
7	12.24.530	Uses
8	12.24.540	Accessory Uses Permitted By Right
9	12.24.550	Special Provisions Regarding Uses
10	12.24.560	Development Standards
11	12.24.570	Variances and Adjustments
12	12.24.580	Other Pertinent Regulations
13		
14	12.24.600	UC-AC Urban Center - Activity Center
15	12.24.610	Purpose
16	12.24.620	Housing Types
17	12.24.630	Uses
18	12.24.640	Accessory Uses Permitted By Right
19	12.24.650	Special Provisions Regarding Uses: Commercial Parking
20	12.24.660	Development Standards
21	12.24.670	Variances and Adjustments
22	12.24.680	Other Pertinent Regulations
23		
24	12.24.700	UC-NC Urban Center - Neighborhood Center
25	12.24.710	Purpose
26	12.24.720	Housing Types
27	12.24.730	Uses
28	12.24.740	Accessory Uses Permitted By Right
29	12.24.750	Special Provisions Regarding Uses
30	12.24.760	Development Standards
31	12.24.770	Variances and Adjustments
32	12.24.780	Other Pertinent Regulations
33		
34	12.24.800	UC-OR Urban Center - Office/Research
35	12.24.810	Purpose
36	12.24.820	Housing Types
37	12.24.830	Uses
38	12.24.840	Accessory Uses Permitted By Right
39	12.24.850	Special Provisions Regarding Uses
40	12.24.860	Development Standards
41	12.24.870	Variances and Adjustments
42	12.24.880	Other Pertinent Regulations
43		

- 1 **12.24.900 UC-RP Urban Center - Research Park**
- 2 **12.24.910 Purpose**
- 3 **12.24.920 Housing Types**
- 4 **12.24.930 Uses**
- 5 **12.24.940 Accessory Uses Permitted By Right**
- 6 **12.24.950 Special Provisions Regarding Uses**
- 7 **12.24.960 Development Standards**
- 8 **12.24.970 Variances and Adjustments**
- 9 **12.24.980 Other Pertinent Regulations**
- 10

1 **12.24.010 Mixed-Use Zones.** There are nine Mixed-Use and urban center zones in the City:

- 2 A. MU-N Neighborhood Mixed-Use
- 3 B. MU-C Commercial Mixed-Use
- 4 C. SCR-V Station Community Residential Village
- 5 D. UC-RM Urban Center - Residential Medium Density
- 6 E. UC-MU Urban Center - Mixed-Use Urban Density
- 7 F. UC-AC Urban Center - Activity Center
- 8 G. UC-NC Urban Center - Neighborhood Center
- 9 H. UC-OR Urban Center - Office/Research
- 10 I. UC-RP Urban Center - Research Park

11 **12.24.020 Locational Characteristics.** On the Comprehensive Plan Land Use Map, Mixed-Use
12 and Urban Center zones implement seven Comprehensive Plan Land Use Map designations as shown in
13 Table 12.24.020-1.

14 **Table 12.24.020-1:**
15 **Mixed-Use and Urban Center Zones and Plan Designations Implemented**

Mixed-Use or Urban Center Zone	Plan Designation(s) Implemented
MU-N Mixed-Use - Neighborhood	MU Mixed-Use
MU-C Mixed-Use - Commercial	MU Mixed-Use or COM Commercial
SCR-V Station Community Residential - Village	SCPA Station Community Planning Area
UC-RM Urban Center - Residential Medium Density	MU-UR Mixed-Use - Urban Residential
UC-MU Urban Center - Mixed-Use Urban Density	MU-UR Mixed-Use - Urban Residential MU-UE Mixed-Use - Urban Employment MU-I Mixed-Use - Institutional
UC-AC Urban Center - Activity Center	MU-UC Mixed-Use - Urban Commercial
UC-NC Urban Center - Neighborhood Center	MU Mixed-Use
UC-OR Urban Center - Office/Research	MU-UE Mixed-Use - Urban Employment or MU-I Mixed-Use - Institutional
UC-RP Urban Center - Research Park	MU-I Mixed-Use - Institutional

16 **12.24.030 Organization within This Chapter.**

- 17 A. Common Elements. Each section in this chapter contains the following subsections:
 - 18 1. Purpose;
 - 19 2. Permitted, Conditional, Limited, and Not Permitted Housing Types (organized in tables);
 - 20 3. Permitted, Conditional, Limited and Not Permitted uses (organized in tables);
 - 21 4. Accessory Uses Permitted;

- 1 5. Special provisions regarding Uses;
 - 2 6. Development standards (organized in tables, illustrated in figures);
 - 3 7. Variances and adjustments; and
 - 4 8. Other pertinent regulations.
- 5 B. Purpose. Purpose statements for each zone chapter are descriptive of the zone’s characteristics
6 and intent. This information is drawn from the Comprehensive Plan and/or the Community
7 Development Code. Purpose statements are informational and not intended to be regulations.
- 8 C. Housing Types. Residential Uses in Mixed-Use zones occupy a variety of Housing Types.
9 Permitted, Conditionally Permitted, Limited and Not Permitted Housing Types within each zone
10 are summarized in tables based on the definitions of Housing Types listed in Section 12.01.500.
11 Neither the residential Use categories nor the Housing Types distinguish between owner- or
12 renter-occupation.
- 13 D. Uses. Permitted, Conditionally Permitted, Limited and Not Permitted Uses within each zone are
14 summarized in tables based on the standardized Use categories contained in Subchapter 12.10.
- 15 1. Permitted Uses (P) are permitted by right, subject to all applicable provisions of this Code.
 - 16 2. Conditionally Permitted uses (C) may be allowed, subject to approval on an individual basis
17 as Conditional Uses. The Conditional Use application process and approval criteria are set
18 forth in Subchapters 12.70 and 12.80. Certain Conditional Uses may have additional
19 standards as set forth in Subchapter 12.40.
 - 20 3. Limited uses (L) are permitted by right, but are subject to specified requirements, exceptions
21 or restrictions which may vary with the nature, size, or location of the use.
 - 22 4. Not Permitted uses (N) are Not Permitted in the zone under any circumstances.
- 23 E. Accessory Uses Permitted by Right. Accessory Uses vary based on the Use categories contained
24 in Subchapter 12.10. Accessory Uses are permitted in each zone in conjunction with the primary
25 Use on the site and are subject to the same regulations as the primary Use unless stated otherwise
26 in the Code. Characteristics and standards for certain accessory Uses are listed in Subchapter
27 12.40.
- 28 F. Special Provisions Regarding Uses. Where certain notations in the Clarifications column of the
29 Uses tables require further explanation, they are noted in this section.
- 30 G. Development Standards.
- 31 1. Development standards in each Mixed-Use or urban center zone are summarized in tables.
32 Development standards are typically numerical standards: minimum and maximum densities;
33 minimum floor area ratios; minimum and maximum lot dimensions; structural setbacks;
34 maximum building height and lot coverage. All development must comply with the
35 development standards unless a discretionary Variance or Adjustment is approved as
36 described in Subsection H below.
 - 37 2. Except in the UC zones, density calculation formulas for minimum and maximum density are
38 set forth in Section 12.50.120. Minimum and maximum residential densities apply to all
39 residential Use categories.

- 1 3. Except in the SCR-V and UC-RP zones, certain development standards are illustrated in a
2 Figure immediately following the development standards table.
- 3 4. In the UC zones, development intensity standards (du/na and FAR) are applied as follows:
- 4 a. Mixed-Use development, either vertical or horizontal, is not required.
- 5 b. Minimum FAR standards apply to parcels containing only non-residential development.
- 6 c. Minimum residential density standards apply to parcels containing only residential
7 development, and to vertical Mixed-Use development that includes non-residential Uses
8 on the ground floor and residential uses on upper floors. In vertical Mixed-Use projects,
9 ground floor non-residential space is not required to meet minimum FAR requirements.
- 10 d. If a single building or a single development parcel contains a mix of residential and non-
11 residential development, and the provisions of Subsection c above do not apply, the
12 minimum required density or FAR shall be based on the percentages of gross floor area
13 (GFA) devoted to residential and non-residential Uses. For example, if 70% of the GFA
14 on a single development parcel would be developed as residential and 30% as non-
15 residential, the development would be required to meet at least 70% of the minimum
16 residential density and 30% of the minimum non-residential density of the applicable
17 base zone standards.

18 H. Variances and Adjustments. Applications to vary or adjust certain numeric standards in each
19 zone may be requested and approved under Sections 12.80.152, 12.80.154, and 12.80.156.
20 Certain numeric standards may also be subject to exceptions under specific circumstances, as
21 described in the Standards section.

22 I. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision
23 clearance, and street improvements as listed in Subchapter 12.50 may also apply to development
24 in Mixed-Use zones. These site design and development standards may also have exceptions as
25 described in those sections. The AmberGlen Plan District standards in Subchapter 12.60 apply
26 in UC zones.

27

1 **12.24.100 MU-N Mixed-Use – Neighborhood.** The MU-N zone includes the following sections:

- 2 12.24.110 Purpose
- 3 12.24.120 Housing Types
- 4 12.24.130 Uses
- 5 12.24.140 Accessory Uses Permitted by Right
- 6 12.24.150 Special Provisions Regarding Uses
- 7 12.24.160 Development Standards
- 8 12.24.170 Variances and Adjustments
- 9 12.24.180 Other Pertinent Regulations

10 **12.24.110 Purpose.**

- 11 A. Create Opportunities for Mixed-Use Development. The MU-N zone implements the Mixed-Use
12 Comprehensive Plan designation, providing opportunities to site compatible land Uses close
13 together in appropriate locations to shorten transportation trips and facilitate multi-modal
14 development. Mixed-use developments may occur horizontally side-by-side or vertically in the
15 same structure.
- 16 B. Encourage Infill and Redevelopment. The MU-N zone facilitates infill development and allows
17 redevelopment of commercial, residential and mixed-use development within existing
18 neighborhoods.
- 19 C. Enhance Economic Viability of Mixed-Use Projects. The MU-N zone allows flexibility in
20 development standards to recognize the challenge of developing small scale Mixed-Use
21 buildings a similar scale to surrounding residential development.
- 22 D. Appropriately Scale Commercial Uses. By limiting the size of any one commercial retail Use,
23 the standards of the MU-N zone keep the scale of commercial activity appropriate to the
24 surrounding area.
- 25 E. Improve Efficiency of Existing Street Systems. The Mixed-Use development pattern of the MU-
26 N zone helps support the street system and existing street grid patterns through redevelopment
27 and land divisions as much as possible, or through use of new street plans as appropriate.

28 **12.24.120 Housing Types.** Table 12.24.120-1 lists the Housing Types permitted in the MU-N
29 zone. Housing Types are defined in Section 12.01.500.

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**TABLE 12.24.120-1:
HOUSING TYPES PERMITTED IN THE MU-N ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	P	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple dwelling structure	P	
Manufactured dwelling	L	Subject to Special Use provisions in Section 12.40.190.
Manufactured dwelling park	N	
Live-work dwelling	L	Residential Uses Permitted above or behind commercial Uses.

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

4 **12.24.130 Uses.** Table 12.24.130-1 lists uses permitted, conditionally permitted, limited or Not
5 Permitted in the MU-N zone.

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**TABLE 12.24.130-1:
USE CATEGORIES IN THE MU-N ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.24.120-1
Group Living	L/C	Permitted for persons with disabilities permitted with Director's Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other Uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P/C	Residential Services up to 50 residents permitted outright; Residential Services with 51 or more residents permitted with Conditional Use approval. Density calculated at 4 persons equivalent to 1 dwelling unit; caregivers excluded from density calculations.
Residential Business	L	See limitations in Section 12.24.150.
Commercial Use Categories		
Commercial Lodging	N	
Commercial Recreation	P/N	Indoor Uses permitted; outdoor Uses Not Permitted
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See limitations in Section 12.24.150

Use	Status	Clarifications
Educational Services	L	See limitations in Section 12.24.150
Major Event Facilities	N	
Office	L	See limitations in Section 12.24.150
Retail Products and Services	L/C	See limitations in Section 12.24.150 Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. feet, or maximum IBC occupancy in primary assembly area < 250 persons; subject to Special Use provisions in Section 12.40.210.
Self-Service Storage	N	
Vehicle Service and Repair	N/L	New Uses Not Permitted. Expansion of existing Uses subject to requirements of Subchapter 12.30.
Industrial Use Categories - only Categories listed permitted.		
Manufacturing And Production	L/N	Cottage industry permitted; all other Uses in this category Not Permitted.
Institutional Use Categories		
Colleges and Universities	C	
Community Services	C	
Detention Facilities	N	
Hospitals and Medical Centers	N	
Major Assembly Facilities	C/N	Religious institutions permitted with Conditional Use approval; subject to additional regulations in Section 12.40.210; all other Uses Not Permitted.
Schools	N	
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	N	
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	C	With no equipment storage; subject to Special Use provisions in Section 12.40.260.

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

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1 **12.24.140 Accessory Uses Permitted by Right.**

2 A. Accessory Uses to Residential Primary Uses.

- 3 1. Accessory Structures. Accessory structures as defined in Section 12.01.500 are permitted
4 subject to additional requirements in Section 12.40.100.
- 5 2. Secondary Dwelling Units. Secondary dwelling units (SDUs) are permitted on detached
6 single-family residential lots, subject to additional requirements in Section 12.40.230. One
7 SDU is permitted on any lot containing one primary residence.
- 8 3. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
9 registered family child care homes as defined in ORS 657A are permitted; and certified
10 residential homes as defined in ORS 443 are also permitted.
- 11 4. Household Energy Production Facilities. Household energy production facilities are defined
12 in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate
13 Federal, State and Local permits.
- 14 5. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject
15 to issuance of necessary and appropriate Federal, State and Local permits.
- 16 6. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
17 subject to additional requirements in Section 12.40.170.

- 18 B. Accessory Uses to Commercial Primary Uses. Accessory Uses to commercial primary Uses vary
19 based on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in
20 conjunction with the primary Use on the site and subject to the same regulations as the primary
21 Use unless stated otherwise in the Code.

22 **12.24.150 Special Provisions Regarding Uses.**

- 23 A. Maximum First Floor Non-Residential Occupancy Area in Mixed-Use Buildings. The maximum
24 area for a single non-residential occupancy on the first floor of a Mixed-Use building is 6000 sq.
25 ft.
- 26 B. Drive- Through Facilities. Drive-through facilities are Not Permitted.
- 27 C. Limitations on Manufacturing and Production Uses. Cottage industry Uses proposed in the MU-
28 N zone shall be scaled and conducted to have no impacts on adjacent properties related to noise,
29 dust, odor or light glare.
- 30 D. Limitations on Animal Service Facilities. Accessory overnight pet boarding is permitted outright
31 at veterinary clinics, but requires Conditional Use approval at other animal service facilities.
32 Outdoor exercise areas are Not Permitted.

1 **12.24.160 Development Standards.** Base zone development standards in the MU-N zone are listed
 2 in Table 12.24.160-1. Certain standards are illustrated in Figure 12.24.160-A.

3 **TABLE 12.24.160-1:**
 4 **DEVELOPMENT STANDARDS IN THE MU-N ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Residential Density		
<ul style="list-style-type: none"> • Residential buildings on lots fronting local or Collector streets 	8 du/na	On corner lots at the intersection of local/Collector streets and Arterial streets, minimum residential density is 8 du/na.
<ul style="list-style-type: none"> • Residential buildings on lots fronting Arterial streets 	12 du/na	
<ul style="list-style-type: none"> • Mixed-use buildings on or above the second floor 	None	
Maximum Residential Density		
<ul style="list-style-type: none"> • Residential buildings on lots fronting local or Collector streets 	11 du/na	On corner lots at the intersection of local/Collector streets and Arterial streets, maximum residential density is 11 du/na.
<ul style="list-style-type: none"> • Residential buildings on lots fronting Arterial streets 	24 du/na	
<ul style="list-style-type: none"> • Mixed-use buildings on or above the second floor 	24 du/na	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions*		
<ul style="list-style-type: none"> • Width (at front building plane) 	18 feet	
<ul style="list-style-type: none"> • Depth 	None	
<ul style="list-style-type: none"> • Lot frontage 	18 feet	
Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building code requirements
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ to residential structure ○ to garage door ○ to commercial or mixed-use structure 	10 feet 19 feet None	

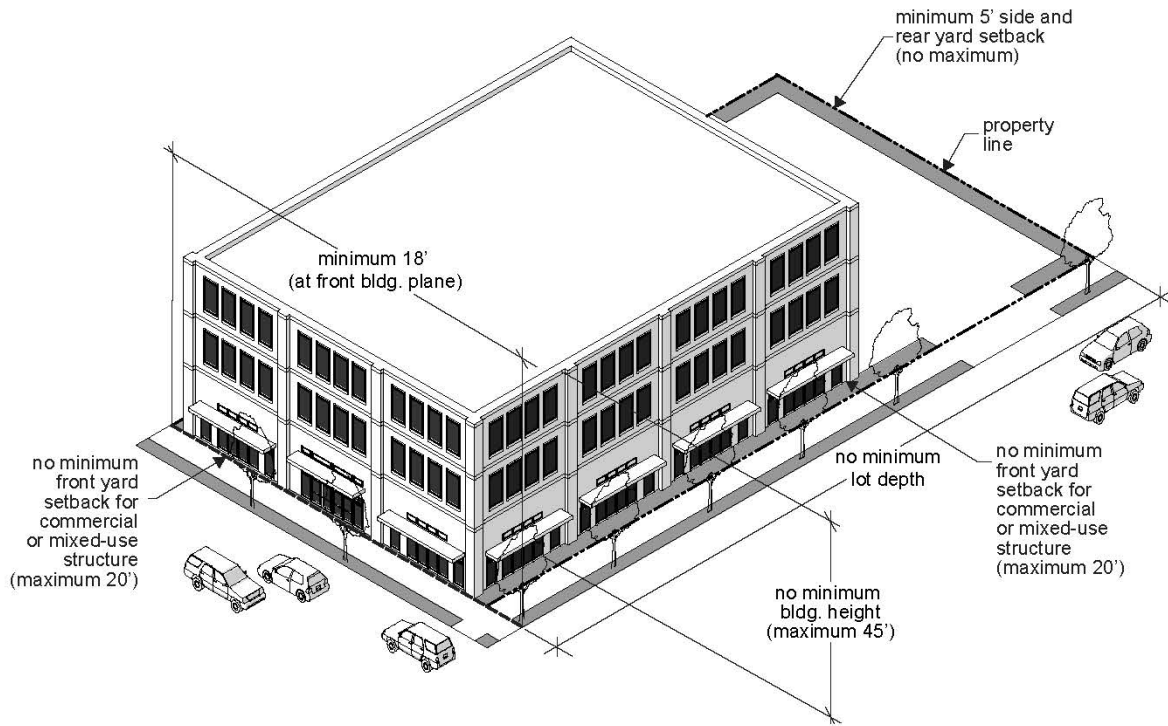
Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Side Yard 	5 feet; additional required if adjacent to SFR	Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.24.120-1. See also Section 12.50.140 regarding setbacks and building height transitions.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ To residential structure with front yard garage access ○ To residential structure with rear yard garage access 	10 feet	
<ul style="list-style-type: none"> ○ Rear Yard (commercial or Mixed-Use) 	Either 5 feet or less, or 19 feet or more 5 feet	
Maximum Setbacks*		
<ul style="list-style-type: none"> • Front Yard 	20 feet	Maximum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Side Yard 	None	
<ul style="list-style-type: none"> • Rear Yard 	None	
Minimum Building Height*	None	
Maximum Building Height*	45 feet	See Section 12.50.140 regarding setbacks and building height transitions.
Maximum Lot Coverage (primary building(s) only)	12,000 gsf	
Minimum Usable Open Space (applicable to residential development only)	100 sq. feet/du	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.24.160-A

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**FIGURE 12.24.160-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE MU-N ZONE**



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5 **12.24.170 Variances and Adjustments.**

- 6 A. Applications to allow Housing Types other than those permitted in Table 12.24.120-1 shall be
7 processed only as Planned Unit Developments under Section 12.80.120.
- 8 B. Applications for Variances and Adjustments to other base zone standards in the MU-N zone may
9 be approved under one of four processes:
- 10 1. As a Variance pursuant to Section 12.80.152;
 - 11 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
12 Section 12.80.154;
 - 13 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
14 Section 12.80.156; or
 - 15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

16

1 **12.24.180 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the MU-N zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

9

1 **12.24.200 MU-C Mixed-Use – Commercial.** The MU-C zone includes the following sections:

- 2 12.24.210 Purpose
- 3 12.24.220 Housing Types
- 4 12.24.230 Uses
- 5 12.24.240 Accessory Uses Permitted
- 6 12.24.250 Special Provisions regarding Uses
- 7 12.24.260 Development Standards
- 8 12.24.270 Variances and Adjustments
- 9 12.24.280 Other Pertinent Regulations

10 **12.24.210 Purpose.**

- 11 A. Create Opportunities for More Intense Mixed-Use Development. The MU-C zone implements
12 the Mixed-Use Comprehensive Plan designation, providing opportunities to develop a mixture of
13 larger-scale commercial and residential Uses on sites that are considerably larger than those
14 located within MU-N zones. Mixed-Use developments may occur vertically in the same
15 structure, or horizontally side-by-side in the same development, but not necessarily on the same
16 parcel.
- 17 B. Balance Transportation Needs on Large Sites. The standards of the MU-C zone allow
18 development of large-scale lots/parcels with a mix of commercial and residential Uses,
19 characterized by design amenities that accommodate pedestrians and motorists equally.
- 20 C. Create New Efficient Street Grids. The standards of the MU-C zone facilitate completion of
21 street grid patterns from existing and new streets, creating a transportation and development
22 framework that accommodates pedestrian, bicycle, transit and automobile travel in the area.
- 23 D. Enhance Economic Viability of Mixed-Use Projects. The MU-C zone allows flexibility in
24 development standards to allow a complimentary mixture of Uses within a development, but not
25 necessarily on the same parcel.
- 26 E. Create an Attractive Streetscape. The MU-C zone standards limit ground floor retail Uses to
27 reflect a sense of a village center, rather than a shopping center, creating an interesting and
28 attractive pedestrian environment.

29 **12.24.220 Housing Types.** Table 12.24.220-1 lists Housing Types permitted in the MU-C zone.
30 Housing Types are defined in Section 12.01.500.

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**TABLE 12.24.220-1:
HOUSING TYPES PERMITTED IN THE MU-C ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	N	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple dwelling structure	P	
Manufactured dwelling	N	Subject to Special Use provisions in Section 12.40.190.
Manufactured dwelling park	N	
Live-work dwelling	L	Residential Uses permitted above or behind commercial Uses.

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

4 **12.24.230 Uses.** Table 12.24.230-1 lists uses Permitted, Conditionally Permitted, Limited or Not
5 Permitted in the MU-C zone.

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**TABLE 12.24.230-1:
USE CATEGORIES IN THE MU-C ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.24.220-1
Group Living	L/C	Permitted for persons with disabilities with Director’s Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P	Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	L	See limitations in Section 12.24.250.
Commercial Use Categories		
Commercial Lodging	P/N	Hotels and residential hotels permitted; all other uses in this category Not Permitted
Commercial Recreation	P/N	Indoor uses permitted; outdoor Uses Not Permitted
Commercial Parking	L	Subject to minimum FAR and limitations in Section 12.24.250.
Durable Goods Sales	L	Subject to minimum FAR and limitations in Section 12.24.250.
Eating and Drinking Establishments	L	Subject to minimum FAR and limitations in Section 12.24.250.

Use	Status	Clarifications
Educational Services	L	Subject to minimum FAR and limitations in Section 12.24.250.
Major Event Facilities	N	
Office	L	Subject to minimum FAR and limitations in Section 12.24.250.
Retail Products and Services	L/C	Subject to minimum FAR and limitations in Section 12.24.250. Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. feet, or maximum IBC occupancy in primary assembly area < 250 persons; subject to additional regulations in Section 12.40.210.
Self-Service Storage	L	Permitted in multiple story structures only, without vehicle storage.
Vehicle Service and Repair	N/L	New Uses Not Permitted. Expansion of existing Uses subject to requirements of Subchapter 12.30.
Industrial Use Categories - only Categories listed permitted.		
Manufacturing and Production	L/N	Cottage industry permitted; all other uses in this category Not Permitted.
Institutional Use Categories		
Colleges and Universities	L	Subject to minimum FAR and limitations in Section 12.24.350.
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C	Subject to Special Use provisions in Section 12.40.210.
Schools	C	Subject to Special Use provisions in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted outright; park-and-ride facilities subject to Conditional Use review; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	C	With no equipment storage; subject to Special Use provisions in Section 12.40.260.

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

1 **12.24.240 Accessory Uses Permitted by Right.**

2 A. Accessory Uses to Residential Primary Uses.

- 3 1. Accessory Structures. Accessory structures are defined in Section 12.01.500, and are
4 permitted subject to additional requirements in Section 12.40.100.
- 5 2. Community Recreation Facilities. Community recreation facilities used solely by residents
6 of a specific neighborhood are permitted when approved as an amenity of that neighborhood
7 during the development process.
- 8 3. Certified or Registered Family Child Care Home and Residential Homes. Certified or
9 registered family child care homes as defined in ORS 657A are permitted, and certified or
10 registered residential homes as defined in ORS 443 are also permitted.
- 11 4. Household Energy Production Facilities. Household energy production facilities are defined
12 in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate
13 Federal, State and Local permits.
- 14 5. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject
15 to issuance of necessary and appropriate Federal, State and Local permits.
- 16 6. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
17 subject to additional requirements in Section 12.40.170.

- 18 B. Accessory Uses to Commercial Primary Uses. Accessory Uses to commercial primary Uses vary
19 based on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in
20 conjunction with the primary Use on the site and subject to the same regulations as the primary
21 Use unless stated otherwise in the Code.

22 **12.24.250 Special Provisions Regarding Uses.**

- 23 A. Maximum Ground Floor Commercial Occupancy Area in Mixed-Use Buildings. The maximum
24 first floor footprint for a single non-residential occupancy in a Mixed-Use building is 20,000 sq.
25 feet; larger buildings may be permitted with integrated structured parking under Subsection B
26 below.
- 27 B. Larger Footprints Permitted with Structured Parking. Increases in the maximum building
28 footprint up to 40,000 sq. feet may be permitted for buildings which integrate structured parking
29 into the building envelope, provided that the structured parking complies with the design
30 standards in Subsection 12.50.360.D.
- 31 C. Increased Height Permitted with Structured Parking. Pursuant to Subsection 12.50.140.E.4,
32 increases in building height may be permitted for buildings which integrate structured parking
33 into the building envelope, provided the structured parking complies with the design standards in
34 Section 12.50.360.D.
- 35 D. Limitations on Drive-Through Facilities. Drive-through facilities are permitted in the MU-C
36 subject to the following limitations:
- 37 1. New drive-through facilities must be located with 100 feet of an Arterial street.
- 38 2. No more than two drive-through service lanes are permitted between the building façade and
39 the street.

1 3. Drive-through lanes between a building façade and the street must be buffered at the property
2 line by evergreen shrubs at least 2 feet higher than finished grade when planted: shrub
3 species must reach at least 3 feet height at maturity.

4 E. Limitations on Animal Service Facilities. Accessory overnight pet boarding is permitted outright
5 at veterinary clinics, but requires Conditional Use approval at other animal service facilities.
6 Outdoor exercise areas are Not Permitted.

7 F. Limitations on Manufacturing and Production Uses. Cottage industry Uses proposed in the MU-
8 C zone shall be scaled and conducted, and have no impacts on adjacent properties related to
9 noise, dust, odor or light glare.

10 G. Vertical Mixed-Use Required on Arterial and Collector Streets. At least 60% of street level
11 street frontage on Arterial and Collector streets within each development shall be constructed for
12 occupancy by active pedestrian Uses, including but not limited to eating and drinking
13 establishments, retail goods and services, community service Uses, and Public Open Space
14 including transit shelters. The remaining percentage of the street frontage may be occupied by
15 other Uses, including residential Uses, sidewalk entries or driveways. Private Open Space
16 cannot be included in the minimum 60% street frontage requirement.

17 H. Street Level Retail Construction Requirements. To accommodate the active pedestrian Uses
18 required in Subsection G above, ground floor construction in at least 60% of street level street
19 frontage on Arterial and Collector streets within each development must be constructed to the
20 following standards:

- 21 1. Minimum floor height of 13 feet and minimum leasable depth of 30 feet;
- 22 2. Maximum front setback of 10 feet unless abutting a public open space; and
- 23 3. Provision of pedestrian access directly from the street or public open space at not more than 3
24 feet above or below sidewalk grade or at grade if abutting a public open space.

25 **12.24.260 Development Standards.** Base zone development standards in the MU-C zone are listed
26 in Table 12.24.260-1. Certain standards are illustrated in Figure 12.24.260-A.

27

**TABLE 12.24.260-1:
DEVELOPMENT STANDARDS IN THE MU-C ZONE**

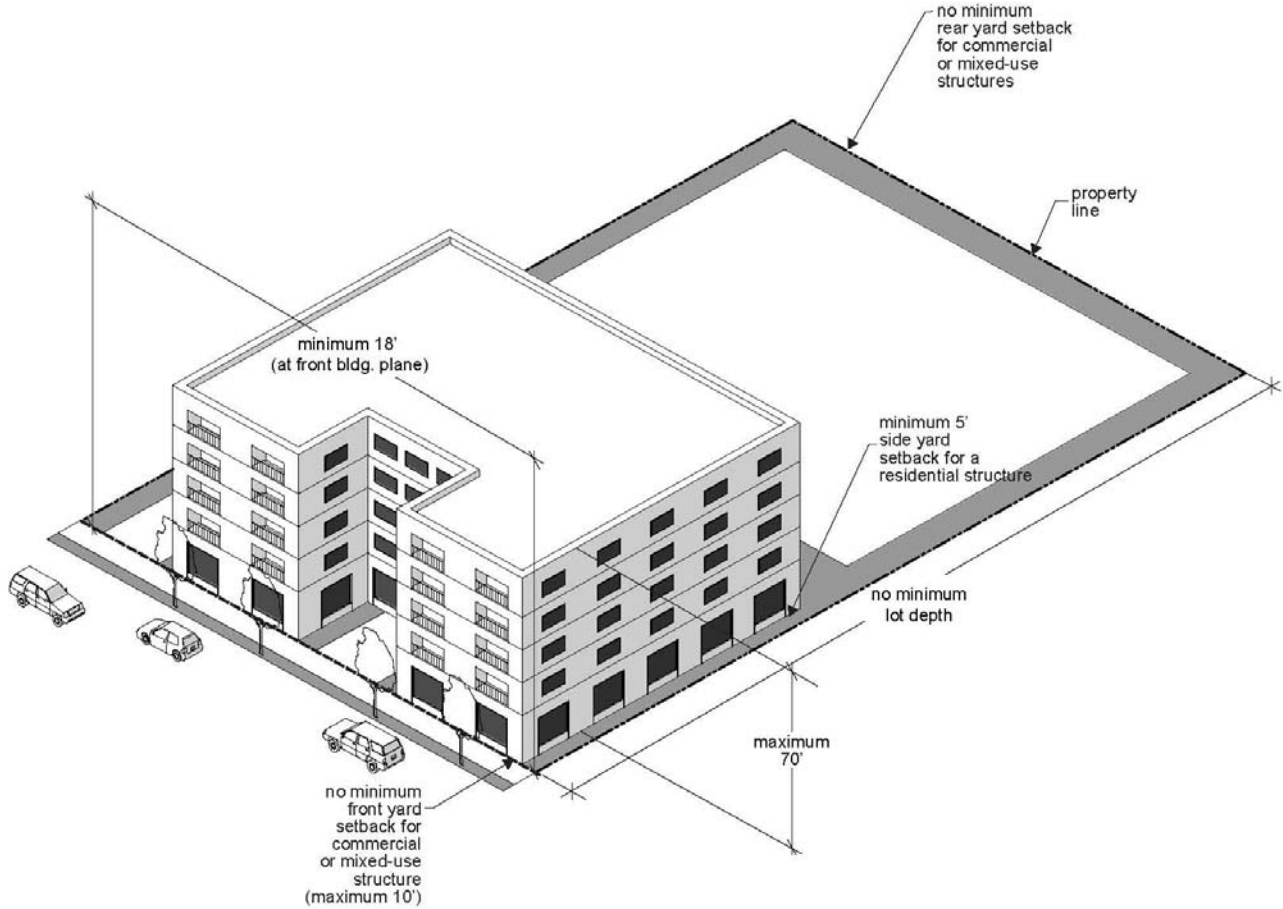
Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Residential Density		
<ul style="list-style-type: none"> • On or above the second floor in vertical Mixed-Use buildings 	12	
<ul style="list-style-type: none"> • In free-standing buildings 	23 du/na	
Maximum Residential Density		
<ul style="list-style-type: none"> • On or above the second floor in vertical Mixed-Use buildings 	None	
<ul style="list-style-type: none"> • In free-standing buildings 	None	
Minimum FAR (includes both residential and non-residential square footages)	0.75	
Maximum FAR (includes both residential and non-residential square footage)	None	Increased FAR above the minimum .75 permitted subject to PUD approval under Section 12.80.120.
Minimum Lot Dimensions*		
<ul style="list-style-type: none"> • Width (at front building plane) 	18 feet	
<ul style="list-style-type: none"> • Depth 	None	
<ul style="list-style-type: none"> • Lot Frontage 	18 feet	
Minimum Setbacks*		Setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ to residential structure ○ to garage door ○ to commercial or mixed-use structure 	5 feet 19 feet None	
<ul style="list-style-type: none"> • Side Yard 	5 feet; more if required adjacent to SFR	Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.24.220-1. See also Section 12.50.140 regarding setbacks and building height transitions.
<ul style="list-style-type: none"> • Rear Yard (residential) <ul style="list-style-type: none"> ○ To residential structure with Mary's comments and front yard garage access ○ To residential structure with rear yard garage access 	10 feet Either 5 feet or less, or 19 feet or more	5 foot or 19 foot setback measured to garage door.

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Rear Yard (commercial or Mixed-Use) 	None unless required adjacent to SFR	See also Section 12.50.140 regarding setbacks and building height transitions.
Maximum Setbacks*		Maximum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front Yard 	10 feet	On sites with frontage on Collector or Local streets, maximum front setbacks apply on all street frontages including Private Street tracts. On sites with frontage only on an Arterial street, maximum front setbacks apply on the Arterial street frontage.
<ul style="list-style-type: none"> • Side Yard / Rear Yard 	None	
Minimum Building Height*	45 feet	See Subsection 12.50.140.E.4 regarding increased building height for buildings with structured parking integrated into the building envelope. See Subsection 12.50.140.C regarding building height transitions.
Maximum Building Height*	70 feet	
Maximum Lot Coverage (primary buildings only)		
<ul style="list-style-type: none"> • Without structured parking 	30,000 gsf	Structured parking subject to development standards in Section 12.50.300.
<ul style="list-style-type: none"> • With structured parking 	40,000 gsf	
Minimum Usable Open Space (applicable to residential development only)	100 sf/du	See Section 12.50.210.
Minimum Landscaping	Not applicable	

1 * Standards illustrated in Figure 12.24.260-A

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**FIGURE 12.24.260-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE MU-C ZONE**



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6 **12.24.270 Variances and Adjustments.**

- 7 A. Applications to allow Housing Types other than those permitted in Table 12.24.220-1 shall be
8 processed only as Planned Unit Developments under Section 12.80.120.
- 9 B. Applications for Variances and Adjustments to other base zone standards in the MU-C zone may
10 be approved under one of four processes:
- 11 1. As a Variance pursuant to Section 12.80.152;
 - 12 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
13 Section 12.80.154;
 - 14 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
15 Section 12.80.156;
 - 16 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.24.280 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the MU-C zone as follows:

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 9

1 **12.24.300 SCR-V Station Community Residential – Village.** The SCR-V zone includes the
 2 following sections:

- 3 12.24.310 Purpose
- 4 12.24.320 Housing Types
- 5 12.24.330 Uses
- 6 12.24.340 Accessory Uses Permitted By Right
- 7 12.24.350 Special Provisions Regarding Uses
- 8 12.24.360 Development Standards
- 9 12.24.370 Variances and Adjustments
- 10 12.24.380 Other Pertinent Regulations

11 **12.24.310 Purpose.**

- 12 A. Create Complete New Neighborhoods. The SCR-V zone provides opportunities to create new
 13 Mixed-Use neighborhoods containing a variety of Housing Types, neighborhood commercial
 14 and employment opportunities, designed for both pedestrian-sensitivity and auto-
 15 accommodation. To create a complete neighborhood, the SCR-V zone is generally applied only
 16 to sites 30 or more acres in size, or to properties adjacent to an existing SCR-V neighborhood.
- 17 B. Create a Village Center Environment. The SCR-V zone encourages incorporation of design,
 18 development and infrastructure amenities indicative of a village center, including a pedestrian-
 19 sensitive street and alley system, Mixed-Use buildings, integration of natural resource features
 20 and open space into the village design, and inclusion of “third places” to encourage a sense of
 21 community among residents, customers, and employees.

22 **12.24.320 Housing Types.** Table 12.24.320-1 lists Housing Types permitted in the SCR-V zone.
 23 Housing Types are defined in Section 12.01.500.

24 **TABLE 12.24.320-1:**
 25 **HOUSING TYPES PERMITTED IN THE SCR-V ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	P	
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	L	Subject to Special Use provisions in Section 12.40.190.
Manufactured dwelling park	N	
Live-work dwelling	P	

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

1 **12.24.330 Uses.** Table 12.24.330-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the SCR-V zone.

3 **TABLE 12.24.330-1:**
 4 **USE CATEGORIES IN THE SCR-V ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.24.320-1
Group Living	L/C	Permitted for persons with disabilities with Director’s Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other Uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Services	P/L	Residential Services not exceeding maximum density permitted. Residential Services exceeding maximum density permitted with PUD approval. Density calculated at 4 persons equivalent to 1 dwelling unit: caregivers excluded from density calculation.
Residential Business	L	Residential Uses permitted above or behind commercial Uses.
Commercial Use Categories		
Commercial Lodging	P/L	Bed-and-breakfast inns subject to Special Use provisions in Section 12.40.130.
Commercial Recreation	P/N	Indoor Uses permitted; outdoor Uses Not Permitted
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See limitations in Section 12.24.350.
Educational Services	L	See limitations in Section 12.24.350.
Major Event Facilities	C/N	Conference centers permitted with Conditional Use approval; all other uses Not Permitted.
Office	L	See limitations in Section 12.24.350.
Retail Products and Services	L	See limitations in Section 12.24.350.
Self-Service Storage	L	See limitations in Section 12.24.350.
Vehicle Service and Repair	N	
Industrial Use Categories – Only Categories listed below permitted.		
Manufacturing and Production	C/N	Cottage industry permitted with conditional use approval; all other uses Not Permitted.
Institutional Use Categories		
Colleges and Universities	N	
Community Services	C	

Use	Status	Clarifications
Detention Facilities	N	
Hospitals and Medical Centers	N	
Major Assembly Facilities	N/C	Outdoor Uses such as stadiums and amphitheaters Not Permitted; all other Uses subject to Special Use provisions in Section 12.40.210.
Schools	C	Subject to Special Use provisions in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	C/N	Transit facilities and park and ride facilities subject to Conditional Use approval; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	C	With no equipment storage, subject to Special Use provisions in Section 12.40.260.

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

2 **12.24.340 Accessory Uses Permitted by Right.**

3 A. Accessory Uses to Residential Primary Uses.

- 4 1. Accessory Structures. Accessory structures as defined in Section 12.01.500 are permitted
5 subject to additional requirements in Section 12.40.100.
- 6 2. Secondary Dwelling Units. Secondary dwelling units (SDUs) are permitted on detached
7 single-family residential lots, subject to additional requirements in Section 12.40.230. One
8 SDU is permitted on any lot containing one primary residence.
- 9 3. Community Recreation Facilities. Community recreation facilities used solely by residents
10 of a specific neighborhood are permitted when approved as an amenity of that neighborhood
11 during the development process.
- 12 4. Certified or Registered Family Child Care Home and Residential Homes. Certified or
13 registered family child care home as defined in ORS 657A are permitted, and residential
14 homes as defined in ORS 443 are also permitted.
- 15 5. Household Energy Production Facilities. Household energy production facilities are defined
16 in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate
17 Federal, State and Local permits.
- 18 6. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject
19 to issuance of necessary and appropriate Federal, State and Local permits.
- 20 7. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
21 subject to additional requirements in Section 12.40.170.

1 B. Accessory Uses to Commercial Primary Uses. Accessory Uses to commercial primary Uses vary
2 based on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in
3 conjunction with the primary Use on the site and subject to the same regulations as the primary
4 Use unless stated otherwise in the Code.

5 **12.24.350 Special Provisions Regarding Uses.**

6 A. Commercial Building Occupancy and Footprint Size Limitations. Within the SCR-V zone,
7 commercial buildings and occupancy Uses are limited as follows:

- 8 1. One-story, single occupant buildings are limited to a maximum 10,000 sq. feet footprint.
- 9 2. Multiple-story, single- or multiple occupant buildings without residential Uses are limited to
10 a maximum 20,000 sq. feet footprint.
- 11 3. Multiple-story, multiple occupant Mixed-Use buildings with at least two stories of residential
12 Use above the first floor are limited to a maximum 60,000 sq. feet footprint.

13 B. Mixed-Use Buildings.

- 14 1. Within 200 feet of an HCT station site, multi-family residential developments with densities
15 above 25 units per net acre shall include at least 10% of the ground floor (up to 5000 sq. ft.)
16 as retail products and services or office commercial Uses. Live/work units do not meet this
17 standard.
- 18 2. In Mixed-Use buildings including residential Uses, retail products and service and office
19 Uses are permitted on all floors. Commercial Uses in a Mixed-Use building shall occupy at
20 least 5000 sq. feet of the ground floor.

21 C. Self-Service Storage. Self-service storage facilities are permitted farther than 1300 feet from an
22 LRT station. Self-service storage facilities shall be at least two stories in height, and shall meet
23 applicable FAR requirements. Exterior access to individual units is Not Permitted if visible from
24 a public right-of-way. Vehicle storage is Not Permitted.

25 **12.24.360 Development Standards.** Development standards in the SCR-V zone are listed in Table
26 12.24.360-1. Due to the flexibility of the SCR-V zone, no development standards figure is provided.

27

**TABLE 12.24.360-1:
DEVELOPMENT STANDARDS IN THE SCR-V ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size		
<ul style="list-style-type: none"> • Detached single family dwelling without SDU 	2000 sq. feet	
<ul style="list-style-type: none"> • Detached single family dwelling with attached SDU 	3200 sq. feet	
<ul style="list-style-type: none"> • Detached single family dwelling with detached SDU; two-dwelling townhouse; or duplex 	4500 sq. feet	
<ul style="list-style-type: none"> • Three or more dwelling townhouses or multiple dwelling structure 	None	
<ul style="list-style-type: none"> • All other uses 	None	
Maximum Lot Size		
<ul style="list-style-type: none"> • Detached single-family dwelling without SDU 	3500 sq. feet	
<ul style="list-style-type: none"> • Detached single-family dwelling with attached SDU or duplex 	5000 sq. feet	
<ul style="list-style-type: none"> • Detached single family dwelling with detached SDU or two-dwelling townhouse 	6000 sq. feet	
<ul style="list-style-type: none"> • Three or more dwelling townhouses or multiple dwelling structure 	None	
<ul style="list-style-type: none"> • Other uses 	None	
Minimum Density		
<ul style="list-style-type: none"> • < 1,300 feet from a LRT station 	24 du/na	
<ul style="list-style-type: none"> • 1,301–2,600 feet from a LRT station 	15 du/na	
<ul style="list-style-type: none"> • > 2,600 feet from a LRT station 	7 du/na	
Maximum Density		
<ul style="list-style-type: none"> • < 1,300 feet from a LRT station 	None	
<ul style="list-style-type: none"> • 1,301–2,600 feet from a LRT station 	60 du/na	
<ul style="list-style-type: none"> • > 2,600 feet from a LRT station 	45 du/na	
Minimum FAR		
<ul style="list-style-type: none"> • < 1,300 feet from an LRT station 	0.5	
<ul style="list-style-type: none"> • > 1,300 feet from an LRT station 	0.4	
Minimum Lot Dimensions		
<ul style="list-style-type: none"> • Width (at front building plane) 		

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> ○ Residential with front-yard garage access 	22 feet	
<ul style="list-style-type: none"> ○ Residential with rear-yard garage access 	18 feet	
<ul style="list-style-type: none"> ○ Commercial 	25 feet	
<ul style="list-style-type: none"> • Depth 		
<ul style="list-style-type: none"> ○ Residential 	None	
<ul style="list-style-type: none"> ○ Commercial 	25 feet	
<p>Minimum Setbacks</p>		Minimum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ Residential ○ Commercial 	None None	
<ul style="list-style-type: none"> • Side Yard <ul style="list-style-type: none"> ○ Residential ○ Commercial 	5 feet None	Side yard setbacks on the common wall may be waived for townhouse partitions permitted under Table 12.24.320-1.
<ul style="list-style-type: none"> • Rear Yard <ul style="list-style-type: none"> ○ Residential with front-yard garage access ○ Residential with rear-yard garage access ○ Commercial 	10 feet Either 5 feet or less or 19 feet or more None	5 foot or 19 foot rear setback measured to garage door
<p>Maximum Setbacks</p>		Maximum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front Yard <ul style="list-style-type: none"> ○ Detached single family dwelling ○ Two-dwelling townhouses or duplexes ○ Three-dwelling townhouses or multiple dwelling structure ○ Commercial 	19 feet 13 feet 15 feet 10 feet	Additional 10 feet front setback for pedestrian amenities in commercial development may be requested and approved through Development Review

Standard	Requirement	Clarifications
• Side Yard (all uses)	None	
• Rear (including alley, all uses)	None	
Minimum Building Height		
• < 800 feet from a LRT Station	2 stories	Commercial recreation facilities exempt from minimum height requirement within 800 feet of an LRT station
• > 800 feet from a LRT Station	None	
Maximum Building Height	3 stories	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Variable	See Section 12.50.220

1

2 **12.24.370 Variances and Adjustments.**

3 A. Applications to allow Housing Types other than those permitted in Table 12.24.320-1 shall be
4 processed only as Planned Unit Developments under Section 12.80.120.

5 B. Applications for Variances and Adjustments to other base zone standards in the SCR-V zone
6 may be approved under one of four processes:

- 7 1. As a Variance pursuant to Section 12.80.152;
- 8 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
9 Section 12.80.154;
- 10 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
11 Section 12.80.156; or
- 12 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

13 **12.24.380 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
14 clearance, and street improvements also apply to development in the SCR-V zone as follows:

- 15 • Section 12.50.200 Site Design
- 16 • Section 12.50.300 Vehicle Parking
- 17 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 18 • Section 12.50.500 Access and Street Standards
- 19 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 20 • Section 12.50.720 Townhouse, Duplex and Multi-Family Residential Design Standards
- 21 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

22

1 **12.24.400 UC-RM Urban Center - Residential Medium Density.** The UC-RM zone includes the
 2 following sections:

- 3 12.24.410 Purpose
- 4 12.24.420 Housing Types
- 5 12.24.430 Uses
- 6 12.24.440 Accessory Uses Permitted by Right
- 7 12.24.450 Special Provisions Regarding Uses
- 8 12.24.460 Development Standards
- 9 12.24.470 Variances and Adjustments
- 10 12.24.480 Other Pertinent Regulations

11 **12.24.410 Purpose.**

- 12 A. Create and Maintain Mixed Residential Opportunities. The UC-RM zone implements the MU-
 13 UR Mixed-Use-Urban Residential Plan designation, providing opportunities for a mix of
 14 townhouses, condominiums, apartments and other multi-family dwellings within the AmberGlen
 15 area and other appropriate areas.
- 16 B. Transition Residential Density. The UC-RM zone provides a transition between higher intensity
 17 developments desired at the core of a higher intensity area to the lower intensity residential
 18 development (both existing and planned) at the periphery of the area.
- 19 C. Preserve Neighborhood Livability. The UC-RM zone encourages livability in existing and
 20 future mixed density residential neighborhoods by allowing residential development with
 21 compatible non-residential Uses such as schools, assembly facilities and parks.

22 **12.24.420 Housing Types.** Table 12.24.420-1 lists the Housing Types permitted in the UC-RM
 23 zone. Housing Types are defined in Section 12.01.500.

24 **TABLE 12.24.420-1:**
 25 **HOUSING TYPES PERMITTED IN THE UC-RM ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	L	Detached dwellings permitted only on lots platted for that purpose prior to July 5, 2012.
Two-dwelling townhouses or duplexes	P	
Three-dwelling (or more) townhouses	P	
Multiple-dwelling structure	P	
Manufactured dwelling	L	Manufactured dwellings permitted only on detached single family residential lots platted for that purpose prior to July 5, 2012. Subject to Special Use provisions in Section 12.40.190.
Manufactured dwelling park	N	
Live-work dwelling	P	

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

1 **12.24.430** Uses. Table 12.24.430-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the UC-RM zone.

3 **TABLE 12.24.430-1:**
 4 **USE CATEGORIES IN THE UC-RM ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.24.420-1.
Group Living	L/C	Permitted for person with disabilities with Director's Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other Uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P/C	Maximum size permitted outright 150 persons excluding caregivers; larger facilities permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Business	C	
Commercial Use Categories - Only categories listed below permitted.		
Office	L	Limited to structures occupied by office Uses prior to July 5, 2012.
Industrial Use Categories - none permitted.		
Institutional Use Categories - Only categories listed below permitted.		
Community Services	C	
Schools	C	Subject to Special Use provisions in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/N	Transit facilities and park-and-ride facilities permitted outright; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	P	With no equipment storage; subject to Special Use provisions in Section 12.40.260.

5 **12.24.440** Accessory Uses Permitted by Right.

6 A. Accessory Structures. Accessory structures as defined in Section 12.01.500 are permitted
 7 subject to additional requirements in Section 12.40.100.

- 1 B. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section 12.01.500
2 and are permitted, subject to additional requirements in Section 12.40.230. One SDU is
3 permitted on any detached single-family residential lot.
- 4 C. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
5 registered family child care homes as defined in ORS 657A are permitted; and certified or
6 registered residential homes as defined by ORS 443 are also permitted.
- 7 D. Household Energy Production Facilities. Household energy production facilities are defined in
8 Section 12.01.500, and are permitted subject to issuance of necessary and appropriate Federal,
9 State and Local permits, and maintenance in good condition.
- 10 E. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject to
11 issuance of necessary and appropriate Federal, State and Local permits.
- 12 F. Horticultural Activities. Horticultural activities as defined in Section 12.01.500 are permitted,
13 excluding commercial buildings or structures.
- 14 G. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted in
15 all Housing Types subject to additional requirements in Section 12.40.170.
- 16 H. Community Recreation Facilities. Community recreation facilities used solely by residents of
17 the specific neighborhood are permitted when approved as an amenity of that neighborhood
18 during the development process.

19 **12.24.450 Special Provisions Regarding Uses.** There are no special provisions regarding Uses in
20 the UC-RM zone.

21 **12.24.460 Development Standards.** Base zone development standards in the UC-RM zone are
22 listed in Table 12.24.460-1. Certain standards are illustrated in Figure 12.24.460-A.

23 **TABLE 12.24.460-1:**
24 **DEVELOPMENT STANDARDS IN THE UC-RM ZONE**

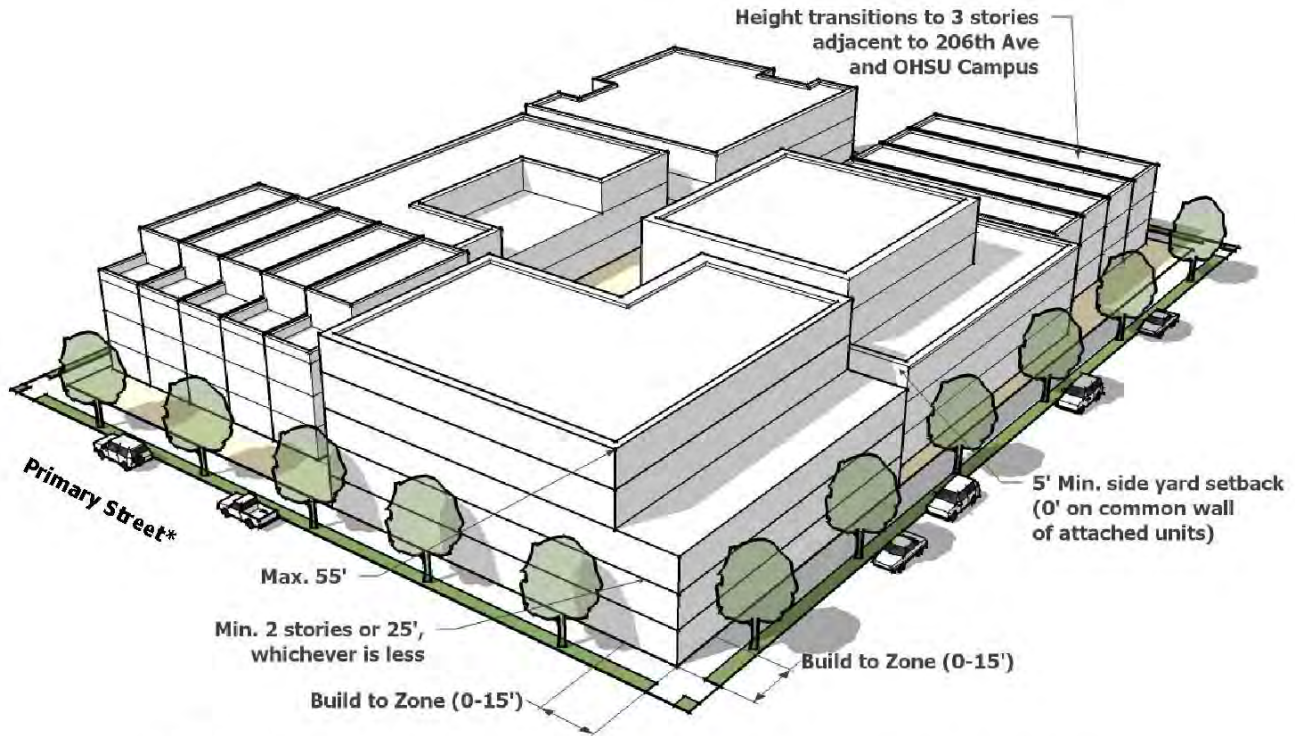
Standard	Requirement	Clarifications
Minimum Lot Size	None	Lot sizes subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Lot Size	None	
Minimum Residential Density	24 du/na	See Subsection 12.24.030.G.4
Maximum Residential Density	43 du/na	
Minimum FAR	None	See Subsection 12.24.030.G.4
Maximum FAR	None	
Minimum Lot Dimensions*		
<ul style="list-style-type: none"> • Width (at front building plane) <ul style="list-style-type: none"> ○ Detached ○ Townhouse, duplex or multiple-dwelling structure 	25 feet	
	18 feet	
<ul style="list-style-type: none"> • Depth 	50 feet	

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Frontage <ul style="list-style-type: none"> ○ Detached ○ Townhouse, duplex or multiple-dwelling structure 	<p>25 feet</p> <p>18 feet</p>	
Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front <ul style="list-style-type: none"> ○ To residential structure ○ To garage door 	<p>None</p> <p>None</p>	
<ul style="list-style-type: none"> • Side 	5 feet	Adjustments to side setbacks permitted for townhouse partitions allowed under Table 12.24.420-1.
<ul style="list-style-type: none"> • Rear <ul style="list-style-type: none"> ○ To residential structure with front yard garage access ○ To residential structure with rear yard garage access 	<p>10 feet</p> <p>Either 5 feet or less, or 19 feet or more</p>	5 foot or 19 foot setback measured to garage door.
Front Property Line Coverage	75% of primary street frontage must be occupied by the first 2 stories of the front façade.	Front setback area not occupied by building must contain landscaping or Usable Open Space; subject to Plan District standards in Subchapter 12.64 as applicable. Standard does not apply on 185 th or 206 th Avenue frontages.
Maximum Setbacks*		Maximum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front 	15 feet	
<ul style="list-style-type: none"> • Side and Rear 	None	
Minimum Building Height*	25 feet	Subject to AmberGlen Plan District standards in Section 12.64.800 as applicable.
Maximum Building Height*	55 feet	
Maximum Lot Coverage	None	
Minimum Usable Open Space	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.210 and 12.64.220 as applicable.
Minimum Landscaping	Varies	

1 * Standards illustrated in Figure 12.24.460-A

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**FIGURE 12.24.460-A:
DEVELOPMENT STANDARDS IN THE UC-RM ZONE**



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

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**FIGURE 12.24.460-B:
EXAMPLES OF UC-RM DEVELOPMENT TYPES**



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7 **12.24.470 Variances and Adjustments.**

- 8 A. Applications to allow Housing Types other than those permitted in Table 12.24.420-1 shall be
- 9 processed only as Planned Unit Developments under Section 12.80.120.
- 10 B. Applications for Variances and Adjustments to other base zone standards in the UC-RM zone
- 11 may be approved under one of four processes:
- 12 1. As a Variance pursuant to Section 12.80.152;

- 1 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
2 Section 12.80.154;
- 3 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
4 Section 12.80.156; or
- 5 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

6 **12.24.480 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
7 clearance, and street improvements also apply to development in the UC-RM zone as follows:

- 8 • Section 12.50.200 Site Design
- 9 • Section 12.50.300 Vehicle Parking
- 10 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 11 • Section 12.50.500 Access and Street Standards
- 12 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 13 • Section 12.50.700 Design Standards for Residential Development
- 14 • Subchapter 12.64 AmberGlen Plan District
- 15

1 **12.24.500 UC-MU Urban Center - Mixed-Use Urban Density.** The UC-MU zone includes the
2 following sections:

- 3 12.24.510 Purpose
- 4 12.24.520 Housing Types
- 5 12.24.530 Uses
- 6 12.24.540 Accessory Uses Permitted By Right
- 7 12.24.550 Special Provisions Regarding Uses
- 8 12.24.560 Development Standards
- 9 12.24.570 Variances and Adjustments
- 10 12.24.580 Other Pertinent Regulations

11 **12.24.510 Purpose.**

- 12 A. Create and Maintain Unique High Density Residential Opportunities. The UC-MU zone
13 implements either the MU-UR Mixed-Use - Urban Residential Plan designation, the MU-UE
14 Mixed-Use - Urban Employment Plan designation, or the MU-I Mixed-Use - Urban Institutional
15 Plan designation, providing opportunities for a range of medium to high density Housing Types
16 (townhomes, apartments and condominiums) with an urban character, constructed at or near the
17 street frontage and sidewalk.
- 18 B. Allow Future Retail Development. The standards of the UC-MU zone preserve opportunities for
19 the development of retail focus areas over time.
- 20 C. Preserve Solar Access and Views. The standards of the UC-MU zone retain access to sunlight
21 and views from individual buildings within the context of high intensity development.
- 22 D. Allow Non-Residential Uses. The standards of the UC-MU zone accommodate complementary
23 office and retail uses with limits on size and location.
- 24 E. Preserve Neighborhood Livability. The UC-MU zone encourages livability in existing and
25 future high density residential neighborhoods by allowing residential development with
26 compatible non-residential Uses such as schools, assembly facilities and parks.

27 **12.24.520 Housing Types.** Table 12.24.520-1 lists the Housing Types permitted in the UC-MU
28 zone. Housing Types are defined in Section 12.01.500.

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**TABLE 12.24.520-1:
HOUSING TYPES PERMITTED IN THE UC-MU ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	N	
Two-dwelling townhouses or duplexes	N	
Three dwelling (or more) townhouses	P	
Multiple dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	P	

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

4 **12.24.530 Uses.** Table 12.24.530-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
5 Permitted in the UC-MU zone.

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**TABLE 12.24.530-1:
USE CATEGORIES IN THE UC-MU ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.24.520-1.
Group Living	L/C	Permitted for persons with disabilities with Director’s Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other Uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P	Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Business	P	
Commercial Use Categories		
Commercial Lodging	P	
Commercial Recreation	P/N	Indoor uses permitted; outdoor uses Not Permitted.
Commercial Parking	L/C	See limitations in Section 12.24.550.
Durable Goods Sales	L/C	No portion of the use to be located < 800 feet from a LRT or HCT station.
Eating and Drinking Establishments	P	
Educational Services	P	
Office	L	See limitations in Section 12.24.550.
Retail Products and Services	L	Uses to be located only on the first or second floors.

<i>Use</i>	Status	Clarifications
Self-Service Storage	L	No portion of the use shall be located < 800 feet of a LRT or HCT station. Individual unit entrances shall not be located on any façade facing a public street, public park, or designated open space.
Vehicle Service and Repair	N	
Industrial Use Categories - Only uses listed below permitted; all other uses Not Permitted.		
Industrial Service	L	See limitations in Section 12.24.550
Manufacturing And Production	L	See limitations in Section 12.24.550
Institutional Use Categories		
Colleges and Universities	C	
Community Services	P	
Detention Facilities	N	
Hospitals	C/L	Limited in size to 100 or less inpatient beds.
Major Assembly Facilities	L	Maximum facility size 50,000 sq. feet GFA; subject to Special Use provisions in Section 12.40.210.
Schools	C	Subject to Special Use provisions in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P	
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	L	With no equipment storage; subject to special use provisions in Section 12.40.260. No portion of the use to be located < 800 feet from a LRT or HCT station.

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

2 **12.24.540 Accessory Uses Permitted by Right.**

3 A. Accessory Uses to Residential Primary Uses.

- 4 1. Accessory Structures. Accessory structures as defined in Section 12.01.500 are permitted
5 subject to additional requirements in Section 12.40.100.
- 6 2. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
7 registered family child care homes as defined in ORS 657A are permitted; and certified or
8 registered residential homes as defined in ORS 443 are also permitted.

- 1 3. Household Energy Production Facilities. Household energy production facilities are defined
2 in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate
3 Federal, state and local permits, and maintenance in good condition.
- 4 4. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject
5 to issuance of necessary and appropriate Federal, state and local permits.
- 6 5. Horticultural Activities. Horticultural activities as defined in Section 12.01.500 are
7 permitted, excluding commercial buildings or structures.
- 8 6. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
9 in all Housing Types subject to additional requirements in Section 12.40.170.

- 10 B. Accessory Uses to Non-Residential Primary Uses. Accessory uses vary based on the use
11 categories contained in Subchapter 12.10. Accessory uses are permitted in conjunction with the
12 primary use on the site and subject to the same regulations as the primary use unless stated
13 otherwise in this Code. In addition to the standards in Subchapter 12.50, non-residential
14 accessory uses in the UC-MU zone are also subject to the AmberGlen Plan District requirements
15 in Subchapter 12.64.

16 **12.24.550 Special Provisions Regarding Uses.**

17 A. Commercial Parking Facilities.

- 18 1. Commercial parking facilities shall be located in structures containing at least one level of
19 parking spaces in a permanent structure constructed above or below grade level.
- 20 2. Commercial parking facilities shall comply with all applicable provisions of Sections
21 12.64.300 and 12.64.800.
- 22 3. Commercial parking facilities within the Retail Focus Frontage area shown on Figure
23 12.64.640-A shall comply with all applicable provisions of Sections 12.64.360 and
24 12.64.850.

- 25 B. Office. Structures containing office Uses and located on land to be included in the Central Park,
26 but not yet included in the park, may continue to be used for office Uses until the lands
27 designated for the Central Park are acquired or dedicated for that Use.

28 C. Manufacturing and Production.

- 29 1. Manufacturing and production Uses are limited to operations with an expected employment
30 level of at least one person per 500 sq. feet of gross floor area in the primary structure.
- 31 2. Truck shipments to or from the site by trucks with a gross vehicle weight of 25,000 lbs. are
32 limited to one per day on average.
- 33 3. Outdoor storage of materials, supplies, inventory, equipment, or other items is Not Permitted.
- 34 4. Truck loading facilities shall not be located on any façade of the building facing a public
35 street, public park, or designated open space.

1 **12.24.560 Development Standards.** Base zone development standards in the UC-MU zone are
 2 listed in Table 12.24.560-1. Certain standards are illustrated in Figure 12.24.560-A.

3 **TABLE 12.24.560-1:**
 4 **DEVELOPMENT STANDARDS IN THE UC-MU ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Lot Size	None	
Minimum Residential Density	43 du/na	See Subsection 12.24.030.G.4.
Maximum Residential Density	None	
Minimum FAR	1.00	See Subsection 12.24.030.G.4.
Maximum FAR	None	
Minimum Lot Dimensions		Lot dimensions subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
<ul style="list-style-type: none"> • Width (at front building plane) 	None	
<ul style="list-style-type: none"> • Depth 	50 feet	
<ul style="list-style-type: none"> • Lot frontage 	None	
Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front 	None	
<ul style="list-style-type: none"> • Side and Rear 	10 feet adjacent to an existing building; otherwise none	
Front Property Line Coverage*		Front setback area not occupied by building must contain landscaping or Usable Open Space. Subject to AmberGlen Plan District standards in Sections 12.64.600 and 12.64.800 as applicable.
<ul style="list-style-type: none"> • Streets in Retail Focus Frontage areas and Park Streets 	75% of primary street frontage occupied by first 3 stories of front facade.	
<ul style="list-style-type: none"> • All other streets 	60% of primary street frontage occupied by first 3 stories of front facade.	
Maximum Setbacks*		Maximum setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front 	15 feet	
<ul style="list-style-type: none"> • Side and Rear 	None	
Minimum Building Height*		Subject to AmberGlen Plan District standards in Section 12.64.800 as
<ul style="list-style-type: none"> • Base Height 	35 feet	

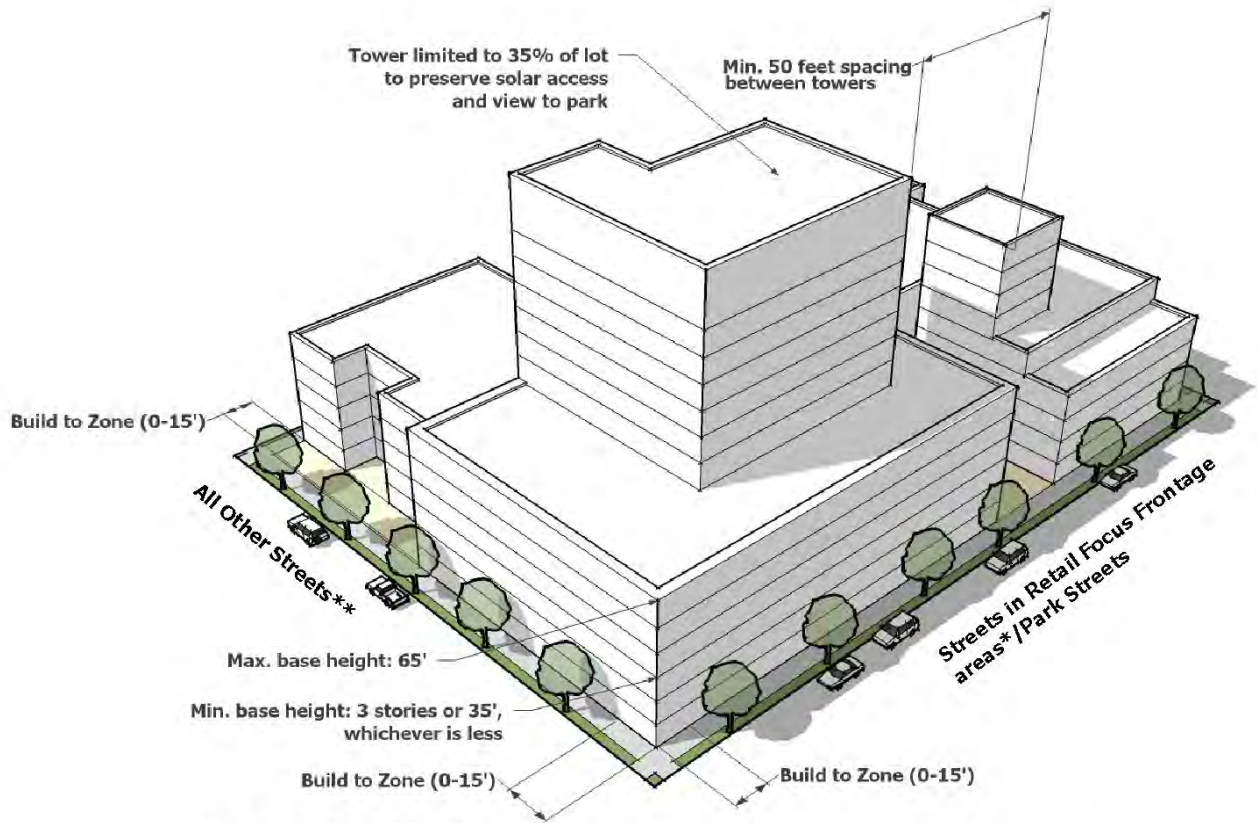
Standard	Requirement	Clarifications
<ul style="list-style-type: none"> • Ground Story Height <ul style="list-style-type: none"> ○ Streets in Retail Focus Frontage areas ○ All other Streets 	<p>13 feet</p> <p>10 feet</p>	applicable.
Maximum Base Height*	65 feet	Subject to AmberGlen Plan District standards in Section 12.64.800 as applicable.
Maximum Building Height	None	
Maximum Lot Coverage*		See Maximum Tower Lot Coverage in AmberGlen Plan District standards Subsection 12.64.830.C.
<ul style="list-style-type: none"> • First 90 feet 	None	
<ul style="list-style-type: none"> • 105 feet and above 	35%	
Minimum Usable Open Space	Varies	Subject to AmberGlen Plan District standards in Section 12.64.800 as applicable.
Minimum Landscaping	Varies	Subject to AmberGlen Plan District standards in Section 12.64.800 as applicable.

1 * Standards illustrated in Figure 12.24.560-A

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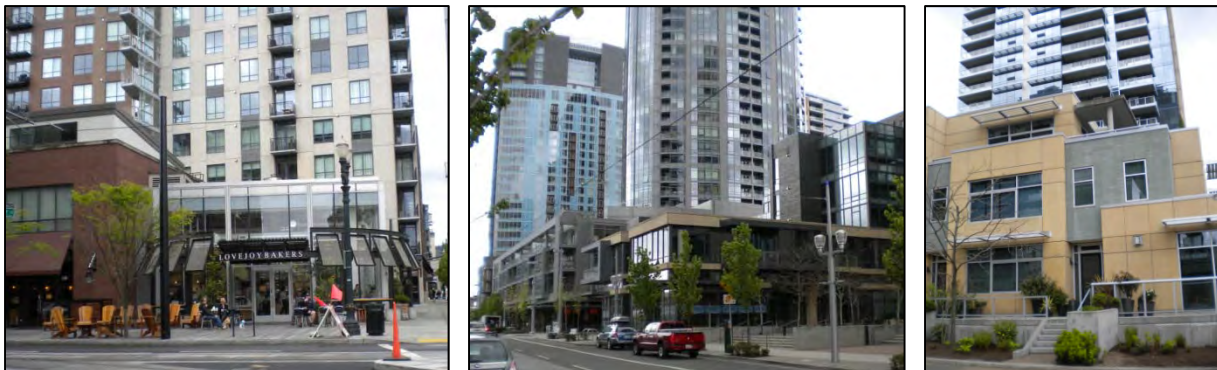
**FIGURE 12.24.560-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE UC-MU ZONE**



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

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**FIGURE 12.24.560-B:
EXAMPLES OF UC-MU DEVELOPMENT TYPES**



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1 **12.24.570 Variances and Adjustments**

2 A. Applications to allow Housing Types other than those permitted in Table 12.24.520-1 shall be
3 processed only as Planned Unit Developments under Section 12.80.120.

4 B. Applications for Variances and Adjustments to other base zone standards in the UC-MU zone
5 may be approved under one of four processes:

- 6 1. As a Variance pursuant to Section 12.80.152;
- 7 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
8 Section 12.80.154;
- 9 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
10 Section 12.80.156; or
- 11 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

12 **12.24.580 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
13 clearance, and street improvements also apply to development in the UC-MU zone as follows:

- 14 • Section 12.50.200 Site Design
 - 15 • Section 12.50.300 Vehicle Parking
 - 16 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
 - 17 • Section 12.50.500 Access and Street Standards
 - 18 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
 - 19 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
 - 20 • Subchapter 12.64 AmberGlen Plan District
- 21

1 **12.24.600 UC-AC Urban Center - Activity Center.** The UC-AC zone includes the following
 2 sections:

- 3 12.24.610 Purpose
- 4 12.24.620 Housing Types
- 5 12.24.630 Uses
- 6 12.24.640 Accessory Uses Permitted By Right
- 7 12.24.650 Special Provisions Regarding Uses
- 8 12.24.660 Development Standards
- 9 12.24.670 Variances and Adjustments
- 10 12.24.680 Other Pertinent Regulations

11 **12.24.610 Purpose.**

- 12 A. Create Opportunities for Mixed-Use Development. The UC-AC zone implements the MU-UC
 13 Mixed-Use - Urban Commercial Plan designation, providing opportunities to establish a vibrant
 14 mix of retail, restaurants, civic, cultural, entertainment, and recreational Uses complemented by
 15 secondary office and residential Uses.
- 16 B. Create Active Street Frontages. The standards of the UC-AC zone work to create focused
 17 activity served by transit and active street frontages along the High Capacity Transit routes that
 18 provide visual and physical connections to other activity centers.

19 **12.24.620 Housing Types.** Table 12.24.620-1 lists the Housing Types permitted in the UC-AC
 20 zone. Housing Types are defined in Section 12.01.500.

21 **TABLE 12.24.620-1:**
 22 **HOUSING TYPES PERMITTED IN THE UC-AC ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	N	
Two-dwelling townhouses or duplexes	N	
Three-dwelling townhouses	C	
Multiple dwelling structure	L	Dwelling units Not Permitted on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage Area illustrated in Figure 12.64.640-A .
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	P	

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

1 **12.24.630** Uses. Table 12.24.630-1 lists uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the UC-AC zone.

3 **TABLE 12.24.630-1:**
 4 **USE CATEGORIES IN THE UC-AC ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	P	See Housing Types Table 12.24.620-1
Group Living	L/C	Permitted for persons with disabilities with Director's Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other Uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P/C	Maximum size for facilities permitted outright 150 persons; larger facilities subject to Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Business	L	Residential Use shall not be located on the ground floor of the primary street frontage.
Commercial Use Categories		
Commercial Lodging	P	
Commercial Recreation	P/N	Indoor Uses permitted; outdoor Uses Not Permitted.
Commercial Parking	C/L	Permitted with Conditional Use approval; see limitations in Section 12.24.650.
Durable Goods Sales	L	Maximum facility size 15,000 sq. feet GFA.
Eating and Drinking Establishments	L	Maximum facility size 15,000 sq. feet GFA.
Educational Services	L	Maximum facility size 25,000 sq. feet GFA.
Office	P	
Retail Products and Services	L	Uses to be located only on the first or second floors.
Self-Service Storage	N	
Vehicle Service and Repair	N	
Industrial Use Categories - None permitted.		
Institutional Use Categories - Only categories listed below permitted.		
Community Services	L	Maximum facility size 25,000 sq. feet GFA.
Major Assembly Facilities	L	Maximum facility size 25,000 sq. feet GFA.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	

Use	Status	Clarifications
Surface Alternative Transportation Facilities	P	
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	L	With no equipment storage; subject to special use provisions in Section 12.40.260. No portion of the use to be located within 800 feet of an LRT or HCT station.

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

2 **12.24.640 Accessory Uses Permitted by Right.**

3 A. Accessory Uses to Residential Primary Uses:

- 4 1. Accessory Structures. Accessory structures as defined in Section 12.01.500 are permitted
5 subject to additional requirements in Section 12.42.100.
- 6 2. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
7 registered family child care homes as defined in ORS 657A are permitted; and certified or
8 registered residential homes as defined in ORS 443 are also permitted.
- 9 3. Household Energy Production Facilities. Household energy production facilities are defined
10 in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate
11 Federal, State and Local permits, and maintenance in good condition.
- 12 4. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject
13 to issuance of necessary and appropriate Federal, State and Local permits.
- 14 5. Horticultural Activities. Horticultural activities as defined in Section 12.01.500 are
15 permitted, excluding commercial buildings or structures.
- 16 6. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
17 in all Housing Types subject to additional requirements in Section 12.40.170.

- 18 B. Accessory Uses to Non-Residential Primary Uses. Accessory Uses vary based on the Use
19 categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the
20 primary Use on the site and subject to the same regulations as the primary Use unless stated
21 otherwise in this Code. In addition to the standards in Subchapter 12.50, non-residential
22 accessory Uses in the UC-MU zone are also subject to the AmberGlen Plan District requirements
23 in Subchapter 12.64.

24

1 **12.24.650 Special Provisions Regarding Uses: Commercial Parking.**

- 2 A. Commercial parking facilities shall be located in structures containing at least one level of
 3 parking spaces in a permanent structure constructed above or below grade level.
- 4 B. Commercial parking facilities shall comply with all applicable provisions of Section 12.50.360
 5 and Subchapter 12.64.
- 6 C. Commercial parking facilities within the Retail Focus Frontage area shown on Figure 12.64.640-
 7 A shall comply with all applicable provisions of Sections 12.64.360 and 12.64.850.

8 **12.24.660 Development Standards.** Development standards in the UC-AC zone are listed in Table
 9 12.24.660-1. Certain standards are illustrated in Figure 12.24.660-A.

10 **TABLE 12.24.660-1:**
 11 **DEVELOPMENT STANDARDS IN THE UC-AC ZONE**

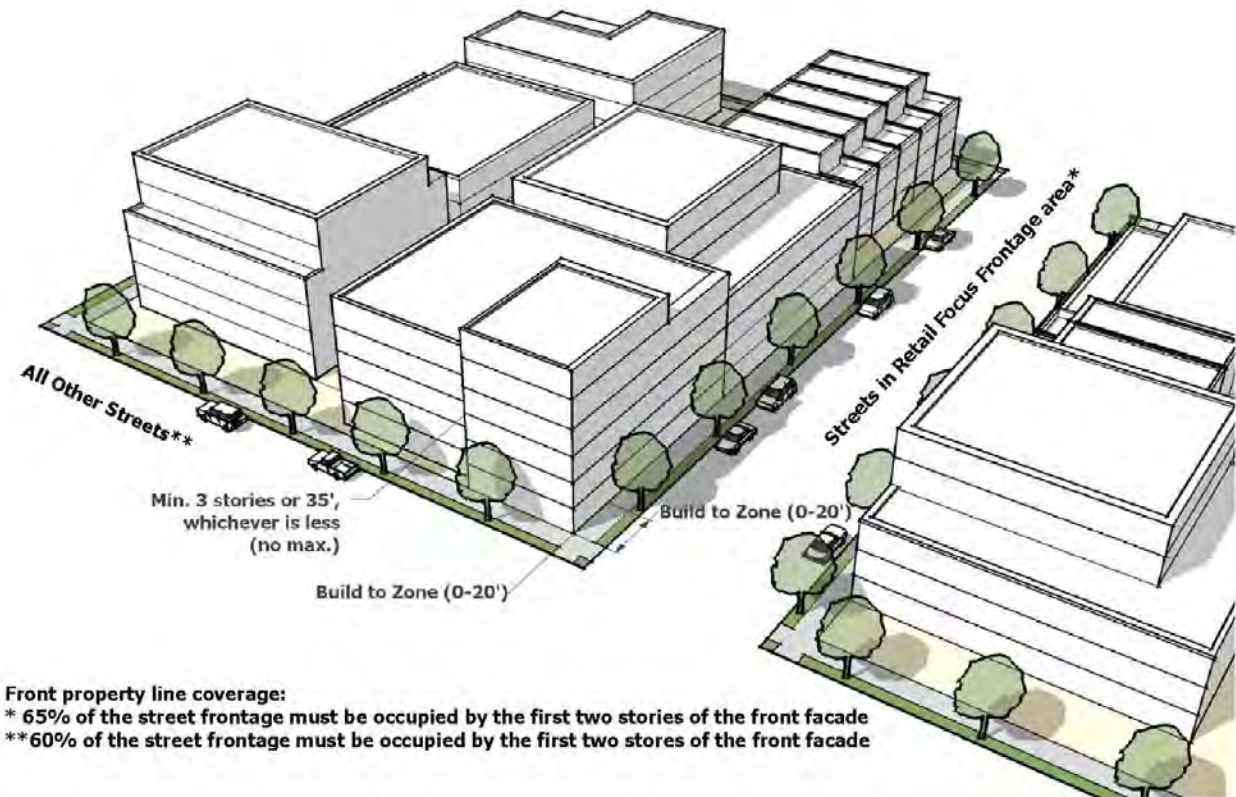
Standard	Requirement	Clarifications
Minimum Lot Size	None	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Lot Size	None	
Minimum Residential Density	43 du/na	See Subsection 12.24.030.G.4.
Maximum Residential Density	None	
Minimum FAR	1.00	See Subsection 12.24.030.G.4.
Maximum FAR	None	
Minimum Lot Dimensions		Lot dimensions subject to Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
• Width (at front building plane)	None	
• Depth	None	
• Lot frontage	None	
Minimum Setbacks*		All setbacks subordinate to public utility easements and building code requirements
• Front Yard	None	
• Side and Rear Yards	None	
Front Property Line Coverage*		Front setback area not occupied by building must contain landscaping or Usable Open Space; subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
• Streets in Retail Focus Frontage areas	65% of primary street frontage occupied by first 2 stories of front facade.	
• All other streets	60% of primary street frontage occupied by first 2 stories of front facade.	
Maximum Setbacks*		Setbacks subordinate to public utility easements and building code
• Front	20 feet	

Standard	Requirement	Clarifications
• Side and Rear	None	requirements.
Minimum Building Height*	35 feet	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Building Height	None	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Minimum Landscaping	Varies	

1 * Standards illustrated in Figure 12.24.660-A

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**FIGURE 12.24.660-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE UC-AC ZONE**



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**FIGURE 12.24.660-B:
EXAMPLES OF UC-AC DEVELOPMENT TYPES**



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4 **12.24.670 Variances and Adjustments.**

- 5 A. Applications to allow Housing Types other than those permitted in Table 12.24.620-1 shall be
6 processed only as Planned Unit Developments under Section 12.80.120.
- 7 B. Applications for Variances and Adjustments to other base zone standards in the UC-AC zone
8 may be approved under one of four processes:
- 9 1. As a Variance pursuant to Section 12.80.152;
 - 10 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
11 Section 12.80.154;
 - 12 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
13 Section 12.80.156; or
 - 14 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

15 **12.24.680 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
16 clearance, and street improvements also apply to development in the UC-AC zone as follows:

- 17 • Section 12.50.200 Site Design
- 18 • Section 12.50.300 Vehicle Parking
- 19 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 20 • Section 12.50.500 Access and Street Standards
- 21 • Section 12.50.600 Utilities and Site Grading
- 22 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 23 • Subchapter 12.64 AmberGlen Plan District

24

1 **12.24.700 UC-NC Urban Center - Neighborhood Center.** The UC-NC zone includes the
 2 following sections:

- 3 12.24.710 Purpose
- 4 12.24.720 Housing Types
- 5 12.24.730 Uses
- 6 12.24.740 Accessory Uses Permitted By Right
- 7 12.24.750 Special Provisions Regarding Uses
- 8 12.24.760 Development Standards
- 9 12.24.770 Variances and Adjustments
- 10 12.24.780 Other Pertinent Regulations

11 **12.24.710 Purpose.**

- 12 A. Create Opportunities for Neighborhood Commercial Uses. The UC-NC zone implements the
 13 MU Mixed-Use Plan designation, providing opportunities to site a mixture of neighborhood-
 14 serving retail, residential, office, and research uses at moderate to high intensities to support
 15 primary Uses within high-intensity areas.
- 16 B. Encourage Multi-Modal Transportation. The UC-NC zone encourages non-automobile
 17 transportation modes, supporting and enhancing better use of the existing street grid pattern by
 18 pedestrians, bicyclists, and transit riders.

19 **12.24.720 Housing Types.** Table 12.24.720-1 lists the Housing Types permitted in the UC-NC
 20 zone. Housing Types are defined in Section 12.01.500.

21 **TABLE 12.24.720-1:**
 22 **HOUSING TYPES PERMITTED IN THE UC-NC ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	N	
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	P	
Multiple dwelling structure	L	Multiple dwelling units Not Permitted on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage Area illustrated in Figure 12.64.640-A.
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	P	

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

1 **12.24.730** Uses. Table 12.24.730-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the UC-NC zone.

3 **TABLE 12.24.730-1:**
 4 **USE CATEGORIES IN THE UC-NC ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L	See Housing Types Table 12.24.730-1.
Group Living	L/C	Permitted for persons with disabilities with Director's Interpretation of Reasonable Accommodation (see Subsection 12.80.050.B); all other Uses permitted with Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Service	P/C	Maximum size for facilities permitted outright 150 persons; larger facilities subject to Conditional Use approval. Density calculated at 4 persons (excluding caregivers) equivalent to 1 dwelling unit.
Residential Business	L	Residential Use shall not be located on the ground floor of the primary street frontage.
Commercial Use Categories		
Commercial Lodging	L	Maximum facility size 100 commercial lodging units.
Commercial Recreation	P/N	Indoor Uses permitted; outdoor Uses Not Permitted.
Commercial Parking	L/C	See limitations in Section 12.24.750.
Durable Goods Sales	L	Maximum facility size 15,000 sq. feet GFA.
Eating and Drinking Establishments	L	Maximum Facility size 15,000 sq. feet GFA.
Educational Services	L	Maximum Facility size 25,000 sq. feet GFA.
Office	P	
Retail Products and Services	L	Uses to be located only on the first or second floors of the structure.
Self-Service Storage	L	Maximum Facility size 25,000 sq. feet GFA. See limitations in Section 12.24.750.
Vehicle Service and Repair	L	Maximum site size 25,000 sq. feet including parking and circulation areas.
Industrial Use Categories - Only category listed below permitted.		
Industrial Service	L	Maximum Facility size 25,000 sq. feet GFA.
Institutional Use Categories - Only categories listed below permitted.		
Community Services	L	Maximum facility size 25,000 sq. feet GFA.
Major Assembly Facilities	L	Maximum facility size 25,000 sq. feet GFA; subject to Special Use regulations in Section 12.40.210.

Use	Status	Clarifications
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted outright; park-and-ride facilities subject to Conditional Use review; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	P	With no outdoor storage; subject to Special Use provisions in Section 12.40.260.

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

2 **12.24.740 Accessory Uses Permitted by Right.**

3 A. Accessory Uses to Residential Primary Uses.

- 4 1. Accessory Structures. Accessory structures as defined in Section 12.01.500 are permitted
5 subject to additional requirements in Section 12.40.100.
- 6 2. Secondary Dwelling Units. Secondary dwelling units (SDUs) are defined in Section
7 12.01.500. One SDU is permitted on any detached single-family residential lot, subject to
8 additional requirements in Section 12.40.230.
- 9 3. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
10 registered family child care homes as defined in ORS 657A; and certified or registered
11 residential homes as defined in ORS 443 are also permitted.
- 12 4. Household Energy Production Facilities. Household energy production facilities are defined
13 in Section 12.01.500, and are permitted subject to issuance of necessary and appropriate
14 Federal, State and Local permits, and maintenance in good condition.
- 15 5. Amateur or “Ham” Radio Facilities. Amateur or “ham” radio facilities are permitted subject
16 to issuance of necessary and appropriate Federal, State and Local permits.
- 17 6. Horticultural Activities. Horticultural activities as defined in Section 12.01.500 are
18 permitted, excluding commercial buildings or structures.
- 19 7. Home Occupations. Home Occupations are defined in Section 12.01.500, and are permitted
20 in all Housing Types subject to additional requirements in Section 12.40.170.

- 21 B. Accessory Uses to Non-Residential Primary Uses. Accessory Uses vary based on the Use
22 categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the
23 primary Use on the site and subject to the same regulations as the primary Use unless stated
24 otherwise in this Code. In addition to the standards in Subchapter 12.50, non-residential
25 accessory Uses in the UC-MU zone are also subject to the AmberGlen Plan District requirements
26 in Subchapter 12.64.

1 **12.24.750 Special Provisions Regarding Uses.**

2 A. Commercial Parking.

- 3 1. All commercial parking facilities shall be in structures containing at least one level of
 4 parking spaces in a permanent structure constructed above or below grade level.
 5 2. All commercial parking facilities shall comply with all applicable provisions of Section
 6 12.64.300.
 7 3. All commercial parking facilities within the Retail Focus Frontage area shown on Figure
 8 12.64.640-A shall comply with all applicable provisions of Sections 12.64.360 and
 9 12.64.850.

10 B. Self-Service Storage.

- 11 1. No part of the Use shall be located within 800 feet of an LTR or HCT station.
 12 2. Individual unit entrances shall not be located on any façade facing a public street, public
 13 park, or designated open space.

14 **12.24.760 Development Standards.** Development standards in the UC-NC zone are listed in Table
 15 12.24.760-1. Certain standards are illustrated in Figure 12.24.760-A.

16 **TABLE 12.24.760-1:**
 17 **DEVELOPMENT STANDARDS IN THE UC-NC ZONE**

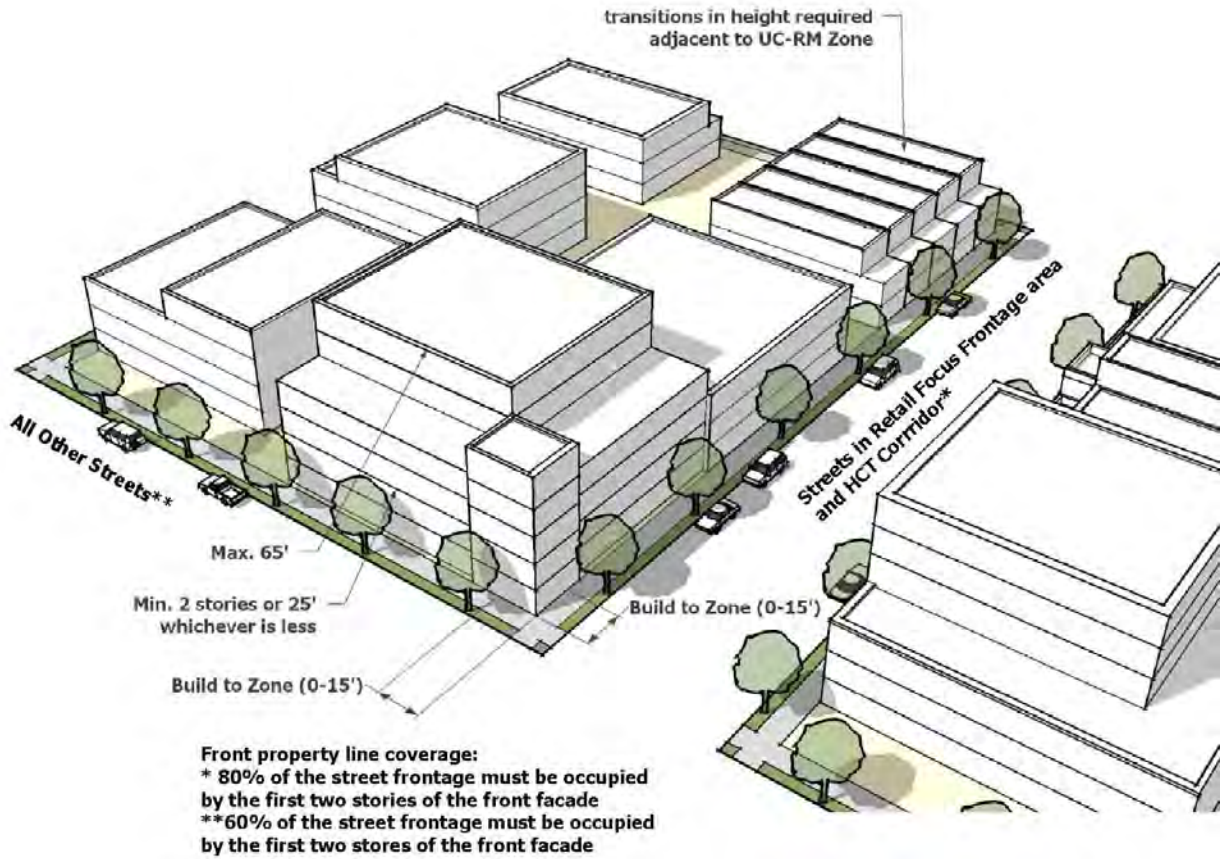
Standard	Requirement	Clarifications
Minimum Lot Size	None	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Lot Size	None	
Minimum Residential Density	30 du/na	See Subsection 12.24.030.G.4.
Maximum Residential Density	None	
Minimum FAR	.55	See Subsection 12.24.030.G.4.
Maximum FAR	None	
Minimum Lot Dimensions*		Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable
• Width (at front building plane)	None	
• Depth	None	
• Lot Frontage		
Minimum Setbacks*		All setbacks subordinate to public utility easements and building code requirements.
• Front	None	
• Side and Rear	15 feet along street frontage shared with UC-RM zone; elsewhere none	
Front Property Line Coverage*		Front setback area not occupied by

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> Streets in Retail Focus Frontage areas and HCT Corridor 	80% of primary street frontage occupied by first 2 stories of front facade.	building must contain landscaping or Usable Open Space; subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
<ul style="list-style-type: none"> All other streets 	60% of primary street frontage occupied by first 2 stories of front facade.	
Maximum Setbacks*		All setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> Front 	15 feet	
<ul style="list-style-type: none"> Side and Rear 	None	
Minimum Building Height*	25 feet	
Maximum Building Height*	65 feet	Maximum building height subject to AmberGlen Plan District transitional standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Lot Coverage	None	
Minimum Useable Open Space	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Minimum Landscaping	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.

1 * Standards illustrated in Figure 12.24.760-A

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**FIGURE 12.24.760-A:
DEVELOPMENT STANDARDS IN THE UC-NC ZONE**



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**FIGURE 12.24.760-B:
EXAMPLES OF UC-NC DEVELOPMENT TYPES**



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12.24.770 Variances and Adjustments.

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- A. Applications to allow Housing Types other than those permitted in Table 12.24.720-1 shall be processed only as Planned Unit Developments under Section 12.80.120.
- B. Applications for Variances and Adjustments to other base zone standards in the UC-NC zone may be approved under one of four processes:

- 1 1. As a Variance pursuant to Section 12.80.152;
- 2 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
- 3 Section 12.80.154;
- 4 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
- 5 Section 12.80.156; or
- 6 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

7 **12.24.780 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
8 clearance, and street improvements also apply to development in the UC-NC zone as follows:

- 9 • Section 12.50.200 Site Design
- 10 • Section 12.50.300 Vehicle Parking
- 11 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 12 • Section 12.50.500 Access and Street Standards
- 13 • Section 12.50.600 Utilities and Site Grading
- 14 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 15 • Subchapter 12.66 AmberGlen Plan District

16

1 **12.24.800 UC-OR Urban Center - Office / Research.** The UC-OR zone includes the following
 2 sections:

- 3 12.24.810 Purpose
- 4 12.24.820 Housing Types
- 5 12.24.830 Uses
- 6 12.24.840 Accessory Uses Permitted By Right
- 7 12.24.850 Special Provisions Regarding Uses
- 8 12.24.860 Development Standards
- 9 12.24.870 Variances and Adjustments
- 10 12.24.880 Other Pertinent Regulations

11 **12.24.810 Purpose.**

- 12 A. Create Opportunities for Employment Development. The UC-OR zone implements either the
 13 MU-UE Mixed-Use - Urban Employment or the MU-I Mixed-Use - Institutional Plan
 14 designation, providing concentrated opportunities for employment to complement residential,
 15 retail and commercial services within high intensity areas of the city.
- 16 B. Allow Supportive Commercial Uses. The UC-OR zone provides limited opportunities for
 17 support retail and commercial services and complementary residential Uses.
- 18 C. Retain Existing Office Development. The standards of the UC-OR zone support the retention of
 19 existing office development until the market presents opportunities to redevelop to more intense
 20 urban form.

21 **12.24.820 Housing Types.** Table 12.24.820-1 lists the Housing Types permitted in the UC-OR
 22 zone. Housing Types are defined in Section 12.01.500.

23 **TABLE 12.24.820-1:**
 24 **HOUSING TYPES PERMITTED IN THE UC-OR ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	N	
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple dwelling structure	L	Dwelling units Not Permitted on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage Area illustrated in Figure 12.64.640-A.
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.24.830** Uses. Table 12.24.830-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the UC-OR zone.

3 **TABLE 12.24.830-1:**
 4 **USE CATEGORIES IN THE UC-OR ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L	See Housing Types Table 12.24.820-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	P	
Commercial Recreation	P/N	Indoor Uses permitted; outdoor Uses Not Permitted.
Commercial Parking	C/L	See limitations in Section 12.24.850.
Durable Goods Sales	C/L	No portion of the Use to be located within 800 feet of an LRT or HCT station.
Eating and Drinking Establishments	P	
Educational Services	P	
Office	P	
Retail Products and Services	C	
Self-Service Storage	L	Maximum facility size 25,000 sq. ft. GFA. Individual unit entrances shall not be located on any façade facing a public street, public park, or designated open space.
Vehicle Service and Repair	L	Maximum site size 25,000 sq. ft. including parking and circulation areas.
Industrial Use Categories - Only categories listed below permitted.		
Industrial Services	P	
Manufacturing and Production	L	See limitations in Section 12.24.850.
Institutional Use Categories - Only categories listed below permitted.		
Colleges and Universities	C	
Community Services	P	See limitations in Section 12.24.850.
Detention Facilities	N	
Hospitals	C/L	Limited in size to 100 or less inpatient beds.
Major Assembly Facilities	L	Facility size not to exceed 50,000 sq. feet GFA. Subject to Special Use provisions in Section 12.40.210.
Schools	C	Subject to Special Use provisions in Section 12.40.210.

Use	Status	Clarifications
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted outright; park-and-ride facilities subject to conditional use review; storage and maintenance yards Not Permitted.
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	L	With no equipment storage; subject to Special Use provisions in Section 12.40.260. No portion of the use to be located within 800 feet of an LRT or HCT station.

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

2 **12.24.840 Accessory Uses Permitted by Right.** Accessory Uses vary based on the use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on
4 the site and subject to the same regulations as the primary Use unless stated otherwise in this Code. In
5 addition to the standards in Subchapter 12.50, non-residential accessory Uses in the UC-OR zone are
6 also subject to the AmberGlen Plan District requirements in Subchapter 12.64.

7 **12.24.850 Special Provisions Regarding Uses.**

8 A. Commercial Parking.

- 9 1. All commercial parking facilities shall be in structures containing at least one level of
10 parking spaces in a permanent structure constructed above or below grade level.
- 11 2. All commercial parking facilities shall comply with all applicable provisions of Section
12 12.64.300.
- 13 3. All commercial parking facilities within the Retail Focus Frontage area shown on Figure
14 12.64.640-A shall comply with all applicable provisions of Sections 12.64.360 and
15 12.64.850.

16 B. Manufacturing and Production.

- 17 1. Manufacturing and production uses are limited to operations with an expected employment
18 level of at least one person per 500 sq. ft. of gross floor area in the primary structure.
- 19 2. Truck shipments to or from the property by trucks with a gross vehicle weight of 25,000 lbs.
20 are limited to one per day on average.
- 21 3. Outdoor storage of materials, supplies, inventory, equipment, or other items is Not Permitted.
- 22 4. Truck loading facilities shall not be located on any façade of the building facing a public
23 street.

1 **12.24.860 Development Standards.** Development standards in the UC-OR zone are listed in Table
 2 12.24.860-1. Certain standards are illustrated in Figure 12.24.860-A.

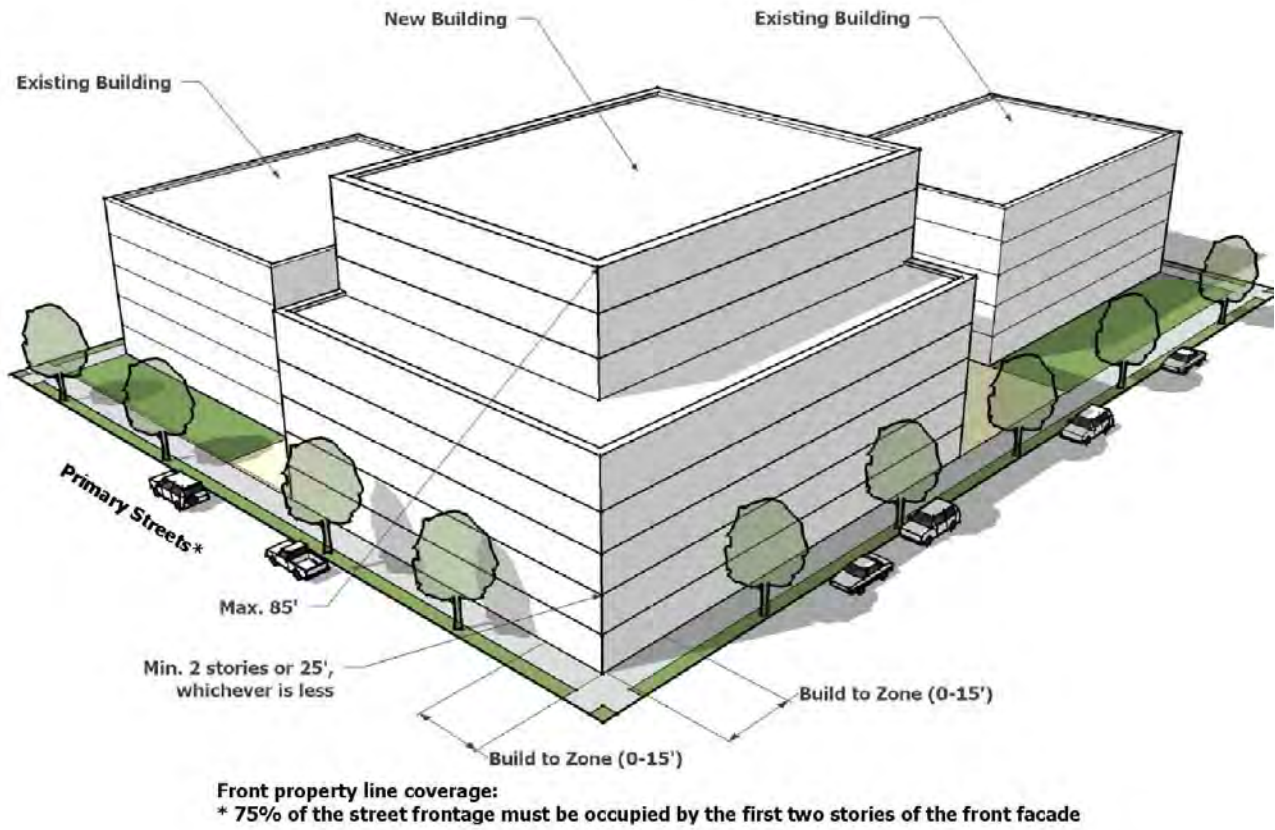
3 **TABLE 12.24.860-1:**
 4 **DEVELOPMENT STANDARDS IN THE UC-OR ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Lot Size	None	
Minimum Residential Density	30 du/na	See Subsection 12.24.030.G.4.
Maximum Residential Density	None	
Minimum FAR	.60	
Maximum FAR	None	
Minimum Lot Dimensions*		Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
<ul style="list-style-type: none"> • Width (at front building plane) • Depth 	None	
Minimum Setbacks*		All setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front • Side and Rear 	None	
Front Property Line Coverage*	75% of primary street frontage occupied by first 2 stories of front facade.	Front setback area not occupied by building must contain landscaping or Usable Open Space; subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Maximum Setbacks*		Front yard setbacks subordinate to public utility easements and building code requirements.
<ul style="list-style-type: none"> • Front • Side and Rear 	15 feet	
Minimum Building Height*	25 feet	
Maximum Building Height*	85 feet	
Maximum Lot Coverage	None	
Minimum Usable Open Space	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Minimum Landscaping	Varies	Subject to Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.

5 * Standards illustrated in Figure 12.24.860-A

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**FIGURE 12.24.860-A:
DEVELOPMENT STANDARDS IN THE UC-OR ZONE**



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**FIGURE 12.24.860-B:
EXAMPLES OF UC-OR DEVELOPMENT TYPES**



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12.24.870 Variances and Adjustments.

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A. Applications to allow Housing Types other than those permitted in Table 12.24.820-1 shall be processed only as Planned Unit Developments under Section 12.80.120.

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B. Applications for Variances and Adjustments to other base zone standards in the UC-OR zone may be approved under one of four processes:

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- 1 1. As a Variance pursuant to Section 12.80.152;
- 2 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
- 3 Section 12.80.154;
- 4 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
- 5 Section 12.80.156; or
- 6 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

7 **12.24.880 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
8 clearance, and street improvements also apply to development in the UC-OR zone as follows:

- 9 • Section 12.50.200 Site Design
- 10 • Section 12.50.300 Vehicle Parking
- 11 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 12 • Section 12.50.500 Access and Street Standards
- 13 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 14 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 15 • Subchapter 12.66 AmberGlen Plan District

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1 **12.24.900 UC-RP Urban Center - Research Park.** The UC-RP zone includes the following sections:

- 2 12.24.910 Purpose
- 3 12.24.920 Housing Types
- 4 12.24.930 Uses
- 5 12.24.940 Accessory Uses Permitted By Right
- 6 12.24.950 Special Provisions Regarding Uses
- 7 12.24.960 Development Standards
- 8 12.24.970 Variances and Adjustments
- 9 12.24.980 Other Pertinent Regulations

10 **12.24.910 Purpose.**

- 11 A. Create Opportunities for Research and Development Uses. The UC-RP zone implements the
- 12 MU-I Mixed-Use - Institutional Plan designation, providing opportunities for development of a
- 13 range of research, development and testing laboratory Uses; educational Uses; medical research
- 14 and clinical Uses; and high-tech and bio-tech research and applied technology Uses.
- 15 B. Support Institutional Uses. The UC-RP zone supports the retention and ongoing expansion of
- 16 the existing institutional users and addresses their unique requirements.
- 17 C. Create Spin-Off Opportunities. The UC-RP zone fosters and supports development of industries
- 18 resulting from or associated with the basic and applied research, development and testing
- 19 laboratories and programs of the institutions and organizations located in the zone by
- 20 encouraging and allowing incubator establishments within the zone, and by allowing compatible
- 21 accessory industrial Uses.
- 22 D. Implement Existing Master Plans. The UC-RP zone allows development in accordance with
- 23 approved Concept Development Plan(s) to encourage a transit-supportive, pedestrian-sensitive
- 24 campus environment, and to prevent conflicts among the mix of uses and activities within the
- 25 zone.

26 **12.24.920 Housing Types.** Table 12.24.920-1 lists the Housing Types permitted in the UC-RP

27 zone. Housing Types are defined in Section 12.01.500.

28 **TABLE 12.24.920-1:**

29 **HOUSING TYPES PERMITTED IN THE UC-RP ZONE**

Housing Type	Status	Clarifications
Detached single family dwelling	L / N	Permitted only for caretaker working on the property.
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple dwelling structure	P	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.24.930** Uses. Table 12.24.930-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the UC-RP zone.

3 **TABLE 12.24.930-1:**
 4 **USE CATEGORIES IN THE UC-RP ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L	See Housing Types Table 12.24.920-1.
Group Living	P/N	Limited to dormitory housing developed and used by institutional Uses; all other uses Not Permitted. See also Table 12.24.960-1.
Residential Service	N	
Residential Business	N	
Commercial Use Categories - Only categories listed permitted.		
Educational Services	P	
Office	P	
Industrial Use Categories - Only category listed permitted.		
Industrial Services	P	
Institutional Use Categories - Only categories listed permitted.		
Colleges and Universities	P	
Community Services	C	
Major Assembly Facilities	C	Subject to Special Use provisions in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	C	
Public Safety Facilities	C	
Surface Alternative Transportation Facilities	P	
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	P	With no outdoor storage; subject to Special Use provisions in Section 12.40.260.

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

1 **12.24.940 Accessory Uses Permitted by Right.** Accessory Uses vary based on the Use categories
 2 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on
 3 the site and subject to the same regulations as the primary Use unless stated otherwise in this Code. In
 4 addition to the standards in Subchapter 12.50, non-residential accessory Uses in the UC-RP zone are
 5 also subject to the AmberGlen Plan District requirements in Subchapter 12.64.

6 **12.24.950 Special Provisions Regarding Uses.** There are no limitations regarding uses in the UC-
 7 RP zone aside from those listed in Table 12.24.930-1.

8 **12.24.960 Development Standards.** Development standards in the UC-RP zone are listed in Table
 9 12.24.960-1.

10 **TABLE 12.24.960-1:**
 11 **DEVELOPMENT STANDARDS IN THE UC-RP ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Residential Density		
• Multi-family residential	18 du/na	
• Group living	36 rooms/na	Group living density based on single room occupancy dormitories or equivalent.
Maximum Residential Density		
• Multi-family residential	65 du/na	
• Group living	None	
Minimum FAR		
• Research laboratory and animal buildings; industrial flex space; and accessory industrial facilities	.35	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
• Commercial, office, clinic, classroom uses, and mixed-use buildings	.40	
• Emergency service facilities	.50	
• Hospitals and related laboratory and outpatient facilities	1.0	
Maximum FAR	None	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Minimum Lot Dimensions		
• Width (at front building plane)	30 feet	
• Depth	None	

Standard	Requirement	Clarifications
Minimum Setbacks		All setbacks subordinate to public utility easements and building code requirements.
• Front Yard	None	
• Side and Rear Yards	None	
Front Property Line Coverage	None	
Maximum Setbacks		All setbacks subordinate to public utility easements and building code requirements.
• Front	15 feet / none	
• Side and rear	None	
Minimum Building Height	25 feet	
Maximum Building Height	55 feet	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.
Minimum Landscaping	Varies	Subject to AmberGlen Plan District standards in Sections 12.64.200 and 12.64.800 as applicable.

1 Note: The UC-RP zone supports the retention and on-going expansion of the existing institutional users and is structured to
2 address their unique requirements in accordance with one or more Planned Unit Development approvals. No Figures for UC-
3 RP base zone development standards are provided.

4 **12.24.970 Variances and Adjustments.**

- 5 A. Applications to allow Housing Types other than those permitted in Tables 12.24.920-1 and
6 12.24.930-1 shall be processed only as Planned Unit Development under Section 12.80.120.
- 7 B. Applications for Variances and Adjustments to other base zone standards in the UC-RP zone
8 may be approved under one of four processes:
- 9 1. As a Variance pursuant to Section 12.80.152;
 - 10 2. As a Type II Adjustment in conjunction with a primary Type II application pursuant to
11 Section 12.80.154;
 - 12 3. As a Type III Adjustment in conjunction with a primary Type III application pursuant to
13 Section 12.80.156; or
 - 14 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

15

1 **12.24.980 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
2 clearance, and street improvements also apply to development in the UC-RP zone as follows

- 3 • Section 12.50.200 Site Design
- 4 • Section 12.50.300 Vehicle Parking
- 5 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 6 • Section 12.50.500 Access and Street Standards
- 7 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 8 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 9 • Subchapter 12.64 AmberGlen Plan District

1 **SUBCHAPTER 12.25**
2 **INDUSTRIAL ZONES**

- 3 **12.25.010 Industrial Zones**
4 **12.25.020 Locational Characteristics**
5 **12.25.030 Organization within This Chapter**
6
7 **12.25.100 I-G Industrial General**
8 **12.25.110 Purpose**
9 **12.25.120 Housing Types**
10 **12.25.130 Uses**
11 **12.25.140 Accessory Uses Permitted by Right**
12 **12.25.150 Special Provisions Regarding Retail Products and Services**
13 **12.25.160 Development Standards**
14 **12.25.170 Variances and Adjustments**
15 **12.25.180 Other Pertinent Regulations**
16
17 **12.25.200 I-P Industrial Park**
18 **12.25.210 Purpose**
19 **12.25.220 Housing Types**
20 **12.25.230 Uses**
21 **12.25.240 Accessory Uses Permitted by Right**
22 **12.25.250 Special Provisions Regarding Uses**
23 **12.25.260 Development Standards**
24 **12.25.270 Variances and Adjustments**
25 **12.25.280 Other Pertinent Regulations**
26
27 **12.25.300 I-S Industrial Sanctuary**
28 **12.25.310 Purpose and Applicability**
29 **12.25.320 Housing Types**
30 **12.25.330 Uses**
31 **12.25.340 Accessory Uses Permitted by Right**
32 **12.25.350 Special Provisions Regarding Uses**
33 **12.25.360 Development Standards**
34 **12.25.370 Variances and Adjustments**
35 **12.25.380 Other Pertinent Regulations**
36
37 **12.25.400 SC-BP Station Community Business Park**
38 **12.25.410 Purpose**
39 **12.25.420 Housing Types**
40 **12.25.430 Uses**
41 **12.25.440 Accessory Uses Permitted by Right**
42 **12.25.450 Special Provisions Regarding Uses**
43 **12.25.460 Development Standards**

1	12.25.470	Variances and Adjustments
2	12.25.480	Other Pertinent Regulations
3		
4	12.25.500	SCI Station Community Industrial
5	12.25.510	Purpose
6	12.25.520	Housing Types
7	12.25.530	Uses
8	12.25.540	Accessory Uses Permitted by Right
9	12.25.550	Special Provisions Regarding Uses
10	12.25.560	Development Standards
11	12.25.570	Variances and Adjustments
12	12.25.580	Other Pertinent Regulations
13		
14	12.25.600	SSID Shute Road Special Industrial District
15	12.25.610	Purpose
16	12.25.620	Housing Types
17	12.25.630	Uses
18	12.25.640	Accessory Uses Permitted by Right
19	12.25.650	Special Provisions Regarding Uses
20	12.25.660	Development Standards
21	12.25.670	Variances and Adjustments
22	12.25.680	Other Pertinent Regulations
23	12.25.690	Definitions Unique to the SSID
24		
25	12.25.700	ESID Evergreen Area Special Industrial District
26	12.25.710	Purpose and Applicability
27	12.25.720	Housing Types
28	12.25.730	Uses
29	12.25.740	Accessory Uses Permitted by Right
30	12.25.750	Special Provisions regarding Uses
31	12.25.760	Development Standards
32	12.25.770	Variances and Adjustments
33	12.25.780	Other Pertinent Regulations
34	12.25.790	Definitions unique to the ESID
35		
36	12.25.800	HSID Helvetia Area Special Industrial District
37	12.25.810	Purpose and Applicability
38	12.25.820	Housing Types
39	12.25.830	Uses
40	12.25.840	Accessory Uses Permitted by Right
41	12.25.850	Special Provisions Regarding Uses
42	12.25.860	Development Standards
43	12.25.870	Variances and Adjustments
44	12.25.880	Other Pertinent Regulations
45	12.25.890	Definitions Unique to the HSID
46		

1 **12.25.010 Industrial Zones.** There are eight industrial zones in the City:

- 2 A. I-G Industrial General;
- 3 B. I-P Industrial Park;
- 4 C. I-S Industrial Sanctuary;
- 5 D. SC-BP Station Community Business Park;
- 6 E. SCI Station Community Industrial;
- 7 F. SSID Shute Road Special Industrial District;
- 8 G. ESID Evergreen Area Special Industrial District; and
- 9 H. HSID Helvetia Area Special Industrial District.

10 **12.25.020 Locational Characteristics.** On the Comprehensive Plan Land Use Map, industrial
11 zones implement the Industrial and Station Community Planning Area designations.

- 12 A. The I-G, I-P, I-S, SSID, ESID and HSID zones implement or partially implement both the
13 Industrial and the Employment designations on the Metro Functional Plan Map.
- 14 B. Within the SCPA designation, the SC-BP and SCI zones allow development of higher intensity,
15 transit-supportive industrial Uses in proximity to light rail stations.

16 **12.25.030 Organization within this Subchapter.**

17 A. Common Elements. Each section in this subchapter contains the following subsections:

- 18 1. Purpose;
- 19 2. Permitted, Conditional, Limited and Not Permitted Housing Types (organized in tables);
- 20 3. Permitted, Conditional, Limited and Not Permitted Uses (organized in tables);
- 21 4. Accessory Uses permitted by right;
- 22 5. Special provisions regarding Uses;
- 23 6. Development standards (organized in tables, illustrated in figures);
- 24 7. Variances and Adjustments; and
- 25 8. Other pertinent regulations.

26 B. Purpose. Purpose statements for each zone chapter are descriptive of the zone's characteristics
27 and intent, and are drawn from the Comprehensive Plan and/or the Community Development
28 Code. Purpose statements are informational and not intended to be regulations.

29 C. Allowed Housing Types. Residential Uses are limited in industrial zones. Permitted,
30 conditionally permitted, limited and not permitted Housing Types within each zone are
31 summarized in tables based on the definitions of Housing Types listed in Section 12.01.500.
32 Neither the residential Use categories nor the Housing Types distinguish between owner- or
33 renter-occupation.

- 1 D. Uses. Permitted, Conditionally Permitted, Limited and Not Permitted Uses within each zone are
2 summarized in tables based on the standardized Use categories contained in Subchapter 12.10.
- 3 1. Permitted Uses (P) are permitted by right, subject to all applicable provisions of this Code.
- 4 2. Conditionally Permitted Uses (C) may be allowed, subject to approval on an individual basis
5 as Conditional Uses. The Conditional Use application process and approval criteria are
6 described in Section 12.80.020. Certain Conditional Uses may have additional standards as
7 described in Subchapter 12.40.
- 8 3. Limited Uses (L) are permitted by right, but are subject to specified requirements,
9 exceptions, or restrictions which may vary with the nature, size or location of the Use.
- 10 4. Not Permitted Uses (N) are not permitted in the zone under any circumstances.
- 11 E. Accessory Uses Permitted by Right. Accessory Uses are permitted in each zone in conjunction
12 with the primary industrial use on the site and are subject to the same regulations as the primary
13 use unless stated otherwise in the Code. Characteristics and standards for certain accessory Uses
14 are listed in Subchapter 12.40.
- 15 F. Special Provisions Regarding Uses. Where certain notations in the Clarifications column of the
16 Uses tables require further explanation, they are noted in this section.
- 17 G. Development Standards.
- 18 1. Development standards in each industrial zone are summarized in tables. Development
19 standards are typically numerical standards: minimum and maximum lot dimensions,
20 minimum and maximum floor area ratios; structural setbacks; maximum building height and
21 lot coverage. All development must comply with the development standards unless a
22 discretionary Variance or Adjustment is approved as described in Subsection H below.
- 23 2. Certain development standards are illustrated in a Figure following the development
24 standards table in each zone.
- 25 H. Variances and Adjustments. Applications to vary or adjust certain numeric standards in each
26 zone may be requested and approved under Sections 12.80.152, 12.80.154, and 12.80.156.
27 Certain numeric standards may also be subject to exceptions under specific circumstances, as
28 described in the Standards section.
- 29 I. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision
30 clearance, and street improvements, may also apply to development in industrial zones. These
31 site design and development standards may also have exceptions as described in those sections.
- 32

1 **12.25.100 I-G Industrial General.** The I-G zone includes the following sections:

- 2 12.25.110 Purpose
- 3 12.25.120 Housing Types
- 4 12.25.130 Uses
- 5 12.25.140 Accessory Uses Permitted by Right
- 6 12.25.150 Special Provisions Regarding Retail Products and Services
- 7 12.25.160 Development Standards
- 8 12.25.170 Variances and Adjustments
- 9 12.25.180 Other Pertinent Regulations

10 **12.25.110 Purpose.**

- 11 A. Provide a Full Range of Commercial and Industrial Activities. The I-G zone implements the
- 12 Industrial Comprehensive Plan designation primarily near the downtown or at locations on
- 13 freight routes, providing opportunities for all types of manufacturing, warehouse, and wholesale
- 14 industrial Uses, and retail, service, and office commercial Uses. Certain retail Uses may be
- 15 subject to square footage limitations based on Metro Title 4 requirements.
- 16 B. Encourage Use of Alternative Transportation. The I-G zone allows the opportunity to site a wide
- 17 mix of commercial and industrial Uses near the downtown or at locations on freight routes,
- 18 increasing rail and vehicle freight use, and providing access to transit routes for employees and
- 19 customers.

20 **12.25.120 Housing Types.** Table 12.25.120-1 lists Housing Types permitted in the I-G zone.

21 Housing Types are defined in Section 12.01.500.

22 **TABLE 12.25.120-1:**

23 **HOUSING TYPES PERMITTED IN THE I-G ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	Permitted only for caretaker working on the property; expansion of existing dwellings subject to Subchapter 12.30.
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	L	See Table 12.25.130-1.

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

1 **12.25.130 Uses.** Table 12.25.130-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the I-G zone. Within each use category, specific uses may be restricted pursuant to
 3 Subchapter 12.40.

4 **TABLE 12.25.130-1:**
 5 **USE CATEGORIES IN THE I-G ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.120-1.
Group Living	L/N	Group Living permitted in detached existing single family dwelling only as a Reasonable Accommodation (see Subsection 12.80.050.B); all other uses not permitted.
Residential Service	N	
Residential Business	L	Residential Uses permitted above the first floor of a commercial or industrial building.
Commercial Use Categories		
Commercial Lodging	P	
Commercial Recreation	P	
Commercial Parking	P	
Durable Goods Sales	P	
Eating and Drinking Establishments	P	
Educational Services	P	
Office	P	
Retail Products and Services	P/C/L	See Section 12.25.150 regarding limitations.
Self-Service Storage	P	
Vehicle Service and Repair	C	Fueling stations and car washes permitted with Conditional Use approval. Fueling stations subject to additional requirements in Section 12.40.120.
Industrial Use Categories		
Industrial Service	P	
Manufacturing And Production	P/N	Storage, use or manufacture of explosive materials not permitted.
Solid Waste Treatment and Recycling	C/N	Dry waste treatment and recycling permitted. Vehicle wrecking yard permitted with Conditional Use approval subject to standards in Section 12.40.270. All other Uses in this category not permitted.
Vehicle Storage	P	
Warehouse and Freight Movement	P	
Wholesale Sales	P	

Use	Status	Clarifications
Institutional Use Categories		
Colleges and Universities	C	
Community Services	C	
Detention Facilities	C	
Hospitals	N	
Major Assembly Facilities	C	Subject to additional regulations in Section 12.40.210.
Schools	C/N	Middle and senior high schools, colleges and universities permitted with conditional use approval; elementary schools not permitted. Subject to additional regulations in Section 12.40.210.
Infrastructure and Utilities Use Categories		
Aviation Facilities	L	See Section 12.25.150
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

2 **12.25.140 Accessory Uses Permitted by Right.** Accessory Uses vary based on the use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary
4 commercial or industrial Use on the site and subject to the same regulations as the primary commercial
5 Use unless stated otherwise in the Code.

6 **12.25.150 Special Provisions Regarding Uses.**

7 A. Retail Products and Services.

- 8 1. Child care facilities are permitted with Conditional Use approval, subject to the additional
9 standards in Section 12.40.150.
- 10 2. Outdoor exercise areas for animal service facilities are permitted with Conditional Use
11 approval, subject to the additional standards in Section 12.40.110.
- 12 3. Minor Assembly Facilities are permitted with Conditional Use approval, if the maximum
13 IBC occupancy in the primary assembly area is less than 250 persons. Minor assembly
14 facilities are subject to additional regulations in Section 12.40.210.

15

B. Aviation Facilities. The following types of aviation facilities are limited to properties owned by the Port of Portland at the Portland-Hillsboro Airport: runways; taxiways; aprons; air operations areas for unobstructed movement of aircraft; security areas; terminals and associated parking; and aircraft storage hangars.

12.25.160 Development Standards. Base zone development standards in the I-G zone are listed in Table 12.25.160-1. Certain standards are illustrated in Figure 12.25.160-A.

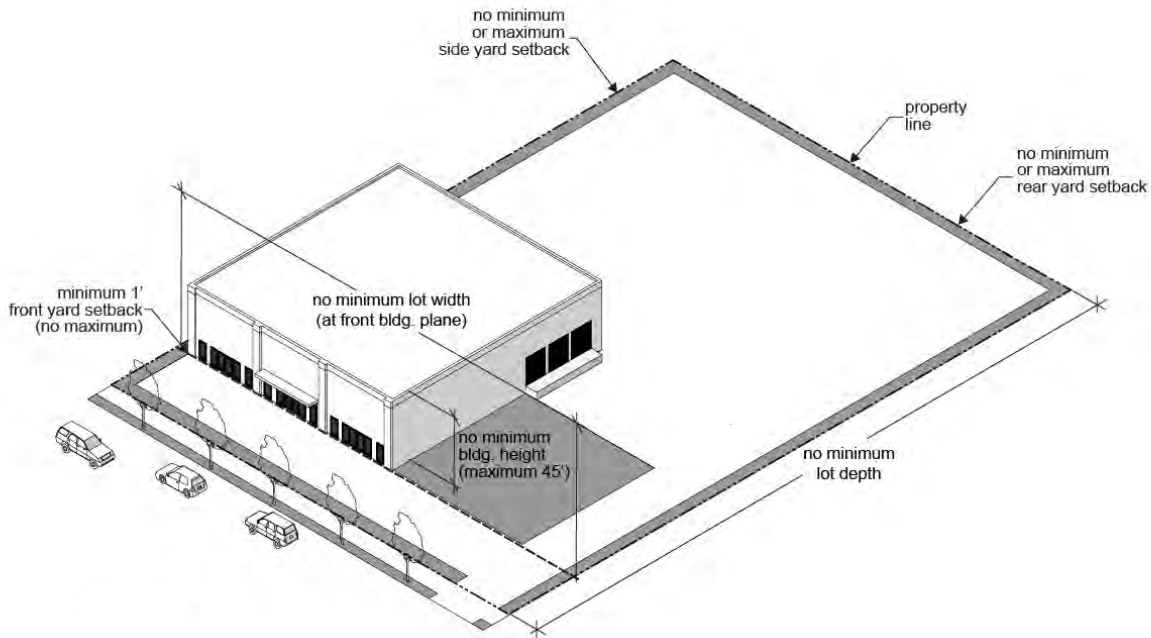
**TABLE 12.25.160-1:
DEVELOPMENT STANDARDS IN THE I-G ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
• Frontage	25 feet	
Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building code requirements
• Front	1 foot	
• Side	None	
• Rear	None	
Maximum Setbacks	None	
Minimum Building Height	None	
Maximum Building Height	45 feet	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 12.50.220

* Standard illustrated in Figure 12.25.160-A

1
2
3

**FIGURE 12.25.160-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE I-G ZONE**



4

5 **12.25.170 Variances and Adjustments.** Applications for Variances and Adjustments to base zone
6 standards in the I-G zone may be approved under one of four processes:

- 7 A. As a Variance pursuant to Section 12.80.152;
- 8 B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section
9 12.80.154;
- 10 C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section
11 12.80.156; or
- 12 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

13 **12.25.180 Other Pertinent Regulations.**

14 A. Applicable Sections. Additional standards such as parking, landscaping, vision clearance, and
15 street improvements also apply to development in the I-G zone as follows:

- 16 • Section 12.50.200 Site Design
- 17 • Section 12.50.300 Vehicle Parking
- 18 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 19 • Section 12.50.500 Access and Street Standards
- 20 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 21 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

1 B. Additional Standards. In addition to the standards listed in Subsection A above, the following
2 standards apply to all development in the I-G zone:

3 1. Site Storage and Maintenance.

4 a. Materials, equipment and waste must be stored and grounds must be maintained in a
5 manner which will not attract insects or vermin or create a health hazard.

6 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
7 continuously in groundcovers, trees or shrubs as required by Section 12.50.220. All
8 other yards and unused property shall be maintained in grass or other suitable ground
9 cover.

10 2. Boundary Fences and Landscaping.

11 a. Properties abutting a residential zone shall provide and maintain a dense evergreen
12 landscape buffer with a minimum mature height of 7 feet.

13 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
14 continuously maintained in suitable groundcovers, trees or shrubs as required by
15 Section 12.50.220. All other yards and unused property shall be maintained in grass or
16 other suitable ground cover.

17 c. Wire or similar open fences may be permitted at property lines adjacent to landscaped
18 yards.

19 3. Heat, Glare and Lighting.

20 a. Except for exterior lighting, industrial operations producing heat or glare shall be
21 conducted entirely within an enclosed building.

22 b. Exterior lighting shall be shielded and directed away from adjacent properties as
23 required by Section 12.50.240.

24 4. Compliance with State Requirements. All Uses or operations shall comply with current state
25 air quality and noise statutes and rules as administered by the Department of Environmental
26 Quality.

27

1 **12.25.200 I-P Industrial Park.** The I-P zone includes the following sections:

- 2 12.25.210 Purpose
- 3 12.25.220 Housing Types
- 4 12.25.230 Uses
- 5 12.25.240 Accessory Uses Permitted by Right
- 6 12.25.250 Special Provisions Regarding Uses
- 7 12.25.260 Development Standards
- 8 12.25.270 Variances and Adjustments
- 9 12.25.280 Other Pertinent Regulations

10 **12.25.210 Purpose.**

- 11 A. Provide a Full Range of Industrial Uses and Limited Commercial Support Services. The I-P
12 zone implements the Industrial Comprehensive Plan designation in the City’s newer industrial
13 areas, providing opportunities for all types of industrial service, manufacturing, warehouse and
14 wholesale Uses, and limited opportunities for convenient service and office commercial Uses.
- 15 B. Create High-Quality, Attractive Industrial Parks. The standards of the I-P zone are intended to
16 create attractive site amenities such as deeper setbacks and increased landscaping, thereby
17 creating high-quality industrial neighborhoods which attract and maintain the value of their
18 investments.
- 19 C. Reduce Vehicle Miles Traveled. By allowing siting of supporting commercial Uses within
20 industrial areas, the standards of the I-P zone help to reduce vehicle trips and miles travelled by
21 employees to these services and/or to access them by walking or bicycling.
- 22 D. Accommodate the Region-Wide Need to Create and Preserve Industrial Lands, as set forth in
23 Title 4 of the Metro 2040 Urban Growth Management Functional Plan.

24 **12.25.220 Housing Types.** Table 12.25.220-1 lists Housing Types permitted in the I-P zone.
25 Housing Types are defined in Section 12.01.500.

26 **TABLE 12.25.220-1:**
27 **HOUSING TYPES PERMITTED IN THE I-P ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwelling for caretaker only; expansion of existing dwellings subject to Subchapter 12.30; all other uses not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.25.230** Uses. Table 12.25.230-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the I-P zone.

3
 4

**TABLE 12.25.230-1:
 USE CATEGORIES IN THE I-P ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.220-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	L/C/N	See Section 12.25.250 regarding limitations.
Commercial Recreation	C/N	Indoor facilities permitted with Conditional Use approval; outdoor facilities not permitted.
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	P	
Educational Services	L	See Section 12.25.250 regarding limitations.
Office	P	
Retail Products and Services	P/L/C	See Section 12.25.250 regarding limitations.
Self-Service Storage	P/C	Storage permitted outright; incidental truck and trailer rental permitted with Conditional Use approval.
Vehicle Service and Repair	C / N	Card-lock fueling permitted with Conditional Use approval; all other uses in this category not permitted. Subject to additional standards in Section 12.40.120.
Industrial Use Categories		
Industrial Service	P	
Manufacturing And Production	P / L	See Section 12.25.250 regarding limitations.
Solid Waste Treatment and Recycling	C / N	Dry waste treatment and recycling permitted. Vehicle wrecking yard permitted with Conditional Use approval subject to standards in Section 12.40.270. All other uses in this category not permitted.
Vehicle Storage	P	
Warehouse And Freight Movement	P	
Wholesale Sales	P	

Use	Status	Clarifications
Institutional Use Categories		
Colleges and Universities	C	
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C	Subject to additional regulations in Section 12.40.210.
Schools	N	
Infrastructure and Utilities Use Categories		
Aviation Facilities	L / C	See Section 12.25.250 regarding limitations. Helicopter landing pads permitted with Conditional Use approval.
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	C	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

12.25.240 Accessory Uses Permitted by Right. Accessory uses vary based on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary industrial or commercial Use on the site and are subject to the same regulations as the primary Use unless stated otherwise in the Code.

12.25.250 Special Provisions Regarding Uses.

A. Commercial Lodging. Executive suites hotels with restaurants and other amenities serving the industrial/business community are permitted outright; bed and breakfast inns are permitted with Conditional Use approval. Any other Uses in this category are not permitted.

B. Educational Services.

1. Tutoring services for students ages 5 through 18 are permitted only up to a maximum occupancy of 5000 sq. ft. and only in existing buildings.
2. Private universities are limited to a maximum occupancy of 15,000 sq. ft. NLA.
3. Any other educational services uses not listed in Subsections 1-2 above are not permitted.

C. Retail Products and Services.

1 1. Retail Products and Services Permitted Outright. The following are the only uses in this
2 category that are permitted outright:

- 3 a. Banks;
- 4 b. Restaurants;
- 5 c. Day care facilities;
- 6 d. Quick print shops;
- 7 e. Beauty salons and barber shops;
- 8 f. Exercise or fitness center (maximum floor area 6,000 sq. ft.);
- 9 g. Private mailbox service center;
- 10 h. Office supply retailer.

11 2. Animal service facilities, with or without overnight boarding and/or outdoor exercise areas,
12 are permitted with Conditional Use approval, and are subject to additional standards in
13 Section 12.40.110.

14 3. Minor Assembly Facilities are permitted with Conditional Use approval if the maximum
15 Building Code occupancy in the primary assembly area is less than 250 persons. Minor
16 assembly facilities are subject to additional regulations in Section 12.40.210.

17 D. Other Commercial Uses by Interpretation. Pursuant to Section 12.80.050, the Planning Director
18 may consider a Request for Interpretation of another retail products and services Use or other
19 commercial Use in addition to the Uses listed in Subsection A-C above.

20 E. Manufacturing and Production. All Uses are permitted except manufacture or production of the
21 following:

- 22 1. Explosive materials;
- 23 2. Concrete and asphalt mixing or batching plants; and/or
- 24 3. Rock crushing and aggregate storage.

25 F. Aviation Facilities. The following types of aviation facilities are limited to properties owned by
26 the Port of Portland at the Portland-Hillsboro Airport: runways; taxiways; aprons; air operations
27 areas for unobstructed movement of aircraft; security areas; terminals and associated parking;
28 and aircraft storage hangars.

29 **12.25.260 Development Standards.** Base zone development standards in the I-P zone are listed in
30 Table 12.25.260-1. Certain standards are illustrated in Figure 12.25.260-A.

31

**TABLE 12.25.260-1:
DEVELOPMENT STANDARDS IN THE I-P ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
• Frontage	25 feet	
Minimum Setbacks*		See also Subsection 12.25.280.B.1 regarding increased setbacks for off-street parking and loading.
• Buildings up to 45 feet high		
○ Front	35 feet	
○ Side	10 or 25 feet	10 foot setback applicable abutting non-residential zones;
○ Rear	10 or 25 feet	25 foot setback applicable abutting residential zones
• Buildings > 45 feet in height		
○ Front	35+ ft. feet	Minimum setbacks increase:
○ Side	10+ or 25+ feet	• Abutting non-residential zones: 1 additional foot for each foot of structural height over 45 feet
○ Rear	10+ or 25+ feet	• Abutting residential zones: 1 additional foot for each foot of structural height. See also Subsection 12.25.280.B.1 regarding increased setbacks for off-street parking and loading.
Maximum Setbacks	None	
Minimum Building Height*	None	
Maximum Building Height		
• High Profile Industrial Buildings	150 feet or less	• 45 ft. and 150 ft. heights applicable abutting non-residential zones;
• All other buildings	45 feet or less	• Within 100 feet of a residential zone: maximum height 45 feet minus 1 ft. for every 2 ft. less than the 100 ft. setback
Maximum Building Coverage	50%	

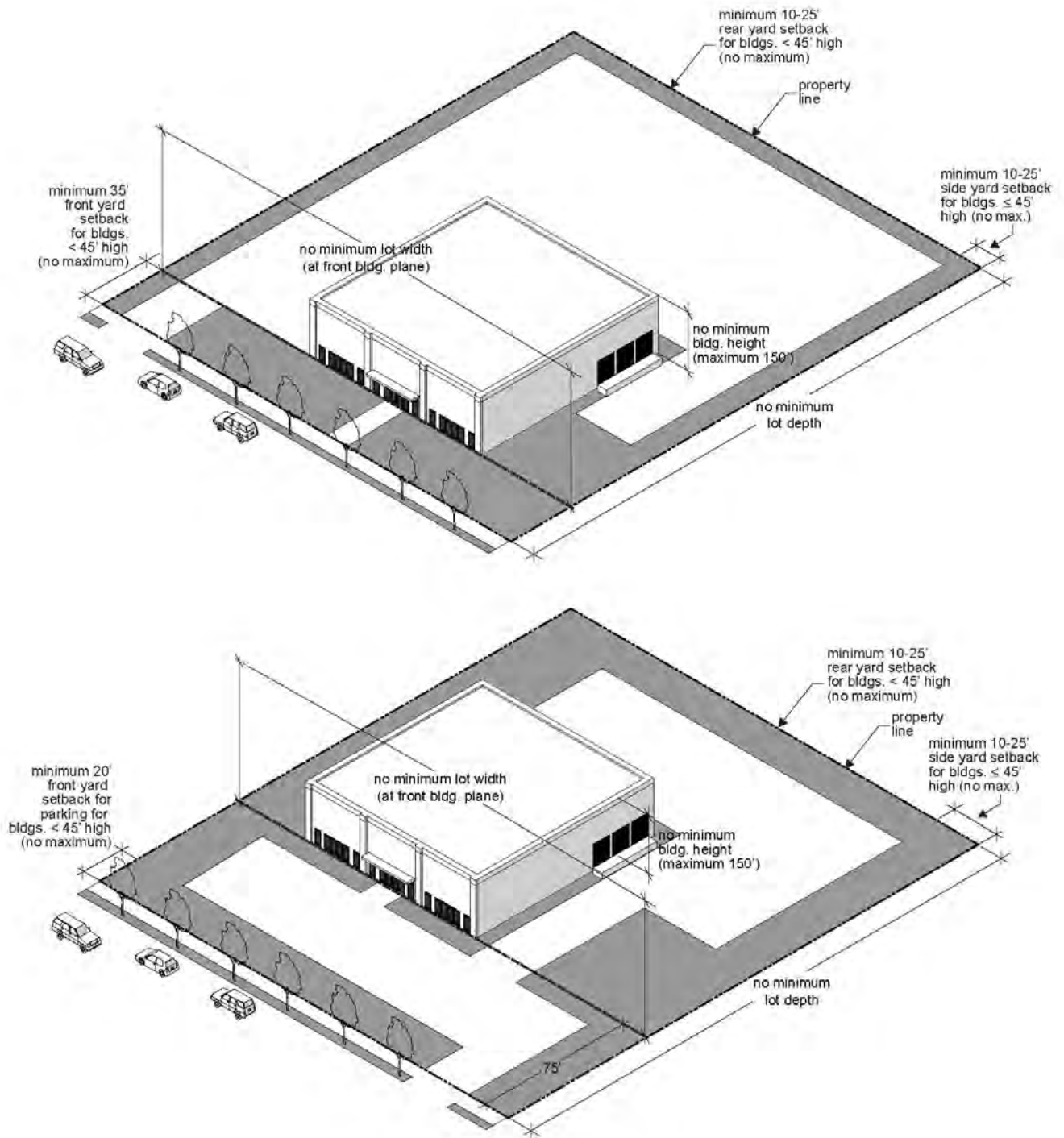
Standard	Requirement	Clarifications
Minimum Useable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 12.50.220

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* Standards illustrated in Figure 12.25.260-A

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**FIGURE 12.25.260-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE I-P ZONE**



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1 **12.25.270 Variances and Adjustments.** Applications for Variances and Adjustments to other base
2 zone standards in the I-P zone may be approved under one of four processes:

- 3 A. As a Variance pursuant to Section 12.80.152;
- 4 B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section
5 12.80.154;
- 6 C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section
7 12.80.156; or
- 8 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

9 **12.25.280 Other Pertinent Regulations.**

10 A. Applicable Sections. Additional standards such as parking, landscaping, vision clearance, and
11 street improvements also apply to development in the I-P zone as follows:

- 12 • Section 12.50.200 Site Design
- 13 • Section 12.50.300 Vehicle Parking
- 14 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 15 • Section 12.50.500 Access and Street Standards
- 16 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 17 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

18 B. Site Development Standards. In addition to the standards listed in Subsection A above, the
19 following standards apply to all development in the I-P zone:

- 20 1. Off-Street Parking and Loading. Off-street parking and loading are not permitted in required
21 front yards, or in required side or rear yards abutting a residential zone, unless building
22 setbacks are increased to 75 feet and a 20 foot landscaped buffer is provided adjacent to the
23 property line.
- 24 2. Site Storage and Maintenance.
 - 25 a. Materials, equipment and waste must be stored and grounds must be maintained in a
26 manner which will not attract insects or vermin or create a health hazard.
 - 27 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
28 continuously in groundcovers, trees or shrubs as required by Section 12.50.220. All
29 other yards and unused property shall be maintained in grass or other suitable ground
30 cover.
- 31 3. Boundary Fences and Landscaping.
 - 32 a. Properties abutting a residential zone shall provide and maintain a dense evergreen
33 landscape buffer with a minimum mature height of 7 feet.

- 1 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
2 continuously maintained in suitable groundcovers, trees or shrubs as required by
3 Section 12.50.220. All other yards and unused property shall be maintained in grass or
4 other suitable ground cover.
- 5 c. Wire or similar open fences may be permitted at property lines adjacent to landscaped
6 yards.

7 4. Heat, Glare and Lighting.

- 8 a. Except for exterior lighting, industrial operations producing heat or glare shall be
9 conducted entirely within an enclosed building.
- 10 b. Exterior lighting shall be shielded and directed away from adjacent properties as
11 required by Section 12.50.240.

12 5. Compliance with State Requirements. All Uses or operations shall comply with current State
13 air quality and noise statutes and rules as administered by the Department of Environmental
14 Quality.

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1 **12.25.300 I-S Industrial Sanctuary.** The I-S zone includes the following sections:

- 2 12.25.310 Purpose and Applicability
- 3 12.25.320 Housing Types
- 4 12.25.330 Uses
- 5 12.25.340 Accessory Uses Permitted by Right
- 6 12.25.350 Special Provisions Regarding Uses
- 7 12.25.360 Development Standards
- 8 12.25.370 Variances and Adjustments
- 9 12.25.380 Other Pertinent Regulations

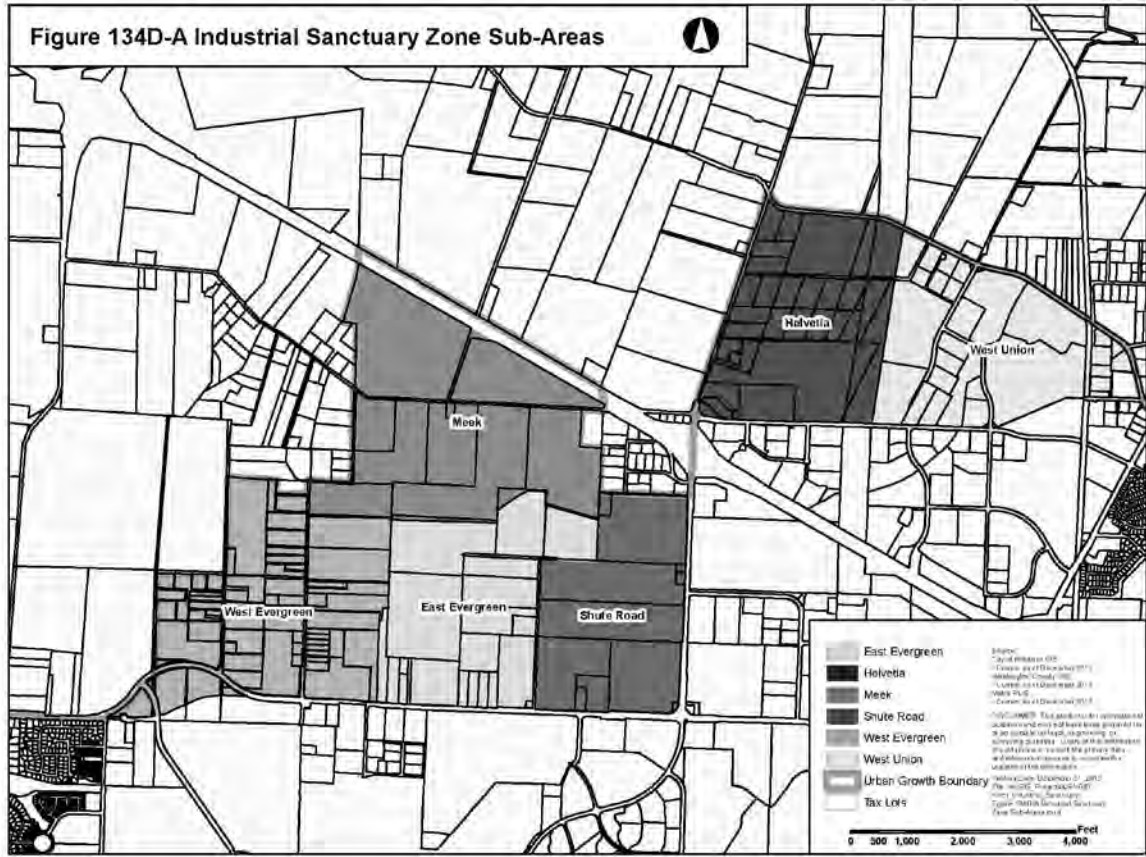
10 **12.25.310 Purpose and Applicability.**

- 11 A. Provide a Full Range of Industrial Uses and Limited Commercial Support Services. The I-S
12 zone implements the Industrial Comprehensive Plan designation, and is intended to provide a full
13 range of industrial Uses and limited support services in areas brought into the Regional Urban
14 Growth Boundary (UGB) for industrial development, in order to support the goals and policies
15 of Section 10 (Economy) of the City’s Comprehensive Plan and Statewide Planning Goal 9
16 (Economy of the State).
- 17 B. Accommodate the Region-Wide Need to Create and Preserve Industrial Lands. The I-S zone
18 accommodates the region-wide need to create and preserve large lots for industrial Use, as set
19 forth in Title 4 of the Metro 2040 Urban Growth Management Functional Plan.
- 20 C. Create High-Quality, Attractive Industrial Parks. The standards of the I-S zone are intended to
21 create attractive site amenities such as deeper setbacks and increased landscaping, thereby
22 creating high-quality industrial neighborhoods which attract and maintain the value of their
23 investments.
- 24 D. Reduce Vehicle Miles Traveled. By allowing siting of supporting commercial Uses within
25 industrial areas, the standards of the I-S zone help to reduce vehicle trips and miles travelled by
26 employees to these services and/or to access them by walking or bicycling.
- 27 E. Applicability. The I-S zone can be applied generally to properties north of NW Evergreen Road
28 or NW Jacobsen Road, and west of NW Cornelius Pass Road. The zone contains four Sub-areas
29 as shown on Figure 12.25.310-A: West Union / Helvetia; Shute Road; Evergreen East;
30 Evergreen West; and Meek Road.

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**FIGURE 12.25.310-A:
I-S INDUSTRIAL SANCTUARY ZONE SUB-AREAS**



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4 **12.25.320 Housing Types.** Table 12.25.320-1 lists Housing Types permitted in the I-S zone.
5 Housing Types are defined in Section 12.01.500.

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**TABLE 12.25.320-1:
HOUSING TYPES PERMITTED IN THE I-S ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwelling for caretaker only; expansion of existing dwellings subject to Subchapter 12.30; all other uses not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling or more townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.25.330** Uses. Table 12.25.330-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the I-S zone.

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**TABLE 12.25.330-1:
 USE CATEGORIES IN THE I-S ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.320-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	N	
Commercial Recreation	N	
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See Section 12.25.350 regarding limitations.
Educational Services	L	See Section 12.25.350 regarding limitations.
Office	C/L/N	See Section 12.25.350 regarding limitations.
Retail Products and Services	L	See Section 12.25.350 regarding limitations.
Self-Service Storage	N	
Vehicle Service and Repair	C/L/N	Automobile service stations permitted with conditional use approval, subject to limitations in Section 12.25.350 and Section 12.40.120; all other uses not permitted.
Industrial Use Categories		
Industrial Service	P/N	Uses listed in Section 12.25.350 not permitted.
Manufacturing and Production	P/N	Uses listed in Section 12.25.350 not permitted.
Solid Waste Treatment and Recycling	N	
Vehicle Storage	N	
Warehouse And Freight Movement	P	
Wholesale Sales	P	
Institutional Use Categories		
Colleges and Universities	N	
Community Services	P/N	Public safety facilities permitted; all other uses not permitted.
Detention Facilities	N	
Hospitals	N	

Use	Status	Clarifications
Major Assembly Facilities	C/N	See Section 12.25.350 regarding limitations
Schools	C/N	See Section 12.25.350 regarding limitations
Infrastructure and Utilities Use Categories		
Aviation Facilities	L/N	See Section 12.25.350 regarding limitations.
Parks and Open Space	C/N	See Section 12.25.350 regarding limitations
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	C	
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

12.25.340 Accessory Uses Permitted by Right. Accessory Uses are permitted in conjunction with the primary industrial Use on the site and subject to the same regulations as the primary Use unless stated otherwise in the Code. Accessory Uses to permitted Uses shown on Table 12.25.330-1 include but are not limited to: administrative offices; conference rooms/conference facilities; food service such as cafeterias, delicatessens and coffee shops; personal retail services, exercise facilities; and child care. Such accessory Uses are subject to the following standards:

- A. The accessory Uses are intended to serve only employees and visitors of the primary Use; and
- B. The accessory Uses are located entirely within the building containing the primary permitted Use. If the primary Use has a multiple-building campus, the accessory Uses may be located in a free-standing building within the campus perimeter.

12.25.350 Special Provisions Regarding Uses.

- A. Eating and Drinking Establishments, Office Uses, Retail Products and Services, and Vehicle Service and Repair. Eating and drinking establishments, office Uses except as described in subsection C below, retail products and services and vehicle service and repair shall be limited in scale and location to serve primarily the needs of the businesses and employees in the surrounding industrial area. Such Uses are subject to the following limitations in location and size:
 1. Permitted Uses are limited to locations only in those commercial support nodes identified in Comprehensive Plan Section 30 North Hillsboro Industrial Area Community Plan. The node between the Shute Road and Evergreen East sub-areas shall be located in the Evergreen East sub-area.
 2. Development of a commercial support node in an identified sub-area is permitted only after certain thresholds of industrial development are met or exceeded. These thresholds are considered met when the City has issued building permits for permitted manufacturing and production and industrial services Uses as categorized in Subchapter 12.10 within the sub-area at the cumulative levels established in Table 12.25.350-1 below.

3. No single commercial node shall occupy more than five gross acres of developed land; with not more than 50,000 gross square feet of total structural or building floor area per node; and
4. Within any commercial support node, no single Use shall exceed 20,000 square feet gross floor area.

**TABLE 12.25.350-1:
COMMERCIAL SUPPORT THRESHOLDS IN THE I-S ZONE BY SUB-AREA**

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

- B. Educational Services. Community colleges or trade schools are limited to those with offerings that provide basic skills and vocational training to employees in the industrial area.
- C. Corporate or Company Headquarters Office Uses. Corporate or company headquarters offices are permitted with Conditional Use approval. Such headquarters offices are not subject to the limitations in Section 12.25.350 while they remain in use by the original occupant.
- D. Industrial Services Uses. The following types of industrial services Uses are not permitted:
 1. Building, heating, plumbing and electrical contractors;
 2. Extermination services;
 3. Fuel oil distribution and solid fuel yards;
 4. Heavy truck servicing and repair;
 5. Bulk sales of building materials and landscaping materials;
 6. Repair and servicing of heavy construction or farm equipment;
 7. Tire retreading or recapping;
 8. Truck driving schools;
 9. Truck stops.
- E. Manufacturing and Production Uses. The following types of manufacturing and production Uses are not permitted:
 1. Concrete and asphalt batch plants;
 2. Animal slaughtering and processing;
 3. Fossil fuel products manufacturing;
 4. Production of soil amendments (fertilizers, pesticides, fungicides, etc.).
- F. Institutional Uses and Infrastructure and Utilities Uses.
 1. In the West Union and West Evergreen sub-areas, major assembly facilities Uses, schools, parks, and open space are permitted with Conditional Use approval.

1 2. In the Helvetia, Shute Road, East Evergreen and Meek Road sub-areas, the following types
2 of major assembly facilities are not permitted:

- 3 a. Auditoriums;
- 4 b. Coliseums, stadiums and sports arenas;
- 5 c. Convention and conference centers;
- 6 d. Outdoor amphitheaters.

7 G. Aviation Facilities. The following types of aviation facilities are limited to properties owned by
8 the Port of Portland at the Portland-Hillsboro Airport: runways, taxiways, aprons air operations
9 areas for unobstructed movement of aircraft, security areas, terminals and associated parking,
10 and aircraft storage hangars.

11 H. Parks and Open Space. Parks and open space Uses are permitted with Conditional Use approval,
12 where not otherwise not permitted by the Code.

13 **12.25.360 Development Standards.** Base zone development standards in the I-S zone are listed in
14 Table 12.25.360-1. Certain standards are illustrated in Figure 12.25.360-A.

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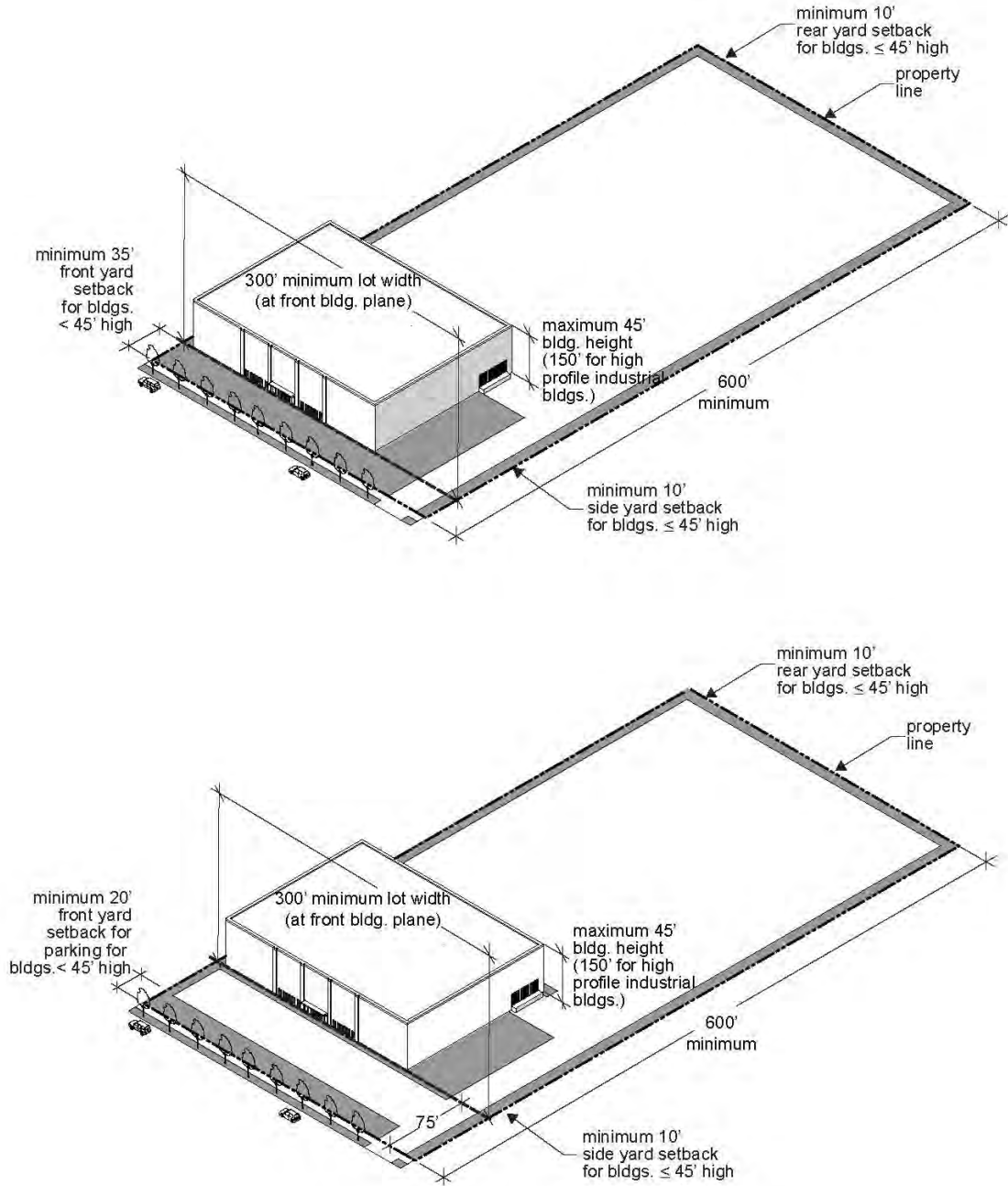
**TABLE 12.25.360-1:
DEVELOPMENT STANDARDS IN THE I-S ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	Varies	See Section 12.25.380.
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)	300 feet	
• Depth	600 feet	
• Frontage	25 feet	
Minimum Setbacks*		
• Buildings up to 45 feet high		
○ Front	35 feet	Parking permitted in front setback only if a 20-foot minimum landscaped buffer provided at the front property line.
○ Side	10 or 25 feet	10 foot setback applicable abutting non-residential zones; 25 foot setback applicable abutting residential zones.
○ Rear		
• Buildings > 45 feet in height		Minimum setbacks increase 1 additional foot for each foot of structural height over 45 feet.
○ Front	35+ feet	Parking permitted in front setback only if a 20-foot minimum landscaped buffer provided at the front property line.
○ Side	10+ feet	
○ Rear	10+ feet	
Maximum Setbacks	None	
Minimum Building Height*	None	
Maximum Building Height		
• High Profile Industrial Buildings	150 feet or less	
• All other buildings	45 feet or less	
Maximum Building Coverage	50%	
Minimum Useable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 12.50.220

3 * Standards illustrated in Figure 12.25.360-A

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**FIGURE 12.25.360-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE I-S ZONE**



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1 **12.25.370 Variances and Adjustments.** Applications for Variances and Adjustments to base zone
2 standards in the I-S zone may be approved under one of four processes:

- 3 A. As a Variance pursuant to Section 12.80.152;
- 4 B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section
5 12.80.154;
- 6 C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section
7 12.80.156; or
- 8 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

9 **12.25.380 Other Pertinent Regulations.**

10 A. Applicable Sections. Additional standards such as parking, landscaping, vision clearance, and
11 street improvements also apply to development in the I-S zone as follows:

- 12 • Section 12.50.200 Site Design
- 13 • Section 12.50.300 Vehicle Parking
- 14 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 15 • Section 12.50.500 Access and Street Standards
- 16 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 17 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

18 B. Site Development Standards. In addition to the standards listed in Subsection A above, the
19 following standards apply to all development in the I-S zone:

- 20 1. Off-Street Parking and Loading. Off-street parking and loading are not permitted in
21 required front yards, or in required side or rear yards abutting a residential zone, unless
22 building setbacks are increased to 75 feet and a 20 foot landscaped buffer is provided
23 adjacent to the property line.
- 24 2. Site Storage and Maintenance.
 - 25 a. Materials, equipment and waste must be stored and grounds must be maintained in a
26 manner which will not attract insects or vermin or create a health hazard.
 - 27 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
28 continuously in groundcovers, trees or shrubs as required by Section 12.50.220. All
29 other yards and unused property shall be maintained in grass or other suitable ground
30 cover.

1 3. Boundary Fences and Landscaping.

- 2 a. Properties abutting a residential zone shall provide and maintain a dense evergreen
3 landscape buffer with a minimum mature height of 7 feet.
- 4 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
5 continuously maintained in suitable groundcovers, trees or shrubs as required by
6 Section 12.50.220. All other yards and unused property shall be maintained in grass or
7 other suitable ground cover.
- 8 c. Wire or similar open fences may be permitted at property lines adjacent to landscaped
9 yards.

10 4. Heat, Glare and Lighting.

- 11 a. Except for exterior lighting, industrial operations producing heat or glare shall be
12 conducted entirely within an enclosed building.
- 13 b. Exterior lighting shall be shielded and directed away from adjacent properties as
14 required by Section 12.50.240.

15 5. Compliance with State Requirements. All uses or operations shall comply with current state
16 air quality and noise statutes and rules as administered by the Department of Environmental
17 Quality.

18 C. Lot Reconfiguration and Division Standards.

- 19 1. Intent of Lot Reconfiguration and Division Requirements. Land in the I-S zone was added to
20 the regional Urban Growth Boundary with the expressed purpose of maintaining and creating
21 large lots for industrial use. To accomplish this purpose, lot reconfiguration and division
22 approvals shall require retention and creation of lots of certain sizes, as described in
23 Subsections 2, 3 and 4 below.
- 24 2. Development on Lots of Record. Lots of record or contiguous lots of record, existing on or
25 after January 12, 2012 in common ownership may be developed in compliance with Tables
26 12.25.380-1 and 12.25.380-2 below:

27 **TABLE 12.25.380-1:**
28 **WEST UNION / HELVETIA AND EVERGREEN WEST**
29 **LOT DIVISION, ASSEMBLY AND/OR RECONFIGURATION CALCULATIONS**

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

**TABLE 12.25.380-2: EVERGREEN EAST
LOT DIVISION OR ASSEMBLY AND RECONFIGURATION CALCULATIONS**

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

3. Lot Reconfiguration and Division Requirements in Shute Road Sub-Area. Prior to development, properties shall be aggregated into parcels at least 50 gross acres in area, with the exception of the area north of the Waibel Creek drainage, which may be reconfigured as a separate lot less than 50 gross acres in area.
4. Lot Reconfiguration and Division Requirements in Meek Sub-Area. Lot division, assembly and/or reconfiguration shall be provided for, or not preclude the creation of, at least one lot of 100 acres or more in area, and at least two lots of 50 acres or more in area.
5. Exceptions to Minimum Lot Sizes. Lot sizes in any sub-area may be reduced below the standards listed in Subsections 2, 3 or 4 above to allow:
 - a. Provision of public facilities and services;
 - b. Dedication and/or construction of public Collector or Arterial streets necessary to implement Comprehensive Plan Section 13 Transportation;
 - c. To separate common or public ownership of natural areas or flood hazard areas; or
 - d. To separate an existing non-conforming Use from the remainder of the lot.
6. Property Line Adjustments. Property line adjustments between lots of record individually smaller than 5 acres are exempt from the standards listed in paragraphs 2 and 3. If an applicant proposes to reconfigure two lots of record in common or varied ownership, such reconfiguration may be approved as a Property Line Adjustment under Section 12.80.092. All other property line adjustments shall result in lots which are in compliance with Subsection 2, 3 or 4 above, as applicable.
7. Lot Division, Assembly and/or Reconfiguration by Partition or Subdivision. A land division or reconfiguration of lots may be approved as a Partition or as a Subdivision under Section 12.80.090.
8. Sequential Lot Reconfiguration or Division Restrictions. Lots of record or lot assemblies reconfigured or divided through property line adjustments, partitions or subdivisions under Subsections 6 or 7 above shall not be reconfigured or redivided for a minimum of five years following the recordation of the deed or plat for such reconfiguration or division. This restriction against reconfiguration or redivision may be waived for purposes described in Subsection 5 above.

1 **12.25.400 SC-BP Station Community Business Park.** The SC-BP zone includes the following
 2 sections:

- 3 12.25.410 Purpose
- 4 12.25.420 Housing Types
- 5 12.25.430 Uses
- 6 12.25.440 Accessory Uses Permitted by Right
- 7 12.25.450 Special Provisions Regarding Uses
- 8 12.25.460 Development Standards
- 9 12.25.470 Variances and Adjustments
- 10 12.25.480 Other Pertinent Regulations

11 **12.25.410 Purpose.**

- 12 A. Provide a Range of Industrial Activities. The SC-BP zone implements the Station Community
 13 Planning Area Plan designation, providing opportunities for light industrial and industrial service
 14 Uses, and limited opportunities for convenient service and office commercial Uses, up to 5,200
 15 feet from an LRT Station.
- 16 B. Create High-Quality, Attractive Industrial Parks. The standards of the SC-BP zone are intended
 17 to create high-quality industrial neighborhoods incorporating development and design elements
 18 to create transit-supportive and pedestrian-friendly yet automobile-accommodating
 19 developments.
- 20 C. Reduce Vehicle Miles Traveled. The SC-BP zone allows light industrial Uses and limited
 21 commercial Uses in light rail zones, thereby reducing vehicle miles travelled by industrial
 22 employees for commuting and convenience trips.

23 **12.25.420 Housing Types.** Table 12.25.420-1 lists Housing Types permitted in the SC-BP zone.
 24 Housing Types are defined in Section 12.01.500.

25 **TABLE 12.25.420-1:**
 26 **HOUSING TYPES PERMITTED IN THE SC-BP ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwelling for caretaker only; expansion of existing dwellings subject to Subchapter 12.30; all other uses not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.25.430** Uses. Table 12.25.430-1 lists Uses Permitted, Conditionally Permitted, Limited or Not
 2 Permitted in the SC-BP zone.

3 **TABLE 12.25.430-1:**
 4 **USE CATEGORIES IN THE SC-BP ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.420-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	C	
Commercial Recreation	P/N	Indoor facilities permitted; outdoor facilities not permitted.
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See Section 12.25.450 regarding limitations.
Educational Services	C/N	Trade and technical schools permitted with conditional use approval; all other uses in this category not permitted.
Office	P	
Retail Products and Services	L/C	See Section 12.25.450 regarding limitations.
Self-Service Storage	L	Permitted farther than 2600 feet from an LRT station.
Vehicle Service and Repair	N	
Industrial Use Categories		
Industrial Service	L	See Section 12.25.450 regarding limitations.
Manufacturing And Production	L	See Section 12.25.450 regarding limitations.
Solid Waste Treatment and Recycling	N	
Vehicle Storage	N	
Warehouse and Freight Movement	L	Permitted farther than 2600 feet from an LRT station
Wholesale Sales	L	See Section 12.25.450 regarding limitations.
Institutional Use Categories		
Colleges and Universities	C	
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	C	

Use	Status	Clarifications
Schools	N	
Infrastructure and Utilities Use Categories		
Aviation Facilities	C/N	Helicopter landing pads permitted with Conditional Use approval; all other uses in this category not permitted
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C	Transit facilities and transit vehicle storage and maintenance facilities permitted outright; park and ride facilities permitted with Conditional Use approval
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

12.25.440 Accessory Uses Permitted by Right. Accessory Uses vary based on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary industrial Use on the site and are subject to the same regulations as the primary Use unless stated otherwise in the Code.

12.25.450 Special Provisions Regarding Uses.

- A. Eating and Drinking Establishments and Retail Products and Service Uses. In the SC-BP zone, commercial Uses are limited in size and intensity to promote a local orientation and to limit adverse impacts on nearby residential areas. Eating and drinking establishments and retail products and service Uses shall not exceed 6000 sq. ft. per Use. Multi-tenant commercial buildings in the SC-BP zone are permitted with a footprint up to 20,000 sq. ft.
- B. Animal Service Facilities. Animal services facilities, with or without outdoor exercise areas and/or overnight boarding, are permitted with Conditional Use approval.
- C. Industrial Use Limitations. Industrial service, manufacturing and production, and wholesale sales Uses must be wholly contained within a building, with no unscreened outdoor storage of materials, products or vehicles, and shall not include external heavy industrial equipment such as upright tanks, stacks or exhaust pipes.

12.25.460 Development Standards. Development standards in the SC-BP zone are listed in Table 12.25.460-1. Certain standards are illustrated in Figure 12.25.460-A.

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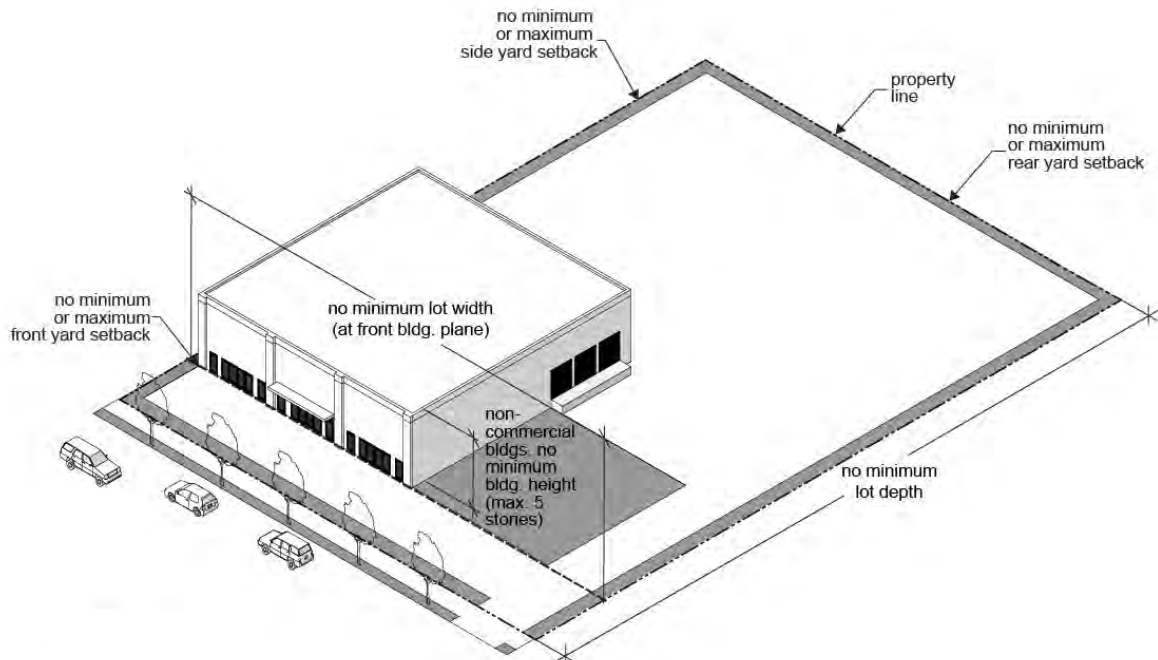
**TABLE 12.25.460-1:
DEVELOPMENT STANDARDS IN THE SC-BP ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR		
<ul style="list-style-type: none"> • Office and industrial uses <ul style="list-style-type: none"> ○ Within 2600 feet of an LRT station ○ Beyond 2600 feet from an LRT station • Commercial uses (as permitted) <ul style="list-style-type: none"> ○ Within 2600 feet of an LRT station ○ Beyond 2600 feet from an LRT station 	 .35 None .50 None	
Minimum Lot Dimensions		
<ul style="list-style-type: none"> • Width • Depth • Frontage 	None None 30 feet	
Minimum Setbacks	None	Setbacks subordinate to public utility easements and building code requirements.
Maximum Setbacks	None	
Minimum Building Height*		
<ul style="list-style-type: none"> • Within 800 feet of an LRT station <ul style="list-style-type: none"> ○ Commercial buildings ○ All other buildings • Beyond 800 feet from an LRT station 	2 stories None None	
Maximum Building Height*	5 stories	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	15%	See Section 12.50.220

3 * Standards illustrated in Figure 12.25.460-A

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**FIGURE 12.25.460-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SC-BP ZONE**



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5 **12.25.470 Variances and Adjustments.** Applications for Variances and Adjustments to other base
6 zone standards in the SC-BP zone may be approved under one of four processes:

- 7 A. As a Variance pursuant to Section 12.80.152;
8 B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section
9 12.80.154;
10 C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section
11 12.80.156; or
12 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

13 **12.25.480 Other Pertinent Regulations.** Additional standards such as parking, landscaping, vision
14 clearance, and street improvements also apply to development in the SC-BP zone as follows:

- 15 • Section 12.50.200 Site Design
16 • Section 12.50.300 Vehicle Parking
17 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
18 • Section 12.50.500 Access and Street Standards
19 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
20 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

1 **12.25.500 SCI Station Community Industrial.** The SCI zone includes the following sections:

- 2 12.25.510 Purpose
- 3 12.25.520 Housing Types
- 4 12.25.530 Uses
- 5 12.25.540 Accessory Uses Permitted by Right
- 6 12.25.550 Special Provisions Regarding Uses
- 7 12.25.560 Development Standards
- 8 12.25.570 Variances and Adjustments
- 9 12.25.580 Other Pertinent Regulations

10 **12.25.510 Purpose.**

- 11 A. Provide a Full Range of Industrial Activities. The SCI zone implements the Station Community
12 Planning Area Plan designation, providing opportunities for all types of general and light
13 industrial and industrial service Uses, and limited opportunities for convenient service and office
14 commercial Uses, within 3900 feet of an LRT Station.
- 15 B. Retain and Create Industrial Employment. The SCI zone is intended to provide opportunities to
16 site certain industrial Uses within light rail zones while encouraging transit-oriented design in
17 new developments.
- 18 C. Reduce Vehicle Miles Traveled. By allowing siting of light industrial Uses and supporting
19 commercial Uses in light rail zones, the standards of the SCI zone help to reduce vehicle trips
20 and miles travelled by industrial employees to work and to these services by walking or
21 bicycling.

22 **12.25.520 Housing Types.** Table 12.25.520-1 lists Housing Types permitted in the SCI zone.
23 Housing Types are defined in Section 12.01.500.

24 **TABLE 12.25.520-1:**
25 **HOUSING TYPES PERMITTED IN THE SCI ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwelling for caretaker only permitted; all other uses not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling townhouses	N	
Multiple-dwelling structure	N	
Manufactured home	N	
Manufactured home park	N	
Live-work dwelling	N	

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

1 **12.25.530** Uses. Table 12.25.530-1 lists Uses Permitted, Conditional Permitted, Limited, or Not
 2 Permitted in the SCI zone.

3 **TABLE 12.25.530-1:**
 4 **USE CATEGORIES IN THE SCI ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.520-1
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	N	
Commercial Recreation	N	
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See Section 12.25.550 regarding limitations.
Educational Services	C/N	Trade and technical schools permitted with conditional use approval; all other uses in this category not permitted.
Office	N	
Retail Products and Services	L/C	See Section 12.25.550 regarding limitations.
Self-Service Storage	L	Permitted farther than 2600 feet from an LRT station.
Vehicle Service and Repair	N	
Industrial Use Categories		
Industrial Service	P	
Manufacturing And Production	P	
Solid Waste Treatment and Recycling	N	
Vehicle Storage	N	
Warehouse and Freight Movement	L	Permitted farther than 2600 feet from an LRT station.
Wholesale Sales	P	
Institutional Use Categories		
Colleges and Universities	C	
Community Services	C	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	N	
Schools	N	

Use	Status	Clarifications
Infrastructure and Utilities Use Categories		
Aviation Facilities	C/N	Helicopter landing pads permitted with conditional use approval; all other uses in this category not permitted.
Parks and Open Space	C	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C	Transit facilities and transit vehicle storage and maintenance facilities permitted outright; park and ride facilities permitted with Conditional Use approval.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

12.25.540 Accessory Uses Permitted by Right. Accessory Uses vary based on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary industrial Use on the site and are subject to the same regulations as the primary Use unless stated otherwise in the Code.

12.25.550 Special Provisions Regarding Uses.

- A. Eating and Drinking Establishments and Retail Products and Service Uses. In the SCI zone, commercial Uses are limited in size and intensity to promote a local orientation and to limit adverse impacts on nearby residential areas. Eating and drinking establishments and retail products and service Uses shall not exceed 6000 sq. ft. per use. Multi-tenant commercial buildings in the SCI zone are permitted with a footprint up to 20,000 sq. ft.
- B. Animal Service Facilities. Animal services facilities, with or without outdoor exercise areas and/or overnight boarding, are permitted with Conditional Use approval.

12.25.560 Development Standards. Base zone development standards in the SCI zone are listed in Table 12.25.560-1. Certain standards are illustrated in Figure 12.25.560-A.

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**TABLE 12.25.560-1:
DEVELOPMENT STANDARDS IN THE SCI ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR		
<ul style="list-style-type: none"> • Industrial uses 	.35	
<ul style="list-style-type: none"> • Commercial uses (as permitted) <ul style="list-style-type: none"> ○ Within 2600 feet from an LRT station 	.50	
<ul style="list-style-type: none"> ○ Beyond 2600 feet from an LRT station 	None	
Minimum Lot Dimensions		
<ul style="list-style-type: none"> • Width 	None	
<ul style="list-style-type: none"> • Depth 	None	
<ul style="list-style-type: none"> • Frontage 	30 feet	
Minimum Setbacks	None	Setbacks subordinate to public utility easements and building code requirements.
Maximum Setbacks	None	
Minimum Building Height*		
<ul style="list-style-type: none"> • Within 800 feet of an LRT station <ul style="list-style-type: none"> ○ Commercial buildings ○ all other buildings 	2 stories	
<ul style="list-style-type: none"> ○ all other buildings 	none	
<ul style="list-style-type: none"> • Beyond 800 ft. from an LRT station 	none	
Maximum Building Height*	4 stories	
Maximum Building Coverage	None	
Minimum Useable Open Space	Variable	See Section 12.50.210
Minimum Landscaping	Variable	See Section 12.50.220

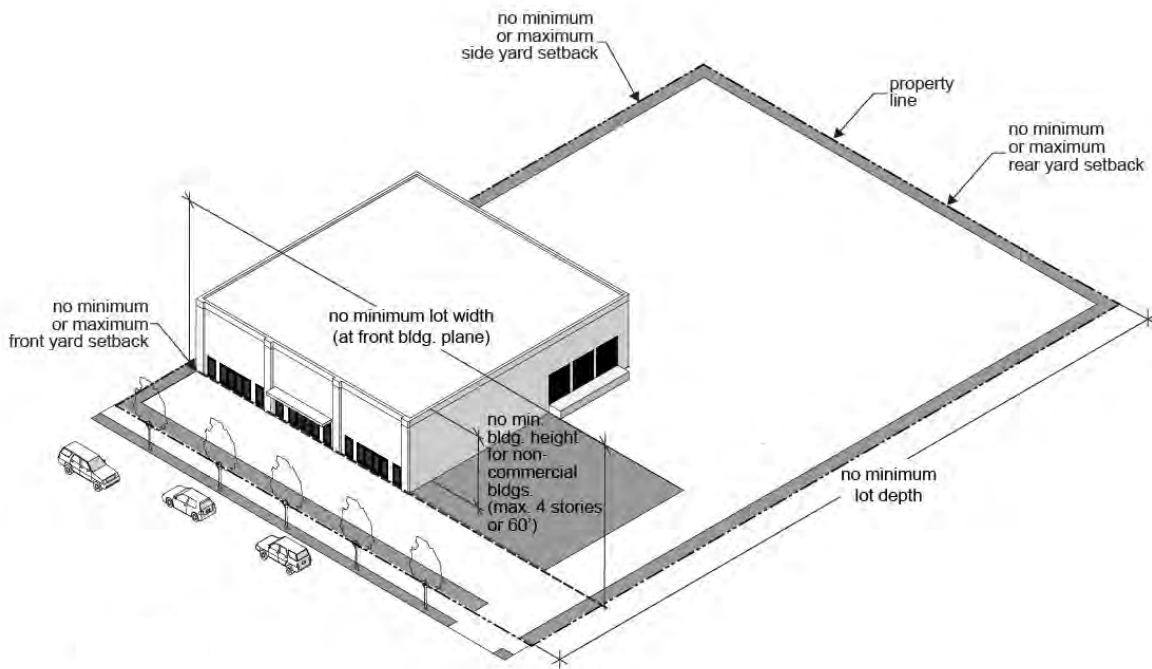
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* Standards illustrated in Figure 12.25.560-A

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**FIGURE 12.25.560-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SCI ZONE**



12.25.570 Variances and Adjustments. Applications for Variances and Adjustments to other base zone standards in the SCI zone may be approved under one of four processes:

- A. As a Variance pursuant to Section 12.80.152;
- B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section 12.80.154;
- C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section 12.80.156; or
- D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

12.25.580 Other Pertinent Regulations. Additional standards such as parking, landscaping, vision clearance, and street improvements also apply to development in the SCI zone as follows:

- Section 12.50.200 Site Design
- Section 12.50.300 Vehicle Parking
- Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- Section 12.50.500 Access and Street Standards
- Section 12.50.600 Utilities, Site Grading and Storm Water Management
- Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

1 **12.25.600 SSID Shute Road Special Industrial District.** The SSID zone includes the following
2 sections:

- 3 12.25.610 Purpose
- 4 12.25.620 Housing Types
- 5 12.25.630 Uses
- 6 12.25.640 Accessory Uses Permitted by Right
- 7 12.25.650 Special Provisions Regarding Uses
- 8 12.25.660 Development Standards
- 9 12.25.670 Variances and Adjustments
- 10 12.25.680 Other Pertinent Regulations
- 11 12.25.690 Definitions Unique to the SSID

12 **12.25.610 Purpose.**

- 13 A. Provide Large “High Technology” Industrial Sites. The SSID zone implements the Industrial
14 Comprehensive Plan designation on properties added to the Urban Growth Boundary in 2002,
15 providing development opportunities in campus industrial park settings for businesses engaged
16 in “high technology product manufacturing” as defined in Section 12.25.690, that may require
17 large sites, and for supporting industrial uses and accessory commercial businesses that may also
18 locate within the same large sites.
- 19 B. Provide Supporting Small and Medium Industrial Sites. The standards of the SSID zone are
20 intended to also provide opportunity for smaller, compatible industrial Uses and accessory
21 commercial uses that can support high-technology product manufacturing Uses and that require
22 small and medium size sites in campus industrial park settings.
- 23 C. Create High-Quality, Attractive Industrial Parks. The standards of the SSID zone are intended to
24 create attractive site amenities such as deeper setbacks and increased landscaping, thereby
25 creating high-quality industrial neighborhoods for large, medium and small industrial Uses
26 which attract and maintain the value of their investments.

27 **12.25.620 Housing Types.** Table 12.25.620-1 lists Housing Types permitted in the SSID zone.
28 Housing Types are defined in Section 12.01.500.

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**TABLE 12.25.620-1:
HOUSING TYPES PERMITTED IN THE SSID ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwelling for caretaker only; expansion of existing dwellings subject to Subchapter 12.30; all other uses not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

4 **12.25.630 Uses.** Table 12.25.630-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
5 Permitted in the SSID zone.

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**TABLE 12.25.630-1:
USE CATEGORIES IN THE SSID ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.620-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	N	
Commercial Recreation	N	
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	N	
Educational Services	N	
Office	L	See Section 12.25.650 regarding limitations.
Retail Products and Services	N	
Self-Service Storage	N	
Vehicle Service and Repair	N	
Industrial Use Categories		
Industrial Service	L/N	See Section 12.25.650 regarding limitations.

Use	Status	Clarifications
Manufacturing And Production	L/N	See Section 12.25.650 regarding limitations.
Solid Waste Treatment and Recycling	N	
Vehicle Storage	N	
Warehouse And Freight Movement	N	
Wholesale Sales	N	
Institutional Use Categories		
Colleges and Universities	N	
Community Services	N	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	N	
Schools	N	
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	N	
Public Safety Facilities	N	
Surface Alternative Transportation Facilities	N	
Telecommunications Facilities	N	
Utilities	N	

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

2 **12.25.640 Accessory Uses Permitted by Right.** Accessory Uses vary based on the use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary industrial
4 Use on the site and subject to the same regulations as the primary Use unless stated otherwise in the
5 Code.

6 **12.25.650 Special Provisions Regarding Uses.**

7 A. Permitted Uses. Uses in the SSID zone shall be limited to the following:

- 8 1. Businesses engaged in high-technology product manufacturing as defined in Section
9 12.25.690;
- 10 2. Businesses and other Uses that support high-technology product manufacturing; and
- 11 3. Commercial office Uses that are accessory to and in the same building containing businesses
12 engaged in high-technology product manufacturing or businesses and other Uses that support
13 high-technology product manufacturing.

14

B. Not Permitted Uses. The following Uses shall not be permitted in the SSID zone:

1. New retail products and services; and
2. Any other Use not specifically listed in Table 12.25.630-1 or Section 12.25.650.

12.25.660 Development Standards. Base zone development standards in the SSID zone are listed in Table 12.25.660-1. Certain standards are illustrated in Figure 12.25.660-A.

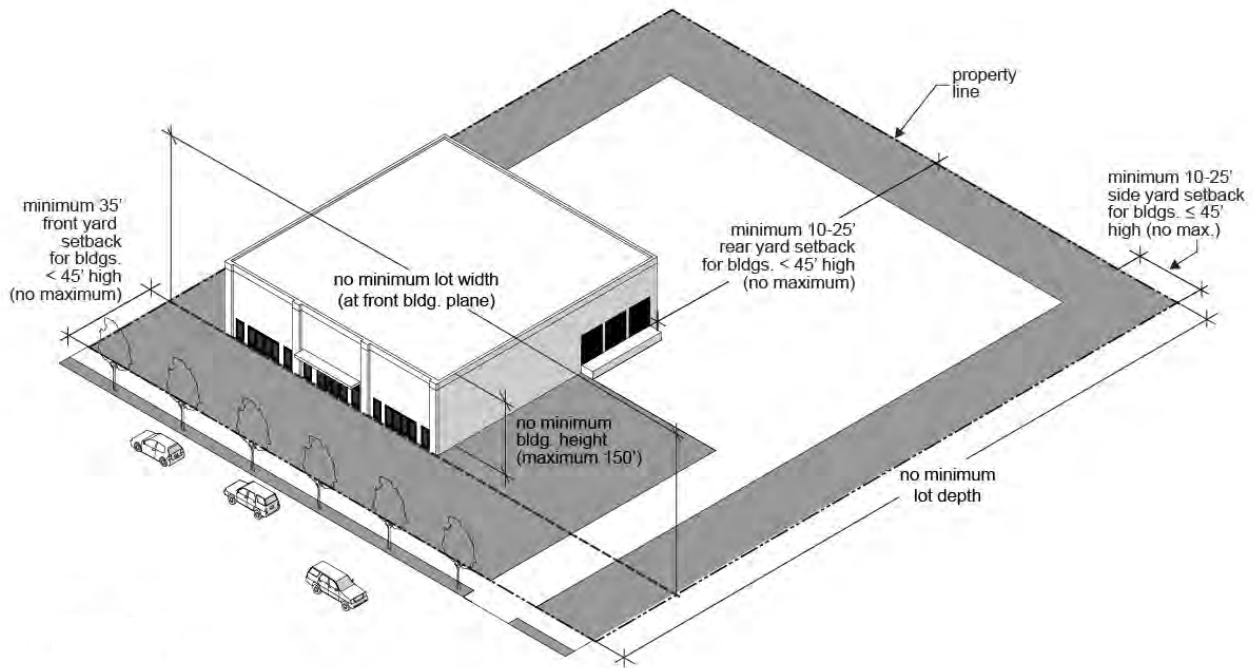
**TABLE 12.25.660-1:
DEVELOPMENT STANDARDS IN THE SSID ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	Varies	See Section 12.25.680 for limitations.
Maximum Lot Size	Varies	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
• Frontage	25 feet	
Minimum Setbacks*		See also Section 12.25.680 B 1 regarding increased setbacks for off-street parking and loading.
• Buildings up to 45 feet high		
○ Front	35 feet	10 foot setback applicable abutting non-residential zones; 25 foot setback applicable abutting residential zones
○ Side	10 feet	
○ Rear	10 feet	
• Buildings > 45 feet in height		Minimum setbacks increase 1 additional foot for each foot of structural height over 45 feet.
○ Front	35+ feet	
○ Side	10+ feet	
○ Rear	10+ feet	
Maximum Setbacks	None	
Minimum Building Height*	None	
Maximum Building Height		45 feet and 150 feet heights applicable adjacent to non-residential zones.
• High Profile Industrial Buildings	150 feet or less	

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> All other buildings 	45 feet or less	Within 100 feet of a residential zone: maximum height 45 feet minus 1 foot for every 2 feet less than the 100 foot setback.
Maximum Building Coverage	50%	
Minimum Useable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 12.50.220

* Standards illustrated in Figure 12.25.660-A

**FIGURE 12.25.660-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE SSID ZONE**



12.25.670 Variances and Adjustments. Applications for Variances and Adjustments to other base zone standards in the SSID zone may be approved under one of four processes:

- A. As a Variance pursuant to Section 12.80.152;
- B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section 12.80.154;
- C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section 12.80.156; or
- D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 **12.25.680 Other Pertinent Regulations.**

2 A. Applicable Sections. Additional standards such as parking, landscaping, vision clearance, and
3 street improvements also apply to development in the SSID zone as follows:

- 4 • Section 12.50.200 Site Design
- 5 • Section 12.50.300 Vehicle Parking
- 6 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 7 • Section 12.50.500 Access and Street Standards
- 8 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 9 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

10 B. Site Development Standards. In addition to the standards listed in Subsection A above, the
11 following standards apply to all development in the SSID zone:

- 12 1. Off-Street Parking and Loading. Off-street parking and loading are not permitted in required
13 front yards, or in required side or rear yards abutting a residential zone, unless building
14 setbacks are increased to 75 feet and a 20 foot landscaped buffer is provided adjacent to the
15 property line.
- 16 2. Site Storage and Maintenance.
 - 17 a. Materials, equipment and waste must be stored and grounds must be maintained in a
18 manner which will not attract insects or vermin or create a health hazard.
 - 19 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
20 continuously maintained in suitable groundcovers, trees or shrubs as required by
21 Section 12.50.220. All other yards and unused property shall be maintained in grass or
22 other suitable ground cover.
- 23 3. Boundary Fences and Landscaping. Properties abutting a residential zone shall provide and
24 maintain a dense evergreen landscape buffer with a minimum mature height of 7 feet.
 - 25 a. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
26 continuously in suitable groundcovers, trees or shrubs as required by Section 12.50.220.
27 All other yards and unused property shall be maintained in grass or other suitable
28 ground cover.
 - 29 b. Wire or similar open fences may be permitted at property lines adjacent to landscaped
30 yards.
- 31 4. Heat, Glare and Lighting.
 - 32 a. Except for exterior lighting, industrial operations producing heat or glare shall be
33 conducted entirely within an enclosed building.
 - 34 b. Exterior lighting shall be shielded and directed away from adjacent property as required
35 by Section 12.50.240.

1 5. Compliance with State Requirements. All Uses or operations shall comply with current State
2 air quality and noise statutes and rules as administered by the Department of Environmental
3 Quality.

4 C. Lot Reconfiguration and Division Standards. The land area of any lot of record or contiguous
5 lots of record in common ownership in the SSID zone shall not be reduced in size without prior
6 approval by Metro and the City.

7 1. The lotting pattern in the SSID shall include at least one (1) 100-acre lot of record or
8 contiguous lots of record in common ownership, or three (3) 50-acre lots of record or sets of
9 contiguous lots of record in common ownership on which land uses shall be limited to high
10 technology product manufacturing as specified in Subsection 12.25.650.A. All other lots of
11 record or contiguous lots of record in common ownership within the SSID may be smaller
12 than 50 acres in size and may contain any business or use described in Subsection
13 12.25.650.A.

14 2. Implementing the Transportation Plan. The required 100-acre lot or 50-acre lots may be
15 reduced in size to the extent necessary to allow the dedication and/or construction of public
16 Collector or Arterial roadways necessary to implement Comprehensive Plan Section 13
17 Transportation.

18 3. Natural & Hazard Areas. The lot sizes required in Subsection 1 above may be reduced in
19 size to accommodate the following conditions:

- 20 a. The presence of a natural division of the lot(s) by a significant natural resource area,
21 flood hazard area or other resource or hazard designation in which standards may
22 restrict development under Subchapter 12.27; or
- 23 b. The intent to divide the lot(s) to provide for separate common or public ownership of
24 natural areas, flood hazard areas or other natural resource or hazard areas within an
25 industrial park.

26 **12.25.690 Definitions Unique to the SSID.** “*High-technology product manufacturing*” includes
27 any manufacturing of high-technology-related products, either as the main on-site activity or in
28 conjunction with on-site experimental product research, testing or prototype production; or any other
29 high-technology industrial use that needs to use a dependable and uninterruptible supply of specialized
30 dual-feed electric power or nitrogen gas.

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1 **12.25.700 ESID Evergreen Area Special Industrial District.** The ESID zone includes the
2 following sections:

- 3 12.25.710 Purpose and Applicability
- 4 12.25.720 Housing Types
- 5 12.25.730 Uses
- 6 12.25.740 Accessory Uses Permitted by Right
- 7 12.25.750 Special Provisions regarding Uses
- 8 12.25.760 Development Standards
- 9 12.25.770 Variances and Adjustments
- 10 12.25.780 Other Pertinent Regulations
- 11 12.25.790 Definitions unique to the ESID

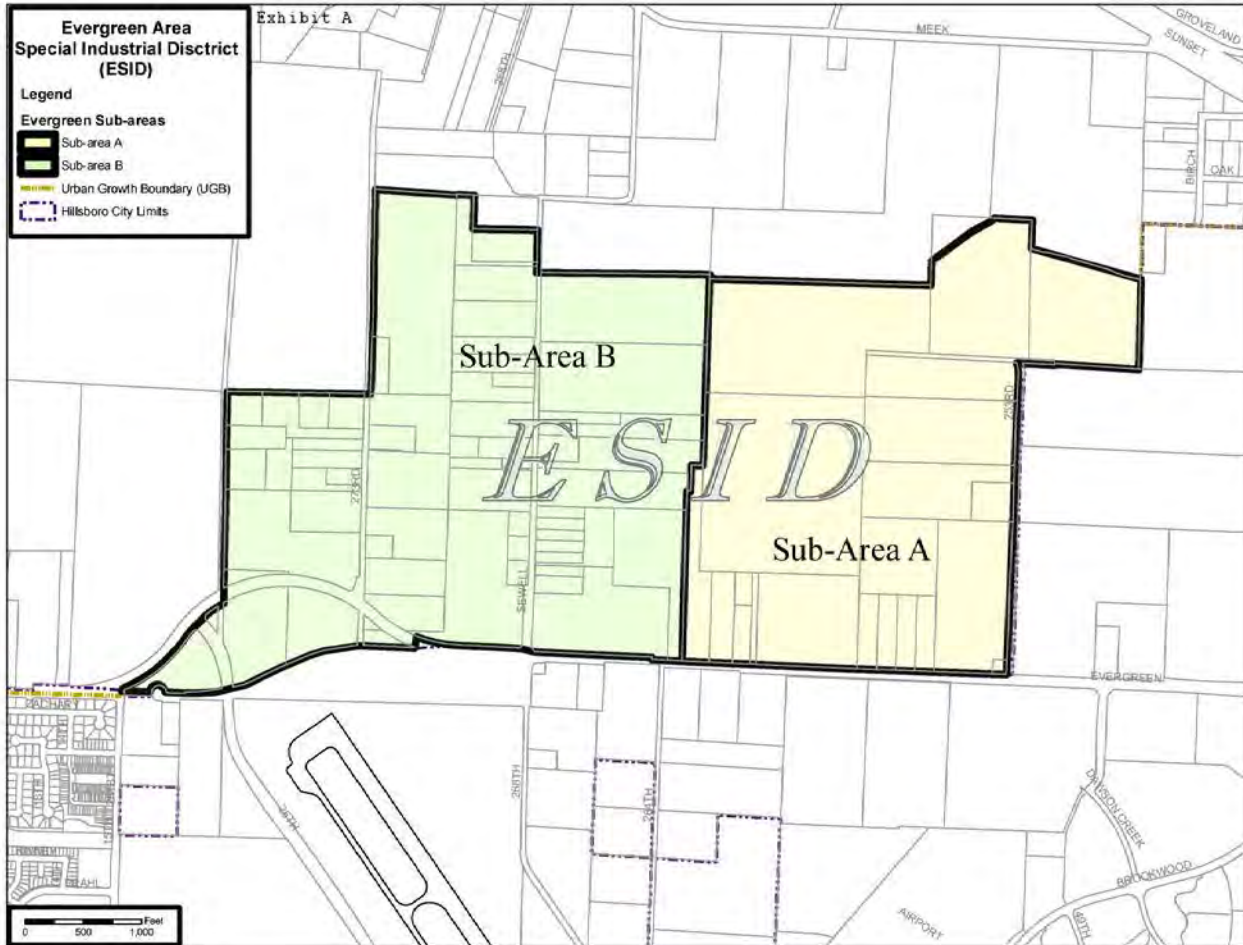
12 **12.25.710 Purpose and Applicability.**

- 13 A. Provide Sites for the High Technology and Sustainable Industries. The ESID zone implements
14 the Industrial Comprehensive Plan designation on properties added to the Urban Growth
15 Boundary in 2004, providing large and small industrial sites to accommodate high technology
16 and related companies and businesses and local, national and international “sustainable
17 industries” businesses and companies (including Uses that support or complement such
18 companies and businesses).
- 19 B. Provide Opportunities for Large Industrial Clusters. The standards of the ESID zone are
20 intended to facilitate and nurture the establishment, development and growth of a “sustainable
21 industries” cluster and a “bio-tech/bio-medical/bio-pharmaceutical” industry cluster.
- 22 C. Provide Large Industrial Sites. The standards applicable to the eastern portion of the ESID zone
23 encourage and accommodate the creation of larger industrial parcels including at least one parcel
24 100-acres or larger in size through provisions that facilitate lot consolidation and land assembly.
- 25 D. Provide Small to Medium Industrial Sites. The standards applicable to the western portion of the
26 ESID zone facilitate and accommodate business clusters on smaller industrial sites for business
27 start-ups, incubators and spin-offs that derive from high-tech, sustainable industries and bio-
28 tech/bio-medical/bio-pharmaceutical industry clusters and for supporting public and private
29 facilities and utilities.
- 30 E. Applicability of “Sub-Areas.” The standards of this section distinguish between an eastern sub-
31 area and a western sub-area portion of the ESID zone. The boundaries of these sub-areas are
32 shown on Figure 12.25.710-A:

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**FIGURE 12.25.710-A:
EVERGREEN SPECIAL INDUSTRIAL DISTRICT
EASTERN AND WESTERN SUB-AREAS BOUNDARIES**



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1 **12.25.720 Housing Types.** Table 12.25.720-1 lists Housing Types permitted in the ESID zone.
 2 Housing Types are defined in Section 12.01.500.

3 **TABLE 12.25.720-1:**
 4 **HOUSING TYPES PERMITTED IN THE ESID ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwelling for caretaker only; expansion of existing dwellings subject to Subchapter 12.30; all other uses not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling or more townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

6 **12.25.730 Uses.** Table 12.25.730-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 7 Permitted in the ESID zone. Unless a use is permitted outright or conditionally in Table 12.25.730-1 or
 8 is determined to be permissible through a Director’s Interpretation under Section 12.80.050, the Use
 9 shall be excluded from, and may not be permitted to develop within the ESID Zone.

10 **TABLE 12.25.730-1:**
 11 **USE CATEGORIES IN THE ESID ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.720-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	N	
Commercial Recreation	N	
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See Section 12.25.750 regarding limitations.
Educational Services	N	
Office	L	See Section 12.25.750 regarding limitations.
Retail Products and Services	L	See Section 12.25.750 regarding limitations.

Use	Status	Clarifications
Self-Service Storage	N	
Vehicle Service and Repair	N	
Industrial Use Categories		
Industrial Service	L/N	See Section 12.25.750 regarding limitations.
Manufacturing And Production	L/N	See Section 12.25.750 regarding limitations.
Solid Waste Treatment and Recycling	N	
Vehicle Storage	N	
Warehouse And Freight Movement	L	Permitted in West Evergreen sub-area only.
Wholesale Sales	N	
Institutional Use Categories		
Colleges and Universities	N	
Community Services	N	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	N	
Schools	N	
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	N	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted outright; park and ride facilities permitted with Conditional Use approval; transit vehicle storage and maintenance facilities not permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

2 **12.25.740 Accessory Uses Permitted by Right.** Accessory Uses vary based on the Use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary industrial
4 or commercial Use on the site and subject to the same regulations as the primary Use unless stated
5 otherwise in the Code.

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1 **12.25.750 Special Provisions Regarding Uses.**

2 A. Eating and Drinking Establishments, Office, and Retail Products and Services. The following
3 limitations on the location of commercial land uses implement applicable Metro Urban Growth
4 Management Functional Plan Title 4 restrictions on large retail commercial, professional offices
5 and Title 4 Regionally Significant Industrial Area (RSIA) requirements.

- 6 1. In the ESID zone, eating and drinking establishments, office, and retail products and services
7 are considered support commercial services. Support commercial services shall be sited only
8 in clusters on the NE Huffman Avenue extension, at the locations indicated in the
9 Comprehensive Plan Section 30 North Hillsboro Industrial Area Community Plan Figure 30-
10 G. Free-standing, single use commercial uses or offices do not are not permitted in the ESID
11 Zone.
- 12 2. The number of support commercial service clusters described in Subsection 1 above shall be
13 limited to one site in the East Evergreen sub-area and one site in the West Evergreen sub-
14 area. Each cluster shall not exceed 10 acres in area.
- 15 3. The support commercial service cluster described in Subsection 1 above shall not contain
16 more than 50,000 sq. ft. gross floor area (GFA). Within the cluster, the total floor area
17 occupied by a single use, tenant or business shall not exceed 20,000 sq. ft. GFA.
- 18 4. Before the City approves the development of a support commercial service cluster as
19 described in Subsections 1 and 2 above, the following criteria must be met as applicable:
 - 20 a. For a cluster in the East Evergreen sub-area, buildings permits for at least 1,000,000 sq.
21 ft. GFA of permitted industrial development within that sub-area must be issued by the
22 Building Department.
 - 23 b. For a cluster in the West Evergreen sub-area, building permits for at least 500,000 sq.
24 ft. GFA of permitted industrial development within that sub-area must be issued by the
25 Building Department.
 - 26 c. Specific land uses to be included within a proposed Support Commercial Services
27 cluster shall be consistent with the definition of that use in Section 12.25.790. If a
28 question arises whether a proposed use is consistent with that definition, the Planning
29 Director shall issue a written Interpretation of the consistency of the proposed use with
30 the definition of "Support Commercial Services" pursuant to Section 12.80.050. The
31 Director's determination shall be based on documents that describe how the proposed
32 retail or professional service use satisfies the definition. The application for Director's
33 Interpretation shall be submitted by the developer of the proposed support commercial
34 services development or the developer's representative.

35 B. Industrial Service and Manufacturing and Production Uses.

- 36 1. Industrial service and manufacturing and production Uses in the East Evergreen and West
37 Evergreen sub-areas shall be limited to the types of Uses shown in Table 12.25.750-1, as
38 defined in Section 12.25.790.
- 39 2. Unless a use is permitted outright or conditionally in Table 12.25.730-1 or is determined to
40 be permissible through a Director's Interpretation under Section 12.80.050, the Use shall be
41 excluded from, and may not be permitted to develop within the ESID Zone.

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**TABLE 12.25.750-1:
PERMITTED INDUSTRIAL USES IN THE ESID ZONE**

East Evergreen sub-area	West Evergreen sub-area
Sustainable, environmental, and energy businesses	Sustainable, environmental, and energy businesses
Biotech campus	Biotech campus
Industry research & development (R&D) parks	Industry research & development (R&D) parks
Industrial incubators, start-ups and spin-offs business parks	Industrial incubators, start-ups and spin-offs business parks
Support commercial services	Distribution businesses
Transportation facilities, including public improvements for streets, transit, parking, and bicycle and pedestrian facilities	Industry suppliers
Public service or utility Uses and facilities	Support commercial services
Other Uses determined similar to the above uses under Section 12.80.050, if proposed on properties smaller than 25 acres in land area.	Transportation facilities, including public improvements for streets, transit, parking, and bicycle and pedestrian facilities
Other Uses determined similar to the above uses by the Planning Commission if proposed on properties 25 acres or larger.	Public service or utility Uses and facilities
	Other Uses determined similar to the above Uses under Section 12.80.050, if proposed on properties smaller than 25 acres in land area.
	Other Uses determined similar to the above Uses by the Planning Commission if proposed on properties 25 acres or larger.

3 **12.25.760 Development Standards.** Base zone development standards in the ESID zone are listed
4 in Table 12.25.760-1. Certain standards are illustrated in Figure 12.25.760-A.

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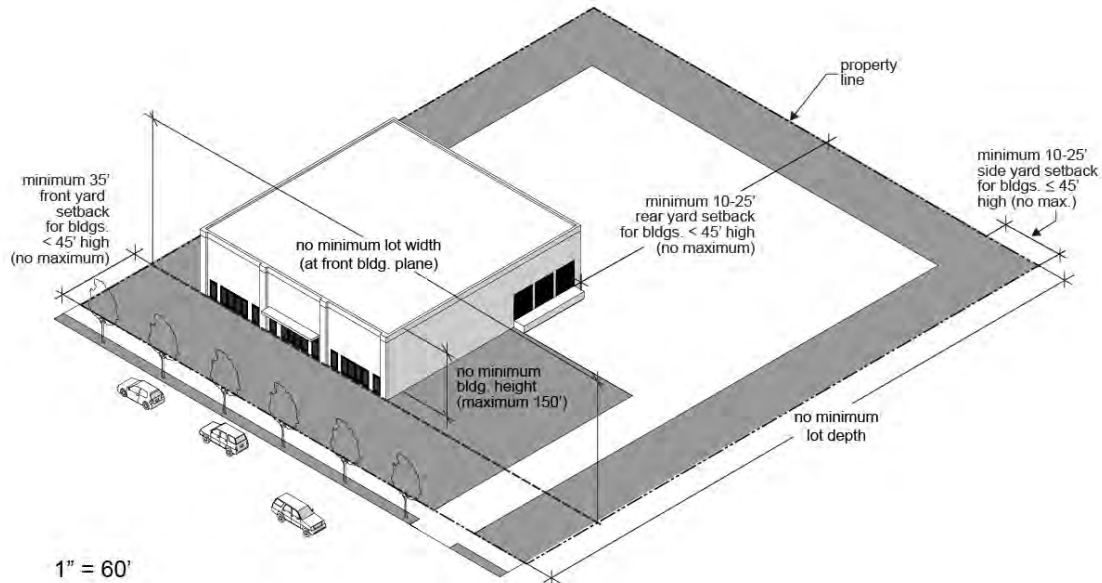
**TABLE 12.25.760-1:
DEVELOPMENT STANDARDS IN THE ESID ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	Varies	See Subsection 12.25.780.B.6.
Maximum Lot Size	Varies	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
• Frontage	25 feet	
Minimum Setbacks*		See also Subsection 12.25.780.B.1 regarding increased setbacks for off-street parking and loading.
• Buildings up to 45 feet high		
○ Front	35 feet	
○ Side	10 or 25 feet	10-foot setback applicable abutting non-residential zones;
○ Rear	10 or 25 feet	25-foot setback applicable abutting residential zones.
• Buildings > 45 feet in height		
○ Front	35+ ft. feet	Minimum setbacks increase 1 additional foot for each foot of structural height over 45 feet.
○ Side	10+ or 25+ feet	
○ Rear	10+ or 25+ feet	
Maximum Setbacks	None	
Minimum Building Height*	None	
Maximum Building Height		
• High Profile Industrial Buildings	150 feet or less	45 ft. and 150 ft. heights applicable adjacent to non-residential zones.
• All other buildings	45 feet or less	Within 100 feet of a residential zone: maximum height 45 feet minus 1 ft. for every 2 ft. less than the 100 ft. setback.
Maximum Building Coverage	50%	
Minimum Useable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 12.50.220

3 * Standards illustrated in Figure 12.25.760-A

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**FIGURE 12.25.760-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE ESID ZONE**



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5 **12.25.770 Variances and Adjustments.** Applications for Variances and Adjustments to base zone
6 standards in the ESID zone may be approved under one of four processes:

- 7 A. As a Variance pursuant to Section 12.80.152;
- 8 B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section
9 12.80.154;
- 10 C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section
11 12.80.156; or
- 12 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

13 **12.25.780 Other Pertinent Regulations.**

14 A. Applicable Sections. Additional standards such as parking, landscaping, vision clearance, and
15 street improvements also apply to development in the ESID zone as follows:

- 16 • Section 12.50.200 Site Design
- 17 • Section 12.50.300 Vehicle Parking
- 18 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 19 • Section 12.50.500 Access and Street Standards
- 20 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 21 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

- 1 B. Site Development Standards. In addition to the standards listed in Subsection A above, the
2 following standards apply to all development in the ESID zone:
- 3 1. Off-Street Parking and Loading. Off-street parking and loading are not permitted in required
4 front yards, or in required side or rear yards abutting a residential zone, unless building
5 setbacks are increased to 75 feet and a 20 foot landscaped buffer is provided adjacent to the
6 property line.
- 7 2. Site Storage and Maintenance.
- 8 a. Materials, equipment and waste must be stored and grounds must be maintained in a
9 manner which will not attract insects or vermin or create a health hazard.
- 10 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
11 continuously in suitable groundcovers, trees or shrubs as required by Section 12.50.220.
12 All other yards and unused property shall be maintained in grass or other suitable
13 ground cover.
- 14 3. Boundary Fences and Landscaping. Properties abutting a residential zone shall provide and
15 maintain a dense evergreen landscape buffer with a minimum mature height of 7 feet.
- 16 a. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
17 continuously in suitable groundcovers, trees or shrubs as required by Section 12.50.220.
18 All other yards and unused property shall be maintained in grass or other suitable
19 ground cover.
- 20 b. Wire or similar open fences may be permitted at property lines adjacent to landscaped
21 yards.
- 22 4. Heat, Glare and Lighting.
- 23 a. Except for exterior lighting, industrial operations producing heat or glare shall be
24 conducted entirely within an enclosed building.
- 25 b. Exterior lighting shall be shielded and directed away from adjacent properties as
26 required by Section 12.50.240.
- 27 5. Compliance with State Requirements. All uses or operations shall comply with current state
28 air quality and noise statutes and rules as administered by the Department of Environmental
29 Quality.
- 30 6. Lot Size and Division Standards. Development in the ESID shall occur on lot sizes in
31 compliance with the standards listed below.
- 32 a. East Evergreen Sub-Area:
- 33 i. Industrial developments shall have a minimum lot size of 50 acres. All other lots of
34 record or contiguous lots of record in common ownership within the sub-area
35 smaller than 50 acres may contain any business or use listed in Table 12.25.730-1.
- 36 ii. Land division will be permitted for lots larger than 50 acres only if the division
37 creates one lot or parcel of at least 50 acres and at least one parcel of 25 acres.
- 38 iii. The 50 acre minimum lot size standard is intended to accomplish the following
39 purposes:

- Facilitate lot aggregation and consolidation and better accomplish an Urban Growth Boundary expansion condition of approval requiring creation of one 100-acre industrial lot within the Evergreen Area; and
- Address ORS 197.532 (Ballot Measure 37) considerations.

b. West Evergreen Sub-Area:

- i. Industrial developments shall have a minimum lot size of 10 acres. All other lots of record or contiguous lots of record in common ownership within the sub-area smaller than 10 acres may contain any business or use listed in Table 12.25.730-1.
 - ii. Land division will be permitted for lots larger than 10 acres only if the division creates one lot or parcel of at least 10 acres and at least one parcel of 5 acres.
- c. The minimum lot sizes in Subsections 1 and 2 above may be reduced to the extent necessary to allow the dedication and/or construction of public Collector or Arterial roadways necessary to implement Comprehensive Plan Section 13 Transportation.
- d. The minimum lot sizes in Subsections 1 and 2 above may also be reduced to accommodate the following conditions:
- i. The presence of a natural division of the lot(s) by a significant natural resource area, flood hazard area or other resource or hazard designation in which standards may restrict development under Subchapter 12.27; or
 - ii. The intent to divide the lot(s) to provide for separate common or public ownership of natural areas, flood hazard areas or other natural resource or hazard areas within an industrial park.

12.25.790 Definitions Unique to the ESID.

- A. *“Sustainable Energy and Environmental Businesses.”* Industrial businesses and Uses engaged in the research and design or development, manufacturing, processing, and/or marketing of products or services associated with local, national and international sustainable energy and environmental industries. Such businesses include, but are not limited to, large and small firms and companies engaged in high technology research and product development and manufacturing; solar and wind energy products and parts manufacturing; and other similar industries. These businesses usually require variously sized properties, but especially large parcels (50 to 100 or more acres) to accommodate vertically-integrated business operations on a single site.
- B. *“Biotech Campus.”* Industrial businesses and Uses engaged in research and design or development, manufacturing and processing, marketing (and combinations thereof) of biotechnology, bio-medical, bio-pharmaceutical business products or services and like-kind businesses. Biotech campuses usually require medium-sized parcels (35 to 50 or more acres).

- 1 C. *“Industrial Incubators, Start-ups and Spin-offs Business Parks.”* Specialized business parks that
2 lease space or buildings to a mixture of small, emerging industrial companies evolving from or
3 supporting larger nearby high tech, sustainable industries and bio-tech companies. Typical
4 business parks have a common brand and image and are controlled by site-specific covenants or
5 conditions and restrictions (CC&Rs). Business parks may provide raw industrial building space,
6 industrial flex space, or both. Leased spaces often contain combined business office and product
7 production operations. Business parks usually occupy medium-sized properties (20 to 40 acres).
- 8 D. *“Industry Research and Development (R&D) Parks.”* Business parks that primarily provide
9 leasable industrial flex-space to vertically-integrated R&D businesses and research laboratories
10 that develop new products and/or industry technologies. Industry R&D parks also usually
11 occupy small-to-medium sized parcels (20 to 30 acres).
- 12 E. *“Industry Suppliers.”* Businesses that manufacture, process, or distribute production materials,
13 parts, product components and business services used by high tech, sustainable industry and bio-
14 tech businesses in the Portland region. Industry suppliers include, but are not limited to suppliers
15 of test equipment, uniforms and linens, lab supplies, sub-components and circuit boards, and
16 packaging materials. Industry suppliers usually occupy smaller-sized parcels (10 to 20 or more
17 acres).
- 18 F. *“Support Commercial Services.”* Commercial retail uses and professional services that
19 primarily and directly serve daily needs of businesses and employees in the surrounding
20 industrial area. Typical Uses include food services and restaurants, banking, convenience shops,
21 child care facilities, automated businesses support services and like-kind limited retail and
22 professional business services. A support commercial service cluster usually occupies a small
23 property (not more than 5 to 10 acres) located on a Collector or Arterial street and within
24 reasonable walking or driving distance to/from businesses and employees in the surrounding
25 industrial area.
- 26 G. *“Distribution Businesses.”* Warehouse and freight movement firms that store, repackage,
27 deliver and move goods throughout the region, and therefore require convenient access to
28 freeway and principal Arterial streets such as Highway 26.
- 29

1 **12.25.800 HSID Helvetia Area Special Industrial District.** The HSID zone includes the
2 following sections:

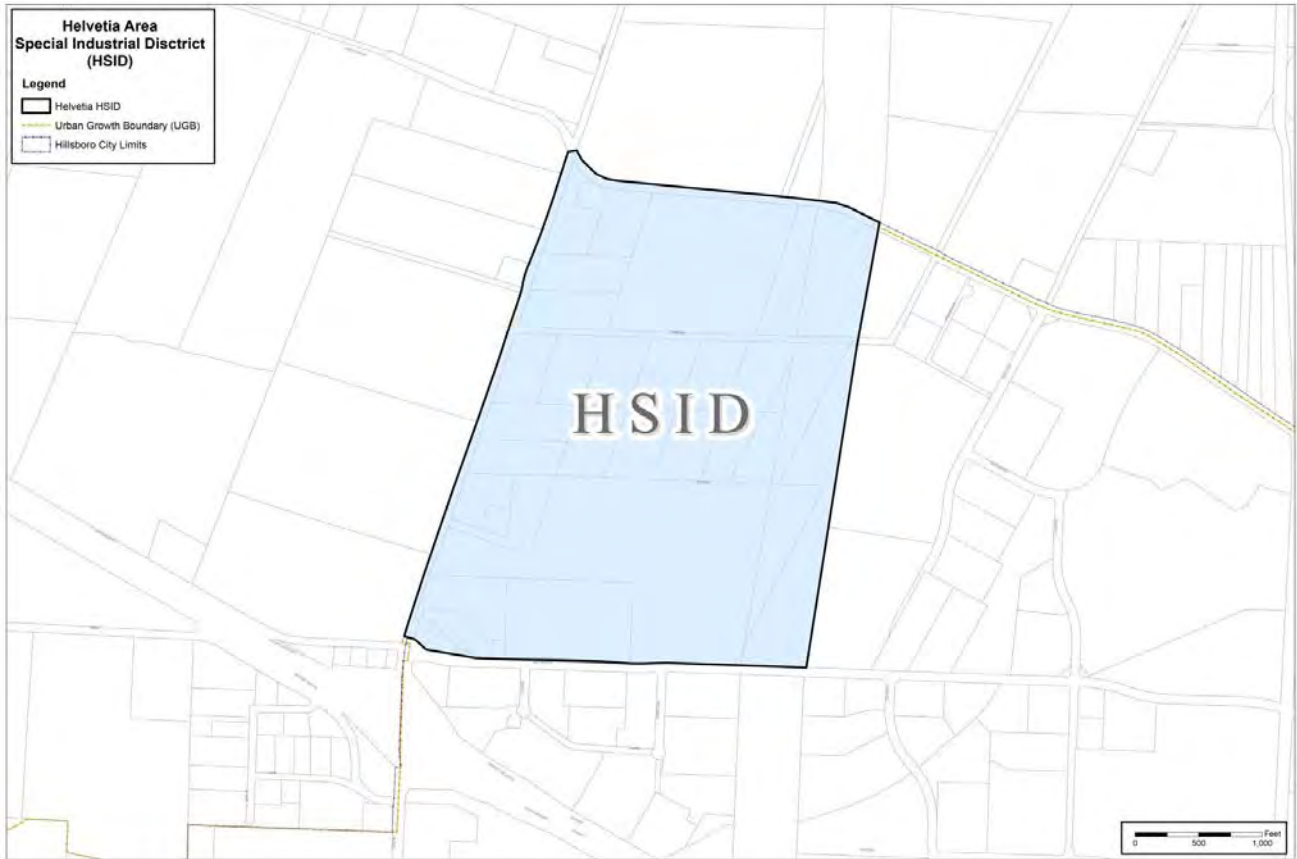
- 3 12.25.810 Purpose and Applicability
- 4 12.25.820 Housing Types
- 5 12.25.830 Uses
- 6 12.25.840 Accessory Uses Permitted by Right
- 7 12.25.850 Special Provisions Regarding Uses
- 8 12.25.860 Development Standards
- 9 12.25.870 Variances and Adjustments
- 10 12.25.880 Other Pertinent Regulations
- 11 12.25.890 Definitions Unique to the HSID

12 **12.25.810 Purpose and Applicability.**

- 13 A. Provide Large Industrial Sites. The HSID zone implements the Industrial Comprehensive Plan
14 designation on properties added to the Urban Growth Boundary in 2005, providing opportunities
15 for creation of larger industrial parcels through provisions that facilitate lot consolidation and
16 land assembly.
- 17 B. Provide Small to Medium Industrial Sites. The HSID standards also facilitate and accommodate
18 business clusters on smaller industrial sites for business start-ups, incubators and spin-offs that
19 derive from high-tech, sustainable industries and bio-tech/bio-medical/bio-pharmaceutical
20 industry clusters and for supporting public and private facilities and utilities.
- 21 C. Provide Sites for High Technology and Sustainable Industries. The HSID zone provides
22 industrial sites to accommodate high technology and related companies and businesses and local,
23 national and international “sustainable industries” businesses and companies (including uses that
24 support or complement such companies and businesses.
- 25 D. Provide Opportunities for Industrial Clusters. The standards of the HSID zone are intended to
26 facilitate establishment, development and growth of a “sustainable industries” cluster and a “bio-
27 tech/bio-medical/bio-pharmaceutical” industry cluster.
- 28 E. Applicability. The HSID zone will be applied on property shown on Figure 12.25.810-A:
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**FIGURE 12.25.810-A:
HELVETIA AREA SPECIAL INDUSTRIAL DISTRICT BOUNDARIES**



3 **12.25.820 Housing Types.** Table 12.25.820-1 lists Housing Types permitted in the HSID zone.
4 Housing Types are defined in Section 12.01.500.

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**TABLE 12.25.820-1:
HOUSING TYPES PERMITTED IN THE HSID ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L / N	On-site dwelling for caretaker only; expansion of existing dwellings subject to Subchapter 12.30; all other uses not permitted.
Two-dwelling townhouses or duplexes	N	
Three-dwelling or more townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

1 **12.25.830** **Uses.** Table 12.25.830-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 2 Permitted in the HSID zone. Unless a Use is permitted outright or conditionally in Table 12.25.830-1 or
 3 is determined to be permissible through a Director’s Interpretation under Section 12.80.050, the Use
 4 shall be excluded from, and may not be permitted to develop within the HSID Zone.

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**TABLE 12.25.830-1:
USE CATEGORIES IN THE HSID ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Table 12.25.820-1.
Group Living	N	
Residential Service	N	
Residential Business	N	
Commercial Use Categories		
Commercial Lodging	N	
Commercial Recreation	N	
Commercial Parking	N	
Durable Goods Sales	N	
Eating and Drinking Establishments	L	See Section 12.25.850 regarding limitations.
Educational Services	L	See Section 12.25.850 regarding limitations.
Office	L	See Section 12.25.850 regarding limitations.
Retail Products and Services	L	See Section 12.25.850 regarding limitations.
Self-Service Storage	N	
Vehicle Service and Repair	N	
Industrial Use Categories		
Industrial Service	L/N	See Section 12.25.850 regarding limitations.
Manufacturing and Production	L/N	See Section 12.25.850 regarding limitations.
Solid Waste Treatment and Recycling	N	
Vehicle Storage	N	
Warehouse and Freight Movement	P	
Wholesale Sales	N	
Institutional Use Categories		
Colleges and Universities	N	
Community Services	N	
Detention Facilities	N	
Hospitals	N	
Major Assembly Facilities	N	

Use	Status	Clarifications
Schools	N	
Infrastructure and Utilities Use Categories		
Aviation Facilities	N	
Parks and Open Space	N	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	P/C/N	Transit facilities permitted outright; park and ride facilities permitted with Conditional Use approval; transit vehicle storage and maintenance facilities not permitted.
Telecommunications Facilities	C	Subject to additional regulations in Section 12.40.240.
Utilities	P	

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

2 **12.25.840 Accessory Uses Permitted by Right.** Accessory Uses vary based on the Use categories
3 contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary industrial
4 or commercial Use on the site and subject to the same regulations as the primary Use unless stated
5 otherwise in the Code.

6 **12.25.850 Special Provisions Regarding Uses.** The following limitations on the location of
7 commercial Uses implement applicable Metro Urban Growth Management Functional Plan Title 4
8 restrictions on large retail commercial, professional offices and Title 4 Regionally Significant Industrial
9 Area (RSIA) requirements.

- 10 A. Eating and Drinking Establishments, Office, and Retail Products and Services. In the HSID
11 zone, eating and drinking establishments, office, and retail products and services are considered
12 support commercial services. In a single occupancy building, a support commercial service uses
13 shall have a maximum square footage of 3,000 square feet. Multiple-occupancy buildings with
14 support commercial services uses shall have a maximum square footage of 20,000 square feet.
- 15 B. Educational Services. Educational service Uses are limited to facilities whose primary purpose
16 is to provide training to meet industrial needs.
- 17 C. Industrial Service and Manufacturing and Production Uses. Industrial service and manufacturing
18 and production Uses in the HSID zone shall be limited to the types of Uses listed below, as
19 defined in Section 12.25.890.
- 20 1. Sustainable, environmental, and energy businesses;
 - 21 2. Biotech campus;
 - 22 3. Industry research & development (R&D) parks’
 - 23 4. Industrial incubators, start-ups and spin-offs business parks;
 - 24 5. Distribution businesses;
 - 25 6. Industry suppliers;
 - 26 7. Support commercial services;

- 1 8. Transportation facilities, including public improvements for streets, transit, parking, and
- 2 bicycle and pedestrian facilities;
- 3 9. Public service or utility uses and facilities;
- 4 10. Other uses determined similar to the above uses under Section 12.80.050.

5 **12.25.860 Development Standards.** Base zone development standards in the ESID zone are listed
 6 in Table 12.25.860-1. Certain standards are illustrated in Figure 12.25.860-A.

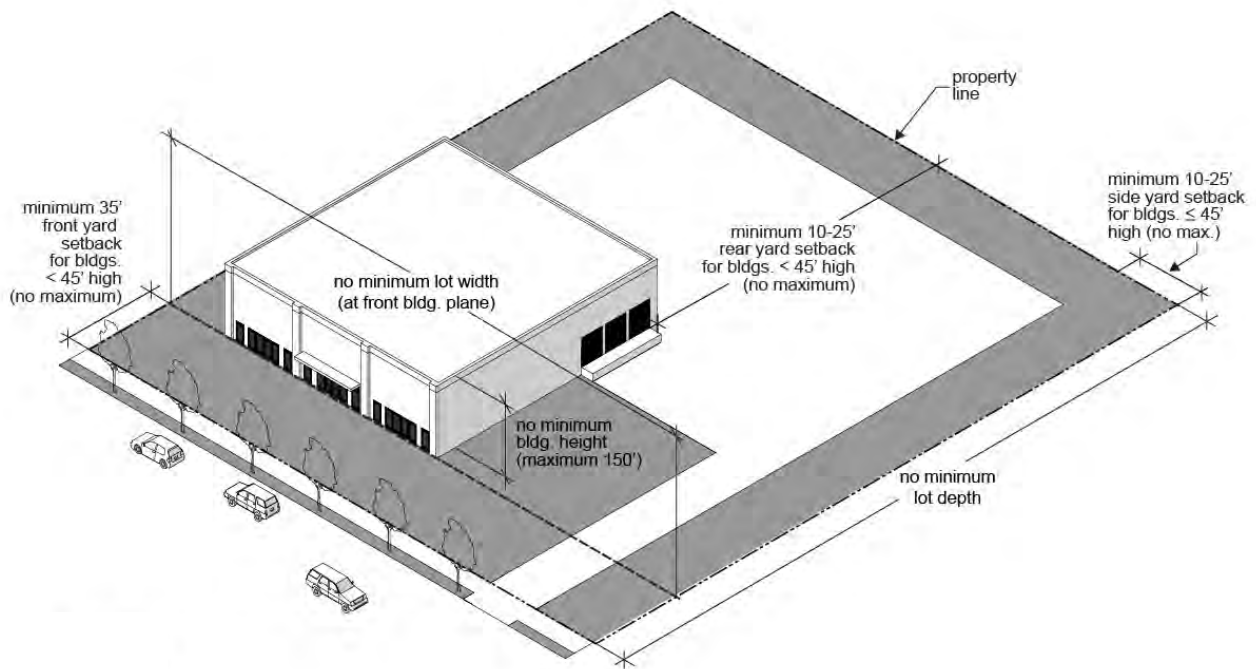
7 **TABLE 12.25.860-1:**
 8 **DEVELOPMENT STANDARDS IN THE HSID ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	Varies	See Subsection 12.25.880.B.6.
Maximum Lot Size	Varies	
Minimum Density	Not applicable	
Maximum Density	Not applicable	
Minimum FAR	Not applicable	
Maximum FAR	Not applicable	
Minimum Lot Dimensions		
• Width (at front building plane)	None	
• Depth	None	
• Frontage	25 feet	
Minimum Setbacks*		See also Subsection 12.25.880.B.1 regarding increased setbacks for off-street parking and loading.
• Buildings up to 45 feet high		
○ Front	35 feet	
○ Side	10 or 25 feet	10 foot setback applicable abutting non-residential zones;
○ Rear	10 or 25 feet	25 foot setback applicable abutting residential zones.
• Buildings > 45 feet in height		
○ Front	35+ ft. feet	Minimum setbacks increase 1 additional foot for each foot of structural height over 45 feet.
○ Side	10+ or 25+ feet	
○ Rear	10+ or 25+ feet	
Maximum Setbacks	None	
Minimum Building Height*	None	
Maximum Building Height		45 foot and 150 foot heights applicable adjacent to non-residential zones.
• High Profile Industrial Buildings	150 feet or less	Within 100 feet of a residential zone:

Standard	Requirement	Clarifications
<ul style="list-style-type: none"> All other buildings 	45 feet or less	maximum height 45 feet minus 1 foot for every 2 feet less than the 100 foot setback.
Maximum Building Coverage	50%	
Minimum Useable Open Space	Not applicable	
Minimum Landscaping	15%	See Section 12.50.220

* Standards illustrated in Figure 12.25.860-A

**FIGURE 12.25.860-A:
MINIMUM LOT DIMENSIONS, SETBACKS
AND HEIGHT REQUIREMENTS IN THE HSID ZONE**



12.25.870 Variances and Adjustments. Applications for Variances and Adjustments to other base zone standards in the HSID zone may be approved under one of four processes:

- A. As a Variance pursuant to Section 12.80.152;
- B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section 12.80.154;
- C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section 12.80.156; or
- D. With a Significant Natural Resource Permit application pursuant to Section 12.80.130.

1 **12.25.880 Other Pertinent Regulations.**

2 A. Applicable Sections. Additional standards such as parking, landscaping, vision clearance, and
3 street improvements also apply to development in the HSID zone as follows:

- 4 • Section 12.50.200 Site Design
- 5 • Section 12.50.300 Vehicle Parking
- 6 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
- 7 • Section 12.50.500 Access and Street Standards
- 8 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
- 9 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development

10 B. Site Development Standards. In addition to the standards listed in Subsection A above, the
11 following standards apply to all development in the HSID zone:

- 12 1. Off-Street Parking and Loading. Off-street parking and loading are not permitted in required
13 front yards, or in required side or rear yards abutting a residential zone, unless building
14 setbacks are increased to 75 feet and a 20 foot landscaped buffer is provided adjacent to the
15 property line.
- 16 2. Site Storage and Maintenance.
 - 17 a. Materials, equipment and waste must be stored and grounds must be maintained in a
18 manner which will not attract insects or vermin or create a health hazard.
 - 19 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
20 continuously in suitable groundcovers, trees or shrubs as required by Section 12.50.220.
21 All other yards and unused property shall be maintained in grass or other suitable
22 ground cover.
- 23 3. Boundary Fences and Landscaping.
 - 24 a. Properties abutting a residential zone shall provide and maintain a dense evergreen
25 landscape buffer with a minimum mature height of 7 feet.
 - 26 b. Yards adjacent to streets and those abutting a residential zone shall be landscaped and
27 continuously in suitable groundcovers, trees or shrubs as required by Section 12.50.220.
28 All other yards and unused property shall be maintained in grass or other suitable
29 ground cover.
 - 30 c. Wire or similar open fences may be permitted at property lines adjacent to landscaped
31 yards.
- 32 4. Heat, Glare and Lighting.
 - 33 a. Except for exterior lighting, industrial operations producing heat or glare shall be
34 conducted entirely within an enclosed building.
 - 35 b. Exterior lighting shall be shielded and directed away from adjacent properties as
36 required by Section 12.50.240.

- 1 5. Compliance with State Requirements. All Uses or operations shall comply with current state
2 air quality and noise statutes and rules as administered by the Department of Environmental
3 Quality.
- 4 6. Lot Size and Division Standards. Development in the HSID shall occur on lot sizes in
5 compliance with the standards listed below.
- 6 a. Industrial developments shall have a minimum lot size of 10 acres. All other lots of
7 record or contiguous lots of record in common ownership within the sub-area smaller
8 than 10 acres may contain any business or use listed in Table 12.25.830-1.
- 9 b. Land division will be permitted for lots larger than 10 acres only if the division creates
10 one lot or parcel of at least 10 acres and at least one parcel of 5 acres.
- 11 c. The 10 acre minimum lot size standard is intended to accomplish the following
12 purposes:
- 13 i. Facilitate lot aggregation and consolidation and better accomplish an Urban Growth
14 Boundary expansion condition of approval requiring creation of one 50 acre
15 industrial lot within the Helvetia Area; and
- 16 ii. Address ORS 197.532 (Ballot Measure 37) considerations.
- 17 d. The minimum lot sizes in Subsections a and b above may be reduced to the extent
18 necessary to allow the dedication and/or construction of public Collector or Arterial
19 roadways necessary to implement Comprehensive Plan Section 13 Transportation.
- 20 e. The minimum lot sizes in Subsections a and b above may also be reduced to
21 accommodate the following conditions:
- 22 i. The presence of a natural division of the lot(s) by a significant natural resource area,
23 flood hazard area or other resource or hazard designation in which standards may
24 restrict development under Subchapter 12.27; or
- 25 ii. The intent to divide the lot(s) to provide for separate common or public ownership
26 of natural areas, flood hazard areas or other natural resource or hazard areas within
27 an industrial park.

28 **12.25.890 Definitions Unique to the HSID.**

- 29 A. *“Sustainable Energy and Environmental Businesses.”* Industrial businesses and Uses engaged in
30 the research and design or development, manufacturing, processing, and/or marketing of
31 products or services associated with local, national and international sustainable energy and
32 environmental industries. Such businesses include, but are not limited to large and small firms
33 and companies engaged in high technology research and product development and
34 manufacturing; solar and wind energy products and parts manufacturing; and other similar
35 industries. These businesses usually require variously sized properties, but especially large
36 parcels (50 to 100 or more acres) to accommodate vertically-integrated business operations on a
37 single site.

- 1 B. “*Biotech Campus.*” Industrial businesses and Uses engaged in research and design or
2 development, manufacturing and processing, marketing (and combinations thereof) of bio-
3 technology, bio-medical, bio-pharmaceutical business products or services and like-kind
4 businesses. Biotech campuses usually require medium-sized parcels (35 to 50 or more acres).
- 5 C. “*Industrial Incubators, Start-ups and Spin-offs Business Parks.*” Specialized business parks that
6 lease space or buildings to a mixture of small, emerging industrial companies evolving from or
7 supporting larger nearby high tech, sustainable industries and bio-tech companies. Typical
8 business parks have a common brand and image and are controlled by site-specific covenants or
9 conditions and restrictions (CC&Rs). Business parks may provide raw industrial building space
10 industrial flex space, or both. Leased spaces often contain combined business office and product
11 production operations. Business parks usually occupy medium-sized properties (20 to 40 acres).
- 12 D. “*Industry Research and Development (R&D) Parks.*” Business parks that primarily provide
13 leasable industrial flex-space to vertically-integrated R&D businesses and research laboratories
14 that develop new products and/or industry technologies. Industry R&D parks also usually
15 occupy small-to-medium sized parcels (20 to 30 acres).
- 16 E. “*Industry Suppliers.*” Businesses that manufacture, process, or distribute production materials,
17 parts, product components and business services used by high tech, sustainable industry and bio-
18 tech businesses in the Portland region. Industry suppliers include, but are not limited to suppliers
19 of test equipment, uniforms and linens, lab supplies, sub-components and circuit boards, and
20 packaging materials. Industry suppliers usually occupy smaller-sized parcels (10 to 20 or more
21 acres).
- 22 F. “*Support Commercial Services.*” Commercial retail Uses and professional services that
23 primarily and directly serve daily needs of businesses and employees in the surrounding
24 industrial area. Typical Uses include food services and restaurants, banking, convenience shops,
25 child care facilities, automated businesses support services and like-kind limited retail and
26 professional business services. A support commercial service Use usually occupies property or
27 leased space located on a Collector or Arterial street and within reasonable walking or driving
28 distance to/from businesses and employees in the surrounding industrial area.
- 29 G. “*Distribution Businesses.*” Warehouse and freight movement firms that store, repack, deliver
30 and move goods throughout the region, and therefore require convenient access to freeway and
31 principal Arterial streets such as Highway 26.

1 **SUBCHAPTER 12.26**
2 **INSTITUTIONAL AND OPEN SPACE ZONES**

- 3 **12.26.010 Institutional Zones**
4 **12.26.020 Locational Characteristics**
5 **12.26.030 Organization within This Chapter**
6
7 **12.26.100 SC-F Station Community – Fairgrounds**
8 **12.26.110 Purpose and Applicability**
9 **12.26.120 Housing Types**
10 **12.26.130 Uses**
11 **12.26.140 Accessory Uses Permitted by Right**
12 **12.26.150 Special Provisions Regarding Uses**
13 **12.26.160 Development Standards**
14 **12.26.170 Variances and Adjustments**
15 **12.26.180 Other Pertinent Regulations**
16

1 **12.26.010 Institutional Zones.** There is one institutional zone in the City: SC-F Station
2 Community Fairgrounds.

3 **12.26.020 Locational Characteristics.** Institutional zones implement the SCPA Station
4 Community Planning Area or the PF Public Facilities designations on the Comprehensive Plan Land
5 Use Map. The SC-F zone is applied to the Washington County Fairgrounds.

6 **12.26.030 Organization within This Chapter.**

7 A. Common Elements. Each section in this chapter contains the following subsections:

- 8 1. Purpose;
- 9 2. Permitted, Conditionally Permitted, Limited and Not Permitted Housing Types (organized in
10 tables);
- 11 3. Permitted, Conditionally Permitted, Limited and Not Permitted Uses (organized in tables);
- 12 4. Accessory Uses permitted by right;
- 13 5. Special provisions regarding Uses;
- 14 6. Development standards (organized in tables, illustrated in figures);
- 15 7. Variances and Adjustments; and
- 16 8. Other pertinent regulations.

17 B. Purpose. Purpose statements for each zone chapter are descriptive of the zone's characteristics
18 and intent, and are drawn from the Comprehensive Plan and/or the Community Development
19 Code. Purpose statements are informational and not intended to be regulations.

20 C. Allowed Housing Types. Residential Uses are limited in institutional and open space zones.
21 Permitted, conditionally permitted, limited and not permitted Housing Types within each zone
22 are summarized in tables based on the definitions of Housing Types listed in Section 12.01.500.
23 Neither the residential Use categories nor the Housing Types distinguish between owner- or
24 renter-occupation.

25 D. Uses. Permitted, conditionally permitted, limited and not permitted Uses within each zone are
26 summarized in tables based on the standardized Use categories contained in Subchapter 12.10.

- 27 1. Permitted Uses (P) are permitted by right, subject to all applicable provisions of this Code.
- 28 2. Conditionally Permitted Uses (C) may be allowed, subject to approval on an individual basis
29 by the Planning and Zoning Hearings Board as Conditional Uses. The Conditional Use
30 Permit application process and approval criteria are set forth in Subchapter 12.70. Certain
31 Conditional Uses may have additional standards as set forth in Subchapter 12.40.
- 32 3. Limited Uses (L) are permitted by right, but are subject to specified requirements,
33 exceptions, or restrictions which may vary with the nature, size or location of the use.
- 34 4. Not Permitted Uses (N) are not permitted in the zone under any circumstances.

35

- 1 E. Accessory Uses Permitted by Right. Accessory Uses are permitted in each zone in conjunction
2 with the primary industrial Use on the site and are subject to the same regulations as the primary
3 Use unless stated otherwise in the Code. Characteristics and standards for certain accessory
4 Uses are listed in Subchapter 12.40.
- 5 F. Special Provisions Regarding Uses. Where certain notations in the Clarifications column of the
6 Uses tables require further explanation, they are noted in this section.
- 7 G. Development Standards.
- 8 1. Development standards in each institutional or open space zone are summarized in tables.
9 Development standards are typically numerical standards: minimum and maximum lot
10 dimensions, minimum and maximum floor area ratios; structural setbacks; maximum
11 building height and lot coverage. All development must comply with the development
12 standards unless a discretionary Variance or Adjustment is approved as described in
13 Subsection G below.
- 14 2. Certain development standards may be illustrated in a Figure following the development
15 standards table in each zone.
- 16 H. Variances and Adjustments. Applications to vary or adjust certain numeric standards in each
17 zone may be requested and approved under Sections 12.80.152, 12.80.154, and 12.80.156.
18 Certain numeric standards may also be subject to exceptions under specific circumstances, as
19 described in the Standards section.
- 20 I. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision
21 clearance, and street improvements, may also apply to development in institutional and open
22 space zones. These site design and development standards may also have exceptions as
23 described in those sections.
- 24

1 **12.26.100 SC-F Station Community – Fairgrounds.** The SC-F zone includes the following
2 sections:

- 3 12.26.110 Purpose and Applicability
- 4 12.26.120 Housing Types
- 5 12.26.130 Uses
- 6 12.26.140 Accessory Uses Permitted by Right
- 7 12.26.150 Special Provisions Regarding Uses
- 8 12.26.160 Development Standards
- 9 12.26.170 Variances and Adjustments
- 10 12.26.180 Other Pertinent Regulations

11 **12.26.110 Purposes and Applicability.**

- 12 A. Accommodate the Washington County Fair. The SC-F zone implements the SCPA Station
13 Community Planning Area Comprehensive Plan designation on the Washington County
14 Fairgrounds properties. These properties have been historically used as public entertainment,
15 amusement, and sports participation. Portions of the properties have also been used as temporary
16 recreational vehicle parks to accommodate event vendors and visitors.
- 17 B. Allow a Wide Variety of Public-Assembly Uses Year-Round. The focus of development in the
18 SC-F zone is on facilities accommodating activities including, but not limited to, the Washington
19 County Fair, conferences, conventions, expositions and trade shows, in a variety of open-air
20 facilities and enclosed buildings. Hotels, restaurants, and specialty retail establishments are
21 encouraged in the District. Sports and entertainment facilities including, but not limited to,
22 arenas, rinks, aquatics centers, cinemas, theaters, and Usable Open Space designed to
23 accommodate sports fields and outdoor athletic activities are also allowed.
- 24 C. Reduce Vehicle Miles Traveled. The standards of the SC-F zone are intended to create
25 developments which take advantage of the multi-modal opportunities provided by the adjacent
26 LRT and bus transfer station, park-and-ride facility, and pedestrian and bicycle linkages to
27 nearby neighborhoods.
- 28 D. Create a Higher-Intensity, Mixed-Use District. The standards of the SC-F zone are intended to
29 increase the intensity of use of the Fairgrounds properties over time by facilitating the following
30 types of development:
 - 31 1. Multi-story institutional and commercial structures where compatible with the Hillsboro
32 Airport;
 - 33 2. Building design focused on pedestrian-friendly orientations and linkages among buildings,
34 open spaces, and transit; and
 - 35 3. Creation of appropriately-sited, improved surface parking areas for large events, and to serve
36 as a temporary recreational vehicle park to accommodate event vendors and visitors.
- 37 E. Applicability. The SC-F zone shall be applied to at least 30 acres containing the Washington
38 County Fairgrounds facility, and may be applied to additional areas in public or private
39 ownership.

1 **12.26.120 Housing Types.** Table 12.26.120-1 lists Housing Types permitted in the SC-F zone.
 2 Housing Types are defined in Section 12.01.500.

3 **TABLE 12.26.120-1:**
 4 **HOUSING TYPES PERMITTED IN THE SC-F ZONE**

Housing Type	Status	Clarifications
Detached single-family dwelling	L/N	On-site dwellings for caretakers only; all other uses in this category not permitted
Two-dwelling townhouses or duplexes	N	
Three-dwelling (or more) townhouses	N	
Multiple-dwelling structure	N	
Manufactured dwelling	N	
Manufactured dwelling park	N	
Live-work dwelling	N	

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

6 **12.26.130 Uses.** Table 12.26.130-1 lists Uses Permitted, Conditionally Permitted, Limited, or Not
 7 Permitted in the SC-F zone.

8 **TABLE 12.26.130-1:**
 9 **USE CATEGORIES IN THE SC-F ZONE**

Use	Status	Clarifications
Residential Use Categories		
Household Living	L/N	See Housing Types Table 12.26.120-1.
Group Living	N	
Residential Services	N	
Residential Businesses	N	
Commercial Use Categories		
Commercial Lodging	P	
Commercial Recreation	P/N	Indoor facilities permitted; outdoor facilities not permitted.
Commercial Parking	P	
Durable Goods Sales	N	
Eating and Drinking Establishments	P	
Educational Services	N	
Office	P	
Retail Products and Services	L/C	See limitations in Section 12.26.150.
Self-Service Storage	N	
Vehicle Service and Repair	N	

Use	Status	Clarifications
Industrial Use Categories - None permitted in the SC-F zone.		
Institutional Use Categories - Only categories listed below permitted.		
Community Services	P	
Major Assembly Facilities	L	All uses subject to PUD approval: see Subsection 12.26.180.B.
Infrastructure and Utilities Use Categories		
Aviation Facilities	L/N	Helicopter landing pads permitted with PUD approval; all other uses in this category not permitted.
Parks and Open Space	P	
Public Safety Facilities	P	
Surface Alternative Transportation Facilities	C/N	Transit facilities and park-and-ride facilities permitted with Conditional Use approval; transit vehicle storage and maintenance facilities not permitted.
Telecommunications Facilities	C	Subject to Special Use provisions in Section 12.40.240.
Utility Facilities	C	With no equipment storage; subject to Special Use provisions in Section 12.40.260.

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

2 **12.26.140 Accessory Uses Permitted by Right.**

3 A. Accessory Uses to the primary institutional or commercial Uses vary based on the applicable Use
4 category, as described in Subchapter 12.10. Accessory Uses are permitted in conjunction with
5 the primary Use on the site and subject to the same regulations as the primary Use unless stated
6 otherwise in the Code.

7 B. Pursuant to Subsection 12.10.450.C, temporary camping for recreational vehicles is permitted as
8 an accessory Use during intermittent major events. The location of the temporary camping areas
9 shall be subject to approval under the PUD process pursuant to Section 12.80.120. The area used
10 for the temporary camping shall be located east of NE 34th Avenue, and shall not exceed 25% of
11 the total area of the zone.

12 **12.26.150 Special Provisions Regarding Uses.**

13 A. Retail Products and Services. Retail products and services Uses permitted in the SC-F zone shall
14 be supportive to the primary Uses of the zone: major assembly facilities, minor assembly
15 facilities, indoor commercial recreation, and eating and drinking establishments. If a question is
16 raised regarding whether a particular Use is supportive, the Planning Director shall make an
17 Interpretation pursuant to Section 12.80.050.

18 B. Animal Service Facilities. Animal service facilities with or without outdoor exercise areas
19 and/or overnight boarding are permitted with Conditional Use approval, subject to additional
20 requirements in Section 12.40.110.

1 **12.26.160 Development Standards.** Base zone development standards in the SC-F zone are listed
 2 in Table 12.26.160-1.

3 **TABLE 12.26.160-1:**
 4 **DEVELOPMENT STANDARDS IN THE SC-F ZONE**

Standard	Requirement	Clarifications
Minimum Lot Size	None	
Maximum Lot Size	None	
Minimum Density	Not applicable	Household Living Uses are limited to single family dwellings for on-site caretakers.
Maximum Density	Not applicable	
Minimum FAR		
<ul style="list-style-type: none"> • for fairgrounds uses • for hotels • for all other commercial uses 	None .75 .50	
Maximum FAR	none	
Minimum Lot Dimensions		
<ul style="list-style-type: none"> • Width (at front building plane) • Depth • Frontage 	None None 30 feet	
Minimum Setbacks	None	Setbacks subordinate to public utility easements and Building Code requirements.
Maximum Setbacks	35 feet (front only)	Measured from street right-of-way or tract
Minimum Building Height		
<ul style="list-style-type: none"> • Fairground animal exhibit halls • All other buildings 	None 2 stories	Includes exhibit halls; conference facilities; commercial; Mixed-Use; hotel and office.
Maximum Building Height	5 stories	
Maximum Building Coverage	None	
Minimum Usable Open Space	Varies	See Section 12.50.210
Minimum Landscaping	15%	See Section 12.50.220

5

1 **12.26.170 Variances and Adjustments.** Requests for Variances or Adjustments to the base zone
2 standards for the SC-F zone may be approved under one of four processes:

- 3 A. As a Variance pursuant to Section 12.80.152;
- 4 B. As a Type II Adjustment in conjunction with a primary Type II application pursuant to Section
5 12.80.154;
- 6 C. As a Type III Adjustment in conjunction with a primary Type III application pursuant to Section
7 12.80.156; or
- 8 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

9 **12.26.180 Other Pertinent Regulations and Requirements.**

- 10 A. Other Pertinent Regulations. Additional standards such as parking, landscaping, vision
11 clearance, and street improvements also apply to development in the SC-F zone as follows:
 - 12 • Section 12.50.200 Site Design
 - 13 • Section 12.50.300 Vehicle Parking
 - 14 • Section 12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity
 - 15 • Section 12.50.500 Access and Street Standards
 - 16 • Section 12.50.600 Utilities, Site Grading and Storm Water Management
 - 17 • Section 12.50.800 Design Standards for Non-Residential and Mixed-Use Development
- 18 B. Planned Unit Development Process Required. To facilitate master planning, new development in
19 the SC-F zone shall be reviewed through the Planned Unit Development process under Section
20 12.80.120.

1 **SUBCHAPTER 12.27**
2 **OVERLAY ZONES**

- 3 **12.27.010 Overlay Zones**
4 **12.27.020 Locational Characteristics**
5 **12.27.030 Organization within This Subchapter**
6
7 **12.27.100 RFO Regulatory Floodplain Overlay**
8 **12.27.105 Purposes**
9 **12.27.110 Applicability and Boundary Interpretation**
10 **12.27.115 Administrative and Regulatory Coordination**
11 **12.27.120 Uses and Activities Permitted Outright**
12 **12.27.125 Uses and Activities in the Floodway**
13 **12.27.130 Minor Uses and Activities permitted with Type II approval**
14 **12.27.135 Major Uses and Activities permitted with Type III approval**
15 **12.27.140 Additional Standards**
16 **12.27.145 Variances from RFO Standards**
17
18 **12.27.200 SNRO Significant Natural Resources Overlay**
19 **12.27.205 Purposes**
20 **12.27.210 Applicability, Boundary Interpretation and Modification**
21 **12.27.215 Administrative and Regulatory Coordination**
22 **12.27.220 Uses and Activities Permitted and Not Permitted**
23 **12.27.225 Natural Resource Enhancement**
24 **12.27.230 Special Provisions in Residential Land Divisions or Varied SNR Areas**
25 **12.27.235 Adjustments from Standards of Underlying Zoning**
26 **12.27.240 Preservation of SNR in Additional Usable Open Space or Landscaping**
27 **12.27.245 Development Standards in the SNRO**
28 **12.27.250 Compensatory Mitigation Standards**
29 **12.27.255 Natural Resource Management Plans for Major Transportation Facilities**
30
31 **12.27.300 CRO Cultural Resource Overlay**
32 **12.27.310 Purpose**
33 **12.27.320 Applicability and Boundary Delineation**
34 **12.27.330 Addition to the CRO**
35 **12.27.340 Removal from the CRO**
36 **12.27.350 Routine Maintenance of Cultural Resource Structures**
37 **12.27.360 Minor Cultural Resource Alterations Permitted with Type II Approval**
38 **12.27.370 Major Cultural Resource Alterations Permitted with Type III Approval**
39 **12.27.380 Provision for Additional Open Space on Cultural Resource Sites**
40
41 **12.27.400 ASCO Airport Safety and Compatibility Overlay**
42
43 **12.27.500 PUD Planned Unit Development Overlay**

1	12.27.510	Purposes
2	12.27.520	Distinction from other Overlay Zones / Applicability
3	12.27.530	Administrative and Regulatory Coordination
4	12.27.540	Uses and Activities Permitted
5	12.27.550	Application and Process for PUD Approval
6	12.27.560	Establishment or modification of PUD boundaries
7		
8	12.27.600	SID Special Industrial District
9	12.27.610	Purpose
10	12.27.620	Applicability
11	12.27.630	Administration
12	12.27.640	Regulations on Permitted Uses or Activities
13	12.27.650	Establishment or Modification of Overlay Boundaries
14		

1 **12.27.010 Overlay Zones.** There are five overlay zones in the City:

- 2 A. RFO Regulatory Floodplain Overlay zone
- 3 B. SNRO Significant Natural Resource Overlay zone
- 4 C. CRO Cultural Resource Overlay zone
- 5 D. PUD Planned Unit Development
- 6 E. SID Special Industrial District

7 **12.27.020 Locational Characteristics.** Overlay zones are applied on properties or portions of
8 properties to modify or supplement the regulations of the underlying base zone in recognition of historic
9 sites, environmental conditions, external environmental impacts, or regulatory requirements. The
10 Regulatory Floodplain Overlay zone implements the FP Floodplain Comprehensive Plan Land Use Map
11 designation. The Significant Natural Resource Overlay zone and the Cultural Resource Overlay zone do
12 not implement a specific Plan designation, but do implement Comprehensive Plan goals and policies.
13 The Special Industrial District is applied only on land with the Industrial Plan Designation, to implement
14 certain Metro goals regarding retention of large industrial lots. Except as noted in this subchapter,
15 overlay zone provisions do not change Use Category status or the development standards of the
16 underlying base zone. Boundaries of an overlay zone may be either property lines or site-specific
17 environmental boundaries.

18 **12.27.030 Organization within This Subchapter.**

- 19 A. Common Elements. Each section in this chapter contains the following components. Due to the
20 unique character of each overlay zone, sequence and terminology varies among zones.
 - 21 1. Purpose. Purpose statements for each overlay zone are descriptive of the overlay's
22 characteristics and intent, and are drawn from the Comprehensive Plan and/or the
23 Community Development Code. Purpose statements are informational and not intended to
24 be regulations.
 - 25 2. Applicability. Each overlay zone is applied based on specific conditions as described in each
26 section. Overlay zones may be applicable to an entire property or to a portion of property.
27 More than one overlay zone may apply to a property or portion thereof.
 - 28 3. Administration and Regulatory Coordination. Land Uses and development activities in some
29 overlay zones may be subject to regulation by other agencies. The jurisdiction of these
30 agencies may vary within an overlay zone.
 - 31 4. Regulations on Permitted Uses or Activities. The Use categories status or development
32 standards of the underlying base zone may be modified or supplemented to accomplish the
33 purpose of the overlay zone in reducing negative impacts on an identified resource.
 - 34 5. Applications and Processes for Land Use Approvals. Certain types of land use application
35 approvals are required in most overlay zones to accomplish the purposes of the zone.
36 Submittal materials and criteria for these applications are also related to demonstrating
37 compliance with the purposes of the overlay zone.

38

- 1 6. Establishment or Modification of Overlay Boundaries. The boundaries of some overlay
2 zones may be subject to change either through development activity or environmental
3 conditions. Each overlay zone has a unique process to establish or modify the overlay
4 boundary.

1 **12.27.100 RFO Regulatory Floodplain Overlay.** The Regulatory Floodplain Overlay includes the
2 following sections:

- 3 12.27.105 Purposes
- 4 12.27.110 Applicability and Boundary Interpretation
- 5 12.27.115 Administrative and Regulatory Coordination
- 6 12.27.120 Uses and Activities Permitted Outright
- 7 12.27.125 Uses and Activities in the Floodway
- 8 12.27.130 Minor Uses and Activities permitted with Type II approval
- 9 12.27.135 Major Uses and Activities permitted with Type III approval
- 10 12.27.140 Additional Standards
- 11 12.27.145 Variances from RFO Standards

12 **12.27.105 Purposes.** The Regulatory Floodplain Overlay zone (RFO) is established for the
13 following purposes:

- 14 A. To reduce potential danger and serious damage to life and property from flooding;
- 15 B. To regulate topographic alterations within the floodplain that may affect upstream or
16 downstream flood levels;
- 17 C. To regulate use of areas subject to flooding and encroachment into the floodplain by restricting
18 Uses subject to flood damage; and
- 19 D. To reduce the financial burden on the community that results from flood damage.

20 **12.27.110 Applicability and Boundary Interpretation.**

21 A. Applicability.

- 22 1. The Regulatory Floodplain Overlay (RFO) zone applies within the boundaries of the Base
23 Flood (100-year flood) as defined and delineated on the National Flood Insurance Program
24 Boundary, Flood Insurance Study and Floodway Maps for the City and Washington County.
- 25 2. No structure or Use shall be located, extended, converted, expanded, enlarged, replaced, or
26 structurally altered within the boundaries of the RFO without compliance with this
27 Subchapter.
- 28 3. No topographic alteration shall occur within the boundaries of the RFO without compliance
29 with this Subchapter.
- 30 4. These requirements are in addition to the standards of the underlying base zone and to any
31 other standards in this Subchapter. Where conflicts may occur among standards, the
32 standards of this Subchapter supersede all other standards.

33 B. Boundary Interpretation. The City Engineer is authorized to interpret the National Flood
34 Insurance Program data, the City's topographic data, and topographic data provided by other
35 parties to determine the location of special flood hazard boundaries. The City shall obtain,
36 review, and reasonably utilize any base flood elevation and floodway data available from a
37 Federal, State, or other source, in order to administer Section 12.27.100.

1 **12.27.115 Administrative and Regulatory Coordination.**

- 2 A. Other Affected Agencies. The regulations of other agencies may apply to development
3 proposals on land within the RFO. These agencies include the U.S. Army Corps of Engineers,
4 the Oregon Department of State Lands, the U.S. Fish and Wildlife Service, the Environmental
5 Protection Agency, the Oregon Department of Fish and Wildlife, Washington County, and Clean
6 Water Services.
- 7 B. Notification. The City will notify affected agencies of specific development proposals prior to
8 the issuance of City permits. Applicants are encouraged to contact affected agencies before
9 development plans are completed to determine requirements and restrictions that may be
10 imposed by those agencies.

11 **12.27.120 Uses and Activities Permitted Outright.**

- 12 A. Uses and Activities Permitted Outright. If allowed in the underlying base zone, the following
13 Uses and activities are permitted outright in the RFO, subject to the standards listed in
14 Subsection B below:
- 15 1. Agricultural Uses (excluding raising livestock) with no structures except boundary fences;
 - 16 2. Temporary structures that will be removed during flooding;
 - 17 3. Residential accessory Uses not including structures or buildings;
 - 18 4. Recreational Uses including minor structures (such as picnic tables or barbecues), provided
19 the minor structures are firmly anchored and built of flood-resistant materials;
 - 20 5. Underground utility facilities constructed and installed to minimize water damage and flood
21 water infiltration;
 - 22 6. Repair, reconstruction, or improvements to an existing structure, in compliance with the
23 following standards:
 - 24 a. The cost of the repair, reconstruction or improvement is less than 50% of the structure's
25 market value before such work, and the work is constructed to minimize flood damage
26 through use of flood-resistant materials, anchoring, elevation, and protection of on-site
27 public and private utilities; or
 - 28 b. The repair, reconstruction, or improvement, including repair or replacement of
29 underground utility systems, is necessary to correct existing code violations that cause
30 unsafe living conditions; or
 - 31 c. The repair, reconstruction, or improvement is an alteration of a structure listed on the
32 National Register of Historic Places, the State Inventory of Historic Places, or the City's
33 Cultural Resource Inventory.
 - 34 7. Construction of public streets, light rail transit tracks and associated bridges and crossings,
35 bikeways, and footpaths which implement the adopted Transportation System Plan, in
36 compliance with the following standards:
 - 37 a. The construction has been verified by the City Engineer as complying with Section
38 12.27.100; and

- 1 b. Travel surfaces of the roadway, light rail transit track and associated bridge and crossing
2 are elevated one foot or more above the elevation of the Base Flood.
- 3 8. Wetland or floodplain mitigation, restoration, or other enhancement, in compliance with the
4 following standards:
- 5 a. The mitigation, restoration or enhancement does not reduce floodplain carrying capacity,
6 reduce floodplain storage capacity, or raise floodwater elevations; and
- 7 b. The mitigation, restoration or enhancement is approved by the Oregon Department of
8 State Lands and the U.S. Army Corps of Engineers.
- 9 c. The mitigation, restoration or enhancement meets the following standards for topographic
10 alterations in Table 12.27.135-1:
- 11 i. Fills are balanced by corresponding cuts to retain the on-site storage capacity of the
12 floodplain;
- 13 ii. New slopes created by the alteration are no greater than 20%;
- 14 iii. All impacted areas are stabilized from erosion with vegetation;
- 15 iv. All activity is conducted to avoid disturbing areas adjacent to the alteration. If
16 disturbed, adjacent areas disturbed shall be restored to their natural state; and
- 17 v. All alteration activity and stabilization is completed between May 1st and September
18 1st of the same year or as approved by the City Engineer.
- 19 d. The Review Authority may exempt mitigation and enhancement projects from the
20 provisions of Section 12.27.125 and the following standards for topographic alterations in
21 Table 12.27.135-1 if:
- 22 i. No more than 30% of the site area within the RFO is impacted;
- 23 ii. Cuts and fills are not more than 5 feet deep or commensurate with the surrounding
24 topography;
- 25 iii. No alterations are made below the lowest current elevation on the site;
- 26 iv. Any water impoundment resulting from the mitigation, restoration or enhancement is
27 permitted outright in the RFO under Section 12.27.120, as a Minor FPA under
28 Section 12.27.130 or as a Major FPA under Section 12.27.135.
- 29 B. Standards for Uses and Activities Permitted Outright. The Uses and activities in Subsection A
30 are permitted only in compliance with the following standards:
- 31 1. The Uses or activities remain in compliance with applicable Federal, State, and local
32 requirements;
- 33 2. The Uses or activities do not include any topographic alterations or encroachments; and
- 34 3. A registered professional civil engineer has certified that the Use or activity satisfies a no-rise
35 analysis and will not reduce the site's capacity to carry the base flood or cause any increase
36 in the base flood level.

1 **12.27.125 Uses and Activities in the Floodway.**

2 A. With the exception of the Uses listed below, no use, activity, encroachment, alteration, or
3 construction shall be allowed in the floodway:

- 4 1. The Uses and activities allowed outright in the RFO in Section 12.27.120;
- 5 2. Above-ground utility structures as cited in Section 12.27.130 and above ground utility
6 systems for flood-proofed buildings as cited in Section 12.27.135;
- 7 3. Bridges; and
- 8 4. Erosion control activities.

9 B. Standards for Uses and Activities Allowed in the Floodway. All Uses and activities allowed in
10 the floodway shall comply with the following standards:

- 11 1. A registered professional civil engineer has certified that the Use satisfies a no-rise analysis
12 and will not reduce the site’s capacity to carry the Base Flood, or cause any increase in the
13 Base Flood level; and
- 14 2. All other applicable provisions of Section 12.27.100 are met.

15 **12.27.130 Minor Uses and Activities Permitted with Type II Approval.** The Uses listed in Table
16 12.27.130-1 may be permitted in the RFO subject to the listed standards, upon approval of an
17 administrative Minor Floodplain Activity or Use (FA). The criteria for approval of a minor FA are
18 listed in Section 12.80.070. An application for a minor FA shall be processed as a Type II procedure
19 under the provisions of Section 12.70.040. The Planning Director may determine that an application for
20 Minor Floodplain Activity should be processed as a Type III procedure, based on the factors in
21 Subsection 12.80.070 C 3.

22 **Table 12.27.130-1:**
23 **Minor Floodplain Activities and Uses with applicable Standards**

Use	Standard / Clarification
Public or Private streets not implementing the TSP; parking spaces not required by this Code	Must be constructed at existing grade.
Storage of material or equipment	If not readily removable, the material or equipment must be anchored to prevent flotation or obstruction of flood water.
Above-ground utility structures	Must be constructed and installed to minimize flood damage and infiltration; and Must include a no-rise analysis pursuant to Subsection 12.27.120.B.
Accessory structures	Cannot be used for human habitation; Designed to have low flood damage potential; Constructed and sited to minimize resistance to water flows during flooding; Firmly anchored to prevent flotation and lateral movement; Service facilities such as electrical and heating equipment are elevated or flood proofed; and Placement will not increase flood levels during a Base Flood.

Use	Standard / Clarification
Raising of livestock	In compliance with Municipal Code Subject to approval of a minor Significant Natural Resource Permit
Reconstruction or repair of damaged existing structure	Type III approval required if repair costs exceed 50% of the market value of the structure before the damage occurred Includes repair or replacement of private underground water and/or sanitary systems Expansion of non-elevated structures may also be subject to Section 12.30.800.

1 **12.27.135 Major Uses and Activities Permitted with Type III Approval.** The Uses listed in
2 Table 12.27.135-1 may be permitted in the RFO subject to the listed standards, upon approval of a
3 quasi-judicial Major Floodplain Activity or Use (FA). The criteria for approval of a major FA are listed
4 in Section 12.80.070. An application for a major FA shall be processed as a Type III procedure under
5 the provisions of Section 12.70.050.

6 **Table 12.27.135-1:**
7 **Major Floodplain Activities and Uses with Applicable Standards**

Use	Standard / Clarification
Recreation vehicle parks or camping areas	Occupied fewer than 180 consecutive days during a calendar year, and not occupied during the period of flood risk; Recreational vehicles on sites in Zones A1-30, AH, and AE on the FIRM must be fully licensed; ready for highway use on wheels or jacking systems; and attached to the site only by quick disconnect type utilities and security devices; Permanently attached additions to recreational vehicles on sites in Zones A1-30, AH, and AE on the FIRM are not permitted; and All on-site improvements not intended for removal during flood risk periods shall be constructed to minimize flood damage in accordance with Section 131 (5)(c) and (5)(e).
Topographic alterations, including cutting, filling, grading, paving, mining, dredging, drilling, or other operations	No more than 30% of the site area within the RFO is impacted; Fills are balanced by corresponding cuts to retain the on-site storage capacity of the floodplain; Cuts and fills are not more than 5 feet deep or commensurate with the surrounding topography; No alterations are made below the lowest current elevation on the site; New slopes created by the alteration are no greater than 20%; All impacted areas are stabilized from erosion with vegetation; All activity is conducted to avoid disturbing areas adjacent to the alteration. If disturbed, adjacent areas disturbed shall be restored to their natural state; All alteration activity and stabilization is completed between May 1st and September 1st of the same year or as approved by the City Engineer; Any water impoundment resulting from the alteration is permitted outright in the RFO under Section 12.27.120.

Use	Standard / Clarification
Elevated structures	<p>The lowest floor including any basement is at least one foot above the base flood elevation;</p> <p>Any crawlspaces under the structure complies with FEMA and Federal Insurance and Mitigation Administration guidelines as specified in the NFIP; Fully enclosed areas below the base flood elevation allow entry and exit of flood waters. To meet this requirement, any elevated structure must either be certified by a registered professional engineer or architect, or must meet or exceed the following standards:</p> <ul style="list-style-type: none"> ○ At least two openings must be provided with a total net area of at least one square inch for every square foot of enclosed area below the elevation of the base flood elevation; ○ The bottom sill of all openings is located one foot or less above grade; and ○ Any screens, louvers, or other coverings over the openings automatically allow entry and exit of flood waters. <p>The structure is firmly anchored to prevent flotation, collapse and lateral movement;</p> <p>Each new residential dwelling unit has direct access to and abuts land above the base flood elevation;</p> <p>All required parking spaces for new structures are above the base flood elevation;</p> <p>All substantial improvements and utility systems are constructed of flood-resistant materials, using methods and practices that minimize flood damage;</p> <p>All new utility systems serving the structure are designed, elevated, or located to prevent entry of floodwaters;</p> <p>All new water and sanitary sewer systems are designed and constructed to minimize flood damage and infiltration;</p> <p>Septic systems and any other on-site private waste disposal systems are located above the base flood elevation;</p> <p>A registered professional civil engineer has certified that the placement of the structure satisfies a no-rise analysis and will not reduce the site's capacity to carry the base flood, or cause any increase in the base flood level; and</p> <p>Prior to the issuance of a building permit for an elevated structure, a registered professional engineer or land surveyor shall certify the following:</p> <ul style="list-style-type: none"> ○ the base flood elevation and the native grade elevation at building site; and ○ The as-built elevation of the finished floor of the elevated structure is at least one foot above base flood level. <p>The certifications and elevation verifications required above shall be filed with the Planning Department.</p>

Use	Standard / Clarification
Flood proofed non-residential structures	<p>The structure is firmly anchored to prevent flotation and lateral movement; The structure and all associated utility systems are flood-proofed below an elevation of 1 foot above the base flood elevation; All substantial improvements and utility systems are constructed of flood-resistant materials, using methods and practices that minimize flood damage; All utility systems serving the structure are designed, elevated, or located to prevent entry of floodwaters; All new water and sanitary sewer systems are designed and constructed to minimize flood damage and infiltration; A registered professional civil engineer has certified that the placement of the structure satisfies a no-rise analysis and will not reduce the capacity of the site to carry the base flood, or cause any increase in the base flood level; and A FEMA Flood Proofing Certificate is prepared and filed with the Building Department, the property insurer, and the building owner prior to issuance of a certificate of occupancy.</p>

1 **12.27.140 Additional Standards.** In addition to the standards in Sections 12.27.120, 12.27.125,
2 12.27.130, and 12.27.135, floodplain activity shall be subject to the additional standards listed below.

3 A. Floodplain Location on Applications. The location of the Base Flood elevation, as established
4 by the most current FIRM, Flood Insurance and Floodway Maps, or the best available
5 information, shall be shown on any development application on property including floodplain
6 areas, even if the application proposes no activity or use in the floodplain. If the Base Flood
7 elevation is not available, it shall be calculated by a registered professional engineer, or land
8 surveyor.

9 B. Relocation of Streams or Drainage Swales.

- 10 1. The City shall notify Washington County, DLCD, Corps of Engineers, CWS, DSL, and any
11 adjacent jurisdictions prior to any alteration or relocation of a watercourse within the City,
12 and shall submit evidence of such notification to the Federal Insurance Administration.
- 13 2. Stream or drainage swale alterations or relocations must be approved by the City Engineer
14 prior to construction.
- 15 3. Altered or relocated streams or drainage swales must be maintained so that their flood-
16 carrying capacity is not diminished.

17 **12.27.145 Variances from RFO Standards.**

18 A. Criteria and Procedures. Variances from the standards in this section may be approved by the
19 Review Authority upon approval of a Variance. The criteria for approval of a Variance from
20 RFO standards are listed in Subsection 12.80.152 E. An application for a RFO Variance shall be
21 processed as a Type III procedure under the provisions of Section 12.70.050.

22

1 B. Additional Provisions Regarding RFO Variances.

- 2 1. Variances may be approved for the reconstruction, rehabilitation, or restoration of structures
3 listed on the National Register of Historic Places, the State Inventory of Historic Places, or
4 the Cultural Resource Inventory, without regard to the Variance criteria in Section 12.80.152
5 E, provided that the reconstruction, rehabilitation, or restoration does not include topographic
6 alterations requiring a topographic alteration.
- 7 2. Variances as interpreted in the National Flood Insurance Program are based on the general
8 zoning law principle that they pertain to a physical piece of property; they are not personal in
9 nature and do not pertain to the structure, its inhabitants, economic or financial
10 circumstances. They primarily address small lots in densely populated residential
11 neighborhoods. As such, Variances from the flood elevations should be quite rare.
- 12 3. If applicable, the applicant for an approved Variance shall be given written notice by the City
13 of the following:
- 14 a. The structure for which the Variance will be permitted to be built with a lowest floor
15 elevation below the Base Flood elevation; and
- 16 b. The cost of flood insurance will be commensurate with the increased risk resulting from
17 the reduced lowest floor elevation.

1 **12.27.200 SNRO Significant Natural Resources Overlay.** The Significant Natural Resources
2 Overlay includes the following sections:

- 3 12.27.205 Purposes
- 4 12.27.210 Applicability, Boundary Interpretation and Modification
- 5 12.27.215 Administrative and Regulatory Coordination
- 6 12.27.220 Uses and Activities Permitted and Not Permitted
- 7 12.27.225 Natural Resource Enhancement
- 8 12.27.230 Special Provisions in Residential Land Divisions or Varied SNR Areas
- 9 12.27.235 Adjustments from Standards of Underlying Zoning
- 10 12.27.240 Preservation of SNR in Additional Usable Open Space or Landscaping
- 11 12.27.245 Development Standards in the SNRO
- 12 12.27.250 Compensatory Mitigation Standards
- 13 12.27.255 Natural Resource Management Plans for Major Transportation Facilities

14 **12.27.205 Purposes.** The Significant Natural Resource Overlay zone (SNRO) is established for the
15 following purposes:

- 16 A. Provide Required Protection for Significant Natural Resources. The provisions of this
17 subchapter meet Statewide Planning Goal 5 (ORS 197.015(8)) and OAR 660, Division 23 to
18 inventory and protect Significant Natural Resources according to specific procedures, standards
19 and definitions. Significant Natural Resources are those areas designated as Significant
20 Wetlands, Riparian Corridors and Wildlife Habitat as identified in the adopted *List of Significant*
21 *Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource*
22 *Inventory and Assessment Report*.
- 23 B. Balance Conservation with Economic Use. Standards in this subchapter conserve and protect the
24 functions and values of Significant Natural Resources while allowing reasonable economic use
25 of property where adverse impacts to the resources can be mitigated.
- 26 C. Evaluate Development Proposals. Standards in this subchapter provide means to evaluate
27 permitting developments, alterations and vegetation removal that affect Significant Natural
28 Resources.
- 29 D. Improve Intergovernmental Coordination. The provisions of the SNRO are intended to enhance
30 coordination between city, county, state, federal and other jurisdictional agencies and regional
31 planning efforts, including CWS, Metro and the Tualatin Basin Goal 5 program, regarding
32 alterations and development activities in or near Significant Natural Resources.

33 **12.27.210 Applicability, Boundary Interpretation and Modification.**

34 A. Applicability.

- 35 1. The Significant Natural Resource Overlay (SNRO) zone applies within the Significant
36 Natural Resource (SNR) Sites and Impact Areas as depicted on the Significant Natural
37 Resources Overlay Map, a portion of the official Zoning Map, and as identified in the
38 adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of*
39 *Hillsboro Goal 5 Natural Resources Inventory and Assessment Report* and Economic, Social,
40 Environmental and Energy (ESEE) analyses.

- 1 2. The SNRO Map identifies four types of areas, as defined in Section 12.10.500:
 - 2 a. Impact Areas;
 - 3 b. Resource Protection Level 1;
 - 4 c. Resource Protection Level 2; and
 - 5 d. Resource Protection Level 3.
- 6 3. Properties containing SNR Sites and Impact Areas shall be subject to the requirements of this
7 subchapter. These requirements are in addition to the standards of the underlying base zone
8 and to any other standards in this Code. Where conflicts may occur among standards, the
9 standards of this subchapter supersede all other standards.
- 10 4. On annexed properties previously identified as containing SNR sites or Impact Areas under
11 Subsection 1 above, the SNRO zone will be applied during the rezoning process concurrent
12 with annexation, pursuant to Subsection C 2 b below.
- 13 B. Exemptions. On a lot of record existing as of May 31, 2003, development up to 200 square feet
14 within a five (5) year period is exempt from these requirements.
- 15 C. Boundary Maintenance, Location, and Modification.
 - 16 1. Boundary Maintenance. The Planning Director shall amend the SNRO Map to reflect
17 changes to SNR Site boundaries based on new boundary or resource level information
18 obtained as part of site-specific studies, annexations to the City and other changes allowed by
19 this chapter.
 - 20 2. Boundary Location on Applications.
 - 21 a. The SNRO Map identifies only the general extent and location of SNR sites and Impact
22 Areas, including locations inventoried and mapped prior to annexation pursuant to
23 subsection b below. Applications for an SNR Permit shall include the surveyed and
24 mapped precise location of the SNR Site and Impact Area on the site.
 - 25 b. Properties not previously inventoried by the City that may contain natural resources shall
26 be inventoried by the City prior to annexation and a significance determination made
27 using the methodologies described in the adopted *City of Hillsboro Goal 5 Natural*
28 *Resource Inventory and Assessment Report*. Natural resources determined to be
29 significant and their Impact Areas shall be added to the SNRO as part of the rezoning
30 process concurrent with annexation. An Economic, Social, Environmental and Energy
31 (ESEE) Consequences Analysis shall be conducted for SNR Sites added to the SNRO
32 using the methodology described in the adopted *City of Hillsboro Economic, Social,*
33 *Environmental and Energy Consequences Analyses Report* to determine the SNRO level
34 that will apply to the site: Level 1, 2, or 3; or Impact Area.
 - 35 c. If a delineation of a Resource Site or Impact Area boundary results in a determination
36 that the SNR Site or Impact Area is no longer present, that portion of the property shall
37 not be subject to these provisions, and the SNRO Map shall be amended to remove that
38 portion of the property from the SNRO.

1 3. Modification of Resource Site or Impact Area Boundaries.

- 2 a. The boundaries or level of a SNR site or Impact Area may be modified as part of a SNRP
3 approval to reflect new information from the site-specific study or to include new
4 proposed mitigation areas. Modifications to boundaries of locally significant wetlands
5 are subject to review and approval by the Department of State Lands.
- 6 b. Properties not previously inventoried by the City that may contain natural resources shall
7 be inventoried by the City prior to annexation and a significance determination made
8 using the methodologies described in the adopted *City of Hillsboro Goal 5 Natural*
9 *Resource Inventory and Assessment Report*. Natural resources determined to be
10 significant and their Impact Areas shall be added to the SNRO as part of the rezoning
11 process concurrent with annexation. An Economic, Social, Environmental and Energy
12 (ESEE) Consequences Analysis shall be conducted for SNR Sites added to the SNRO
13 using the methodology described in the adopted *City of Hillsboro Economic, Social,*
14 *Environmental and Energy Consequences Analyses Report* to determine the SNRO level
15 that will apply to the site: Level 1, 2, or 3; or Impact Area.

16 **12.27.215 Administrative and Regulatory Coordination.**

- 17 A. Other Affected Agencies. The regulations of other agencies may apply to development
18 proposals within the SNRO. These agencies include the U.S. Army Corps of Engineers, the
19 Oregon Department of State Lands (DSL), the U.S. Fish and Wildlife Service, the Environmental
20 Protection Agency (EPA), the Oregon Department of Fish and Wildlife, Washington County,
21 and Clean Water Services (CWS).
- 22 B. Notification. The City will notify applicable agencies of specific development proposals prior to
23 the issuance of City permits. Applicants are encouraged to contact applicable agencies before
24 development plans are completed to determine the requirements and restrictions that may be
25 imposed by the agencies.
- 26 C. CWS Requirements. Applicants are advised that CWS requires applicants to secure a service
27 provider letter from the District or its designee which specifies the conditions and requirements
28 associated with Vegetated Corridors and Sensitive Areas necessary for the District to issue a
29 Stormwater Connection Permit pursuant to the CWS Design and Construction Manual.

30 **12.27.220 Uses and Activities Permitted and Not Permitted.**

- 31 A. Uses and Activities Permitted Outright. Uses and activities shown as “P” in Table 12.27.220-1
32 below are permitted outright in the SNRO if allowed in the underlying base zone or if not Not
33 Permitted by any applicable conditions of approval. Permitted Uses shall comply with
34 applicable Federal, State and Local requirements.
- 35 B. Uses and Activities Requiring a Minor SNR Permit. Uses shown as “SNRP II” in Table
36 12.27.220-1 below may be permitted in the SNRO zone upon approval of an administrative
37 Minor Significant Natural Resource Permit (SNRP). The criteria for approval of a minor SNRP
38 are listed in Section 12.80.130. An application for a minor SNRP shall be processed as a Type II
39 procedure under the provisions of Section 12.70.040.

- 1 C. Uses and Activities Requiring a Major SNR Permit. Uses and activities shown as “SNRP III” in
 2 Table 12.27.220-1 below may be permitted in the SNRO zone upon approval of a quasi-judicial
 3 Major Significant Natural Resource Permit (SNRP). The criteria for approval of a major SNRP
 4 are listed in Section 12.80.130. An application for a major SNRP shall be processed as a Type
 5 III procedure under the provisions of Section 12.70.050.
- 6 D. Uses and Activities Not Permitted. Uses shown as “N” in Table 12.27.220-1 below are not
 7 permitted in the SNRO. Any use or activity not listed in Table 12.27.220-1 is also not permitted
 8 unless determined by the Review Authority to be similar to an allowed use under Section
 9 12.80.050.

10 **Table 12.27.220-1:**
 11 **Uses and Activities in the Significant Natural Resource Overlay zone**

Use or Activity	Resource Level			
	Impact Area	SNR Level 1	SNR Level 2	SNR Level 3
<u>Farming:</u> Farming practices as defined in ORS 30.930 and agricultural Uses as defined in OAR 603-095-0010. Buildings and other development associated with farm practices and agricultural Uses are subject to this Subchapter.			P	
<u>Public Signage:</u> Placement by a public agency of signs, markers, aids, etc., to serve the public.			P	
<u>Temporary emergency procedures:</u> As necessary for the protection of public health, safety and welfare.			P	
<u>Continued Use, repair and maintenance:</u> Continued Use, routine repair and maintenance of public and private structures, streets, driveways, public and private utility facilities, flood control facilities, constructed ponds, recreational areas and lawns, gardens and landscaping in existence as of May 1, 2003.			P	
<u>Replacement:</u> Replacement of public and private structures, streets, driveways, public and private utility facilities, flood control facilities, constructed ponds, recreational areas and lawns and landscaping in existence as of May 1, 2003, that were destroyed by fire, flood or other unintentional cause.			P	
<u>Infrastructure expansion or enlargement:</u> Expansion of capacity of public streets, driveways, public or private utility facilities, flood control facilities, communication or energy distribution and transmission systems (including cables, lines, poles but excluding substations) which does not increase impervious surface area.			P	
<u>Vegetation Enhancement:</u> Stream enhancement or restoration to remove Nuisance Plants or to plant Native Vegetation, under an approved plan pursuant to Section 12.27.225.			P	

Use or Activity	Resource Level			
	Impact Area	SNR Level 1	SNR Level 2	SNR Level 3
<u>Storm Water or Habitat Enhancement:</u> Enhancement or restoration for water quality or quantity benefits or fish and wildlife habitat improvement under an approved plan pursuant to Section 12.27.225.	P			
<u>Permanent Open Space:</u> Publicly or privately owned.	P			
<u>Change of Existing Structure:</u> Change in Use or expansion of an existing structure, without increasing impacts on the resource from impervious surfaces, noise, light and glare, hazardous materials use and similar activities.	P			SNRP II
<u>Outdoor recreation facilities, low impact or passive:</u> Facilities and trails which are compatible with preserving natural resource functions: viewing shelters; picnic tables; nature trails and interpretive signs, and similar Uses. Does not include active recreation facilities described below.	P	P	SNRP II	
<u>Outdoor recreation facilities, high impact or active:</u> Outdoor and/or land-extensive facilities: athletic fields or courts; golf courses; and similar Uses. Does not include low impact or passive facilities described above.	SNRP II			SNRP III
<u>Tree or native vegetation removal:</u> Native or non-native tree removal; cutting or clearing of Native Vegetation other than that necessary to prevent hazards (such as Dangerous Trees or fire prevention) or as approved in conjunction with an allowed use: <ul style="list-style-type: none">• Tree / Vegetation removal on less than 500 sq. ft. of area• Tree / Vegetation removal on more than 500 sq. ft. of area	P* SNRP II	SNRP II SNRP II	SNRP II SNRP II	SNRP II SNRP III
<u>New Structures or Impervious Surface:</u> New structural development or exterior expansions of existing buildings or structure; increases in impervious surfaces or storage areas. <ul style="list-style-type: none">• Less than 500 square feet of site alteration• 500 square feet or greater of site alteration	P* SNRP II	SNRP II SNRP II	SNRP II SNRP II	SNRP II SNRP III
<u>Fills or excavations:</u> Fills, excavations or changes in drainage patterns except as approved in conjunction with an allowed use: <ul style="list-style-type: none">• Less than 500 sq. ft. of fill, excavation or modification• 500 sq. ft. or more of fill, excavation or modification	SNRP II SNRP II	SNRP II SNRP II	SNRP II SNRP II	SNRP II SNRP III
<u>Dumping:</u> Dumping of garbage, lawn debris or other unauthorized materials.	N			

1 * Up to a maximum of 500 square feet within a five (5) year period.

1 **12.27.225 Natural Resource Enhancement.**

- 2 A. Enhancement Approvals. Projects such as bank stabilization, riparian vegetation enhancement,
3 in-channel habitat improvements, and similar projects which improve or maintain the quality of a
4 SNR site or its Impact Area shall be approved if the applicant demonstrates that both of the
5 following standards are met:
- 6 1. The quality of one or more ecological functions or values of the SNR will be improved; and
 - 7 2. Plantings include only species from the Metro Native Plants List.
- 8 B. Required Mitigation Not Included. For purposes of this section, “resource enhancement
9 projects” do not include required mitigation pursuant to Section 12.27.250.

10 **12.27.230 Special Provisions in Residential Land Divisions**

- 11 A. Lot Size Adjustments Permitted. To reduce negative impacts on the SNR area, the Review
12 Authority may approve reduction or enlargement of lot sizes below the base zone standards,
13 provided that the overall lot area average on the entire site meets the base zone standards, and
14 that the smallest lot is at least 75% of the minimum standard.
- 15 B. Density Transfer Permitted. To reduce negative impacts on the SNR area, the Review Authority
16 may limit residential density within the SNR area on otherwise developable land (areas within
17 the SNR not defined as undevelopable land in Section 12.01.500 under Acreage, Net). At the
18 applicant’s request, the Review Authority may approve a transfer of all or a portion of the
19 number of dwelling units equivalent to the reduced density to the portion of the site outside the
20 SNR area under the following circumstances:
- 21 1. The application for land division is processed as either an Adjustment under Sections
22 12.80.150 or as a Planned Unit Development under Section 12.80.120;
 - 23 2. The number of dwelling units transferred does not exceed 50% of the maximum density on
24 the otherwise developable portion of the SNR area;
 - 25 3. Development in the SNR area of the site is limited to opens space improvements pursuant to
26 Section 12.50.210; and
 - 27 4. The density of the portion of the site outside the SNR does not exceed the maximum density
28 of that area unless a Major Adjustment for increased density is approved with a PUD
29 application pursuant to Sections 12.80.156 and 12.80.158.
- 30 C. SNRO Areas in Tracts or Easements. The final plat of any land division on property containing
31 SNR area shall designate that portion of the SNR area defined as “undevelopable land” (under
32 Section 12.01.500 under Acreage, Net) in either a conservation easement or a separate permanent
33 open space tract. Responsibility for maintenance and preservation of the conservation easement
34 area or permanent open space tract(s) consistent with this Section shall be specified in covenants,
35 conditions and restrictions or other legal instrument subject to approval by the Planning Director
36 and recorded with the final plat.

1 **12.27.235 Adjustments from Standards of Underlying Zoning.**

- 2 A. Adjustments Permitted. To accomplish the purposes of the SNRO, the Review Authority may
3 allow Adjustments from the minimum and maximum structural setbacks and minimum and
4 maximum lot coverage standards of the underlying base zone, provided consideration is given to
5 potential impacts to neighboring properties.
- 6 B. Process for Adjustments. Requests for Adjustments to the applicable base zone standards for
7 setbacks and lot coverage shall be included in a SNRP II or SNRP III application, pursuant to
8 Section 12.80.150.

9 **12.27.240 Preservation of SNR in Additional Usable Open Space or Landscaping.**

- 10 A. SNR Subtracted from Net Area. At the applicant's discretion, SNR area set aside as Usable
11 Open Space which exceeds the Usable Open Space area required pursuant to Section 12.50.210
12 may be subtracted from net area to calculate residential density or floor area ratio.
- 13 1. The additional Usable Open Space shall be identified on the final plat as a conservation
14 easement or a separate permanent open space tract, with responsibility for maintenance
15 specified as required in Subsection 12.27.230.C.
- 16 2. If the approval of the development containing the additional open space does not include a
17 final plat, the Review Authority shall condition the approval to require the applicant to record
18 a separate conservation easement, identifying the additional open space area and assigning
19 responsibility for maintenance specified as required in Subsection 12.27.230.C.
- 20 B. SNR as Landscaping. SNR area improved and maintained in compliance with Section 12.27.250
21 may be used to satisfy the landscaping requirements in Section 12.50.220.

22 **12.27.245 Development Standards in the SNRO.**

- 23 A. SNRO Boundaries Marked. Prior to any construction, demolition, grading or clearing on the
24 site, Significant Natural Resource and Impact Area boundaries shall be surveyed, staked and
25 demarcated with standard orange construction fencing or equivalent by a Qualified Natural
26 Resources Professional.
- 27 B. Erosion Control. Protective erosion control measures shall be installed in compliance with the
28 Public Works Design and Construction Standards and shall remain in place until the final site
29 inspection is completed.
- 30 C. Stockpiling and Equipment Storage Not Permitted. During construction, there shall be no
31 stockpiling of fill material, no parking, and/or no storage of construction equipment within a
32 Significant Natural Resource or its Impact Area unless no other practicable alternatives are
33 available. An exception to this standard may be approved by the Planning Director during the
34 application process for staging activities for approved construction projects that occur within the
35 permitted work window, based on demonstration by the applicant that no other practicable
36 alternatives to the storage or stockpiling is available, and that measures to mitigate the effects of
37 the storage or stockpiling on the SNR area will be taken when the activities cease.

- 1 D. Lighting. The lighting plan for the Development application, submitted pursuant to Section
 2 12.50.240 shall include lighting fixtures selected, located and installed to minimize direct
 3 lighting into the Significant Natural Resource.
- 4 E. Landscaping in SNRO Areas. Landscaping plans for development applications submitted under
 5 Section 12.50.220 shall limit plantings within the Significant Natural Resources area to only
 6 species on the Metro Native Plant List. Plantings within the Impact Area shall not include
 7 Nuisance Plants.
- 8 F. Use of Chemicals. Herbicides or pesticides shall not be used in a SNR or an Impact Area except
 9 as applied by a licensed applicator in accordance with either:
- 10 1. A pesticide management plan to control Nuisance Plants; or
 - 11 2. To eradicate pests as defined in ORS 634.650 or diseases affecting Native Vegetation.
- 12 G. Additional Standards. The standards in this subsection are in addition to all construction
 13 requirements imposed as conditions of approval by the City of Hillsboro or any other permit
 14 agency.

15 **12.27.250 Compensatory Mitigation Standards.**

- 16 A. Compensatory Mitigation Ratios. When adverse impacts to a Significant Natural Resource or an
 17 Impact Area cannot be avoided, the Review Authority may condition approval of the SNRP to
 18 provide compensatory replacement or enhancement mitigation according to Table 12.27.250-1
 19 and the illustrative examples below.

20 **Table 12.27.250-1:**
 21 **Minimum compensatory mitigation ratios in the SNRO**

Resource Level	Ratio of Disturbed Area to Replacement Mitigation Area		Ratio of Disturbed Area to Enhancement Mitigation Area
Impact Area	Not applicable	AND / OR	1:1
SNR Level 1	1:1		1:2
SNR Level 2	1:1.25		1:2.5
SNR Level 3	1:1.5		1:3

- 22 Example 1: mitigation of 600 sq. ft. disturbance in a Level 3 SNR = either 900 sq. ft. replacement Level 3 SNR;
 23 1200 sq. ft. enhanced Level 3 SNR; or a combination of these two.
 24 Example 2: mitigation of 1200 sq. ft. disturbance in an Impact Area = 1,200 sq. ft. enhanced Impact Area

- 25 B. Standards. Required mitigation shall meet the following standards:
- 26 1. The mitigation plan shall be prepared by a Qualified Natural Resources Professional and
 27 shall include the following information:
 - 28 a. The location of the impact to the Significant Natural Resource or Impact Area;
 - 29 b. Existing conditions in the SNR or Impact Area prior to disturbance;
 - 30 c. The location of the proposed mitigation area;

- d. A detailed planting plan of the proposed mitigation area with species and densities; and
- e. A narrative describing how the adverse impacts will be mitigated.

2. All replacement or enhancement mitigation shall occur on-site and as close to the affected area as possible. If the Review Authority determines that on-site mitigation is not feasible, off-site mitigation may be allowed in the same stream basin elsewhere within the Urban Growth Boundary of Hillsboro, subject to approval from applicable agencies.

3. Mitigation should follow the re-vegetation standards in the 2007 CWS “Design and Construction Standards for Sanitary Sewer and Surface Water Management, Appendix A Planting Requirements.”

4. All vegetation planted within the mitigation area shall be from the Native Plant List. Species selected for planting shall replace those impacted by the development.

5. Nuisance Plants shall not be planted in the mitigation area.

6. Trees shall be planted at a density at least 5 per 1,000 sq. ft. Shrubs shall be planted at a density of at least 10 per 1,000 sq. ft.

C. Requirements From Other Agencies. When mitigation is also required by DSL, the Corps, and/or CWS, a copy of the mitigation plan prepared for those agencies shall be submitted to the Review Authority. The City shall not issue a development permit until all applicable Regional, State and Federal permit approvals have been granted.

D. Mitigation Not Otherwise Regulated. When mitigation is required by this Section for adverse impacts to areas not otherwise regulated by the DSL, the Corps, or CWS, a mitigation plan prepared by a Qualified Natural Resources Professional shall be submitted to the Review Authority.

12.27.255 Natural Resource Management Plans for Major Transportation Facilities

A. Where Allowed. To protect public health and safety, airports and other major public transportation facilities may require regulatory flexibility in addressing natural resource management issues. Public agencies responsible for major transportation facilities (such as ODOT or the Port of Portland) may prepare and submit a Natural Resource Management Plan application for consideration by the Planning Commission.

B. Exceptions. Natural Resource Management Plans may request approval for exceptions to the following requirements of this Code:

- 1. Section 12.80.130 Approval Criteria for an SNRP;
- 2. Section 12.27.245 Development Standards; and/or
- 3. Section 12.27.250 Compensatory Mitigation Standards.

C. Type III Process. An application for approval of a Natural Resource Management Plan shall include all of the submittal requirements for a major SNRP pursuant to Section 12.80.130. Natural Resource Management Plan applications shall be subject to the Type III procedures in Section 12.70.050, and shall be heard by the Planning Commission.

- 1 D. Approval Criteria. The Planning Commission may grant approval of a Natural Resource
2 Management Plan upon satisfaction of the following criteria:
- 3 4. The Plan substantially conforms to the purposes of the SNRO zone; and
- 4 5. The Plan will improve the overall functions and values of the SNR sites within the Plan area.

1 **12.27.300 CRO Cultural Resource Overlay.** The Cultural Resource Overlay includes the
2 following sections:

- 3 12.27.310 Purpose
- 4 12.27.320 Applicability and Boundary Delineation
- 5 12.27.330 Addition to the CRO
- 6 12.27.340 Removal from the CRO
- 7 12.27.350 Routine Maintenance of Cultural Resource Structures
- 8 12.27.360 Minor Cultural Resource Alterations Permitted with Type II Approval
- 9 12.27.370 Major Cultural Resource Alterations Permitted with Type III Approval
- 10 12.27.380 Provision for Additional Open Space on Cultural Resource Sites

11 **12.27.310 Purpose.** The Cultural Resource Overlay zone (CRO) is established to identify and
12 manage cultural resources, in order to:

- 13 A. Promote public awareness and appreciation of the community’s social, political, economic, and
14 architectural and archaeological history, and advance civic pride and identity;
- 15 B. Contribute to the community’s economy and enhance local property values;
- 16 C. Provide required protection for Cultural Resources: the provisions of this chapter meet
17 Statewide Planning Goal 5 (ORS 197.015 (8)) and OAR 660, Division 23 to inventory and
18 protect Significant Cultural Resources according to specific procedures, standards and
19 definitions. Cultural Resources are those sites designated as such on the Cultural Resource
20 Inventory after designation pursuant to Section 12.27.320 below.
- 21 D. Balance preservation with alternative land Uses. Standards in this chapter conserve and protect
22 Cultural Resources while allowing reasonable economic use of property where adverse impacts
23 to the resources can be mitigated.
- 24 E. Evaluate development proposals. Standards in this chapter provide means to evaluate permitting
25 development that affects Cultural Resources.

26 **12.27.320 Applicability and Boundary Delineation.**

- 27 A. Application. The Cultural Resource Overlay (CRO) applies to properties designated by City
28 Council Resolution or Ordinance as Cultural Resources and regulated as Goal 5 resources. The
29 list of designated Cultural Resources is referred to as the Cultural Resource Inventory Map. The
30 CRO is also applied upon annexation to any site designated as a Cultural Resource on a
31 Washington County Community Plan Map.
- 32 B. Application within Conservation District. If a designated Cultural Resource site is located within
33 a Conservation District, the more strict provisions of the Cultural Resource Overlay zone shall
34 supersede the requirements of the Conservation District.
- 35 C. Cultural Resource Designation Boundary.
 - 36 1. Unless otherwise specified, the boundary of a Cultural Resource site shall be the property
37 lines of the lot on which the Resource is located. The boundary of the resource site may be
38 modified through approval of a Major Cultural Resource Alteration pursuant to Section
39 12.27.360.

1 2. Notwithstanding Subsection 1 above, the provisions of this section shall be applied only to
2 the structures or features specifically included in the designation: structures or features not
3 included in the designation are not subject to the provisions of this section.

4 D. Unless otherwise specified, the boundary of a Cultural Resource site shall be the property lines
5 of the lot on which the Resource is located. However, the provisions of this section shall be
6 applied only to the structures or features specifically included in the designation: structures or
7 features not included in the designation are not subject to the provisions of this section.

8 E. Modification of Designation Boundary. Upon recommendation of the Historic Landmarks
9 Advisory Committee, the Planning Commission may modify the boundary of a Cultural
10 Resource designation to reflect removal of accessory structures or redevelopment of portions of
11 the larger lot. Such modification shall be processed as a major CRA under Section 12.80.030.

12 F. Compliance Required. No designated cultural resource in the CRO shall be altered, relocated or
13 demolished without compliance with this subchapter.

14 **12.27.330 Addition to the CRO.**

15 A. Additions. The Cultural Resource Overlay may be applied to properties upon application either
16 by the property owner or by the City, under the provisions of this section.

17 1. Addition to the CRO by the Property Owner. A property owner may nominate his or her
18 property to the Cultural Resource Inventory by providing responses to the criteria in
19 Subsection D below to the Historic Landmarks Advisory Committee. The HLAC shall then
20 review the nomination and adopt findings and a recommendation to the Planning
21 Commission. The Planning Commission's recommendation shall be forwarded to the City
22 Council for final designation.

23 2. Addition to the CRO by the City. The Historic Landmarks Advisory Committee may
24 nominate to the Cultural Resource Inventory any site within the City which is determined to
25 have potential cultural significance, based on the criteria in Subsection D below.

26 B. Review by the HLAC, Planning Commission and City Council.

27 1. Following consideration of an owner-initiated nomination as described in Subsection A.1
28 above or the nomination and determination of potential cultural significance as described in
29 Subsection A.2 above, the Historic Landmarks Advisory Committee shall forward its
30 findings and recommendation to the Planning Commission.

31 2. The Planning Commission shall receive the HLAC findings and recommendation, and shall
32 review the nomination under the following process:

33 a. In the case of an HLAC-initiated nomination, notification shall be sent by registered mail
34 to the owner of record of the affected property as determined by the Washington County
35 Tax Assessor. The notice shall include an explanation of the property owner's rights to
36 refuse to consent to the application of the CRO pursuant to Subsection C below, and the
37 date, time and place of the Planning Commission public hearing as described in
38 Subsection c, below;

1 b. At least 20 days after mailing the notice to the property owner, the Planning Commission
2 shall hold a public hearing on the nomination. Notice of the hearing shall be mailed in
3 accordance with Type III notice procedures in Subsection 12.70.050.F. In addition,
4 mailed notice shall also be provided to recognized local and County historical societies
5 and to the State Historic Preservation Office.

6 c. At the public hearing, the Planning Commission shall receive the findings and
7 recommendation of the Historic Landmarks Advisory Committee, and shall review the
8 nomination based on the criteria listed in Subsection D. The Planning Commission shall
9 also analyze the significance of the resource and the environmental, social, economic and
10 energy consequences of allowing, limiting, or prohibiting Uses which would conflict with
11 the Cultural Resource designation and its impact or conflicts with Uses allowed by the
12 underlying base zone.

13 3. Following its review and analysis, the Planning Commission shall make findings with respect
14 to the criteria in Subsection D, and shall provide a recommendation to the City Council
15 concerning the proposed designation.

16 4. The City Council shall consider the findings and recommendations of the HLAC and the
17 Planning Commission and may by Ordinance apply the CRO to any site found to be
18 culturally significant, thereby adding the site to the Cultural Resource Inventory.

19 C. Owners' Ability to Decline Nomination. At any time prior to Council action on the nomination,
20 the affected property owner or owners of record may refuse to consent to the application of the
21 CRO and the addition of the site to the Cultural Resource Inventory. This refusal to consent
22 shall be made in writing and filed with the Planning Director. The receipt of a refusal to consent
23 shall remove the property from any continued consideration for application of the CRO or listing
24 in the Cultural Resources Inventory.

25 D. Criteria for Application of the CRO and Inclusion in the Cultural Resource Inventory. Sites
26 nominated for application of the CRO shall be evaluated for cultural significance under the
27 following criteria:

28 1. The site is located within the city limits;

29 2. The building, structure, site, or object is over 50 years of age or of exceptional importance;

30 3. The site possesses sufficient historic integrity, meaning that there are no major alterations or
31 additions that have obscured or destroyed the significant historic features. Major alterations
32 that may destroy historic integrity include, but are not limited to, the following:

33 a. Changes in pitch of the main roof;

34 b. Enlargement or enclosure of windows on principal facades;

35 c. Addition of upper stories or the removal of original upper stories;

36 d. Covering the exterior walls with non-historic materials;

37 e. Moving the resource from its original location to one that is dissimilar to the original;
38 and/or

39 f. Additions which significantly detract from or obscure the form and appearance of the
40 historic resource when viewed from the public right-of-way.

- 1 4. The site has historic significance as demonstrated by meeting at least one of the following
2 criteria:
- 3 a. Association with events that have made a significant contribution to the broad patterns of
4 city, county, state, or national history; and/or
- 5 b. Association with the lives or persons significant in our past; and/or
- 6 c. Embody the distinctive characteristics of a type, period, or method of construction or that
7 represent the work of a master, or that possess high artistic values, or that represent a
8 significant and distinguishable entity whose components may lack individual distinction;
9 and/or
- 10 d. Have yielded, or may be likely to yield, information important in prehistory or history.

11 **12.27.340 Removal from the CRO and Inventory.**

- 12 A. Removal. The Cultural Resource Overlay may be removed from properties either by the
13 property owner or by the City, under the provisions of this Section. Removal of a property from
14 the Overlay automatically removes the site from the Inventory.
- 15 B. Objection to Listing by Original Owner. The property owner of record of a site listed on the
16 Cultural Resources Inventory before September 1, 2000, may request removal of the site from
17 the Inventory by submitting a written request to the Planning Director if that party still owns the
18 property and filed an objection to the original listing of the property.
 - 19 1. The request shall specifically describe the site and shall include evidence documenting the
20 formal objection of the property owner of record at the time the property was listed on the
21 Cultural Resource Inventory.
 - 22 2. The Planning Director shall submit the request to the Planning Commission for adoption of a
23 resolution acknowledging the request and forwarding the request to the City Council for
24 approval. The Planning Commission shall not conduct a public hearing on the request, but
25 may recommend that the City Council conduct a hearing.
 - 26 3. Upon receipt of the resolution of the Planning Commission, the City Council shall adopt a
27 resolution removing the site from the Cultural Resources Inventory. The City Council may,
28 but need not, conduct a public hearing on the request.
 - 29 4. The City Council may require that the site be documented in a manner consistent with
30 accepted historic site documentation practices. The City shall not issue a permit for
31 demolition or modification of a site subject to this subsection for at least 120 days from the
32 date of the resolution removing the site from the Cultural Resources Inventory.
- 33 C. Other Circumstances. In the absence of an objection to the initial listing, the property owner of
34 record of a site in the CRO may also request removal of the CRO by submitting a written request
35 to the City.
 - 36 1. The request shall cite the reasons why the property owner believes the site no longer qualifies
37 as a designated cultural resource, based on the criteria listed in Subsection 12.27.320.D.
 - 38 2. The HLAC shall consider the request, based on the criteria in Subsection 12.27.320.D, and
39 shall forward its findings and recommendation to the Planning Commission.

- 1 3. The Planning Commission shall hold a public hearing on the request. Notice of the hearing
2 shall be mailed in accordance with Type III notice procedures in Subsection 12.70.050.F. In
3 addition, mailed notice shall be provided to recognized local and County historical societies,
4 and to the State Historic Preservation Office.
- 5 4. At the public hearing, the Planning Commission shall receive the findings and
6 recommendation of the HLAC and any testimony submitted by interested parties.
- 7 5. Following receipt of testimony, the Planning Commission shall deliberate and analyze the
8 significance of the resource site and the environmental, social, economic and energy
9 consequences of removing the Cultural Resource designation. Based on that analysis, the
10 Planning Commission shall determine whether to approve or deny the request. A decision to
11 approve the request shall be made as a recommendation to the City Council. A decision to
12 deny the request shall be final unless appealed.
- 13 6. The City Council shall receive and consider the recommendation from the Planning
14 Commission to remove the CRO from the site, and may remove the CRO by ordinance. The
15 Council may also choose to conduct its own public hearing on the recommendation.
- 16 7. The City shall not issue a permit for demolition or modification of a site subject to this
17 subsection for at least 120 days from the date of a resolution removing the site from the
18 Cultural Resources Inventory.

19 D. Removal Following Alteration, Relocation or Demolition. Following approval of an application
20 to alter, relocate or demolish a designated cultural resource pursuant to Section 12.80.030 the
21 HLAC may re-evaluate the site's conformance with the criteria in Subsection 12.27.320.D.

- 22 1. If the HLAC finds that the site no longer conforms to the criteria in Subsection 12.27.320.D,
23 the HLAC shall forward findings and a recommendation to the Planning Commission.
- 24 2. Following receipt of the HLAC recommendation, the Planning Commission shall hold a
25 public hearing on the proposed removal pursuant to Subsections C.3 through C.5 above.
- 26 3. The City Council shall receive and consider the recommendation from the Planning
27 Commission to remove the CRO from the site, and may remove the CRO by ordinance. The
28 Council may also choose to conduct its own public hearing on the recommendation.

29 E. Removal Following Unintentional Demolition. If a Resource structure is damaged by accident,
30 fire or natural disaster beyond the owner's control to the extent that it no longer retains the
31 characteristics which made it eligible for the Cultural Resource Inventory, the Planning Director
32 shall prepare an ordinance for Council approval to remove the site from the Cultural Resource
33 Inventory.

34 **12.27.350 Routine Maintenance of Cultural Resource Structures.**

- 35 A. The following types of routine maintenance are permitted without a Cultural Resource Alteration
36 approval, except as provided in Subsection B, below:
 - 37 1. Repair or maintenance activities which do not affect the appearance of an architectural
38 feature;
 - 39 2. Foundation repair or replacement, provided that the foundation material is similar to the
40 original material and the new foundation does not raise or lower the building elevation;

3. Repair and restoration using original or existing materials;
 4. Repair or replacement of deteriorated materials at the identical size, materials, and configuration as the original materials;
 5. Addition of fencing;
 6. Construction of detached accessory structures compliant with the following standards:
 - a. The provisions of Section 12.40.100, regarding height, area, setbacks, and separation;
 - b. Placement behind the rear building plane of the Resource structure; and
 - c. Structural height, massing, and rooflines consistent with the Resource structure.
 7. Changes in landscaping newer than the resource structure, or addition of landscaping if there was none originally;
 8. Removal of any landscape feature which the Public Works Director deems a hazard to public safety.
- B. Routine maintenance as described in Subsection A.1 through A.7 does not include major improvements such as replacement of siding, windows, or roofing throughout the structure.

12.27.360 Minor Cultural Resource Alterations Permitted with Type II Approval.

- A. Alterations Permitted with Type II Approval. Except as provided under Subsection B below, certain alterations may be permitted in the CRO upon approval of an administrative Minor Cultural Resource Alteration (CRA). The criteria for approval of a minor CRA are listed in Section 12.80.030. An application for a minor CRA shall be processed as a Type II procedure under the provisions of Section 12.70.040. The following alterations may be permitted upon approval of a Minor CRA:
1. Alteration, relocation or demolition of an accessory building less than 50 years old, unless the site is on the National Register of Historic Places;
 2. Application of wood-framed storm windows;
 3. Removal of structural additions less than 50 years old, unless the site is on the National Register of Historic Places, or the structural addition is of exceptional significance;
 4. Structural or architectural feature additions to any designated structure if such addition or feature is not visible from the public right-of-way and the addition does not necessitate the removal of an original feature; and
 5. Demolition of any structure which the Building Official deems a dangerous building.
- B. The Planning Director may determine that an application for Minor Cultural Resource Alteration should be processed as a Type III procedure, based on the factors in Subsection 12.80.030 C 3.
- C. Negative Impacts Minimized. Under the provisions of Section 12.80.030, the Planning Director shall work with the applicant, interested citizens and technical staff to minimize the negative impact of the proposed action, wherever possible.

1 D. Minor CRAs Reported to HLAC. The Planning Director shall provide a monthly report to the
2 HLAC and the Planning Commission of all minor Cultural Resource Alteration applications and
3 approvals.

4 **12.27.370 Major Cultural Resource Alterations Permitted with Type III Approval.**

5 A. Alterations Permitted with Type III Approval. The following alterations may be permitted in the
6 CRO subject to the listed standards, upon approval of a quasi-judicial Major Cultural Resource
7 Alteration. The criteria for approval of a major CRA are listed in Section 12.80.030. An
8 application for a major CRA shall be processed as a Type III procedure under the provisions of
9 Section 12.70.050.

- 10 1. Demolition of a designated structure or removal of an original landscape feature, except a
11 dangerous structure or landscape feature under Subsection 12.27.350.A.5;
- 12 2. Relocation of a designated structure;
- 13 3. Alteration, relocation or demolition of an accessory building over than 50 years old, or any
14 accessory building on a site on the National Register of Historic Places;
- 15 4. Removal of any original architectural feature or any feature over 50 years old;
- 16 5. Structural or architectural feature additions to any designated structure if such addition or
17 feature is visible from the public right-of-way and the addition necessitates the removal of an
18 original feature; and
- 19 6. Removal of any landscape feature if the landscape feature is comparable in age to the
20 structure and is not deemed by the Building Official to be a hazard to public safety.

21 B. Negative Impacts Minimized. The HLAC and the Planning Commission shall work with the
22 applicant, interested citizens and technical staff to minimize the negative impact of the proposed
23 action, wherever possible.

24 **12.27.380 Provision for Additional Open Space on Cultural Resource Sites.**

- 25 A. At the applicant's discretion, additional open space area may be set aside around designated
26 Cultural Resource features upon development of a larger site. If set aside, the additional open
27 space around the features may be subtracted from the net area of the development for purposes of
28 residential density calculation.
- 29 B. Additional open space so set aside shall be identified on the final plat (or final development plan
30 if no land division is involved) as a conservation easement or a separate permanent open space
31 tract.
- 32 C. Responsibility for maintenance and preservation of such tracts or easements shall be specified in
33 covenants, conditions, and restrictions or other legal instrument subject to approval by the
34 Review Authority.

1 **12.27.400** **ASCO Airport Safety and Compatibility Overlay.** *[Section heading reserved]*

1 **12.27.500 PUD Planned Unit Development Overlay.** The Planned Unit Development Overlay
2 includes the following sections:

- 3 12.27.510 Purposes
- 4 12.27.520 Distinction from other Overlay Zones / Applicability
- 5 12.27.530 Administrative and Regulatory Coordination
- 6 12.27.540 Uses and Activities Permitted
- 7 12.27.550 Applications and processes for land use approval
- 8 12.27.560 Establishment or modification of PUD boundaries

9 **12.27.510 Purposes.** The Planned Unit Development (PUD) Overlay zone is established for the
10 following purposes, as cited in Subsection 12.80.120.A:

- 11 A. To encourage flexibility, innovation, and diversity in location and design of structures and
12 improvements consistent with the Comprehensive Plan, the applicable base zone(s), and
13 applicable standards;
- 14 B. To allow consideration of special Adjustments to Code standards within the context of the
15 overall development project, thereby balancing the request for the Adjustments with desirable
16 results that improve community livability;
- 17 C. To allow more efficient site design for land Uses, buildings, and circulation, energy and utility
18 systems;
- 19 D. To preserve existing landscape features and natural resources, and better integrate such features
20 and resources into site design;
- 21 E. To provide usable and suitably sited public and common facilities; and
- 22 F. To provide greater compatibility with surrounding land Uses than a project compliant with
23 conventional zoning.

24 **12.27.520 Distinction from other Overlay Zones / Applicability.**

- 25 A. Distinction from other Overlay Zones. The PUD overlay zone is unique, due to its creation as a
26 result of an application from the property owner and a discretionary decision by the city, rather
27 than as application as a response to existing site characteristics.
- 28 B. Applicability. The PUD overlay may be applied on one or more properties of any size in any
29 zone, upon application by the property owner and approval by the Review Authority.
30 Development on the properties cited in Subsection 12.80.120.B requires approval of a PUD
31 overlay.

1 **12.27.530 Administrative and Regulatory Coordination.** The regulations of other agencies may
2 apply to development proposals on properties within a PUD. The City will notify affected agencies of
3 specific development proposals prior to the issuance of City permits. Applicants are encouraged to
4 contact affected agencies before development plans are completed to determine requirements and
5 restrictions that may be imposed by those agencies.

6 **12.27.540 Uses and Activities Permitted.**

- 7 A. Residential and Mixed-Use Zones. In residential and Mixed-Use zones, PUD concept plan
8 approval allows development of a site with a mixture of Uses as listed in Subsection
9 12.80.120.C.1, subject to the density provisions of the underlying zone. Requests for additional
10 density shall be considered under the provisions of Subsections 12.80.156 and 12.80.158 A.
- 11 B. Commercial and Industrial Zones. In areas designated Commercial or Industrial on the
12 Comprehensive Plan Map, PUD concept plan approval allows development of a site with Mixed-
13 Uses subject to the limitations listed in Subsection 12.80.120.C.2.
- 14 C. Regulations on Permitted Uses or Activities. In a PUD, use categories status or development
15 standards of the underlying base zone may be modified or supplemented to accomplish the stated
16 purpose of the PUD, as cited in Subsection 12.80.120.A.

17 **12.27.550 Application and Process for PUD Approval.** See Sections 12.80.120 and 12.80.122.

18 **12.27.560 Modification of PUD Boundaries.** See Section 12.80.100.

1 **12.27.600 SID Special Industrial District.** The Special Industrial District includes the following
2 sections:

- 3 12.27.610 Purpose
- 4 12.27.620 Applicability
- 5 12.27.630 Administration
- 6 12.27.640 Regulations on Permitted Uses or Activities
- 7 12.27.650 Establishment or Modification of Overlay Boundaries

8 **12.27.610 Purpose.** The Special Industrial District (SID) is an overlay zone supplementing the
9 provisions of the underlying I-P Industrial Park zone. The purposes of the Special Industrial District
10 are:

- 11 A. To protect and enhance development opportunities for industrial Uses which may require large
12 sites in a planned campus industrial park setting;
- 13 B. To provide opportunities for small- and medium-sized industrial Uses, compatible with planned
14 campus industrial parks, to locate near large single user industrial Uses; and
- 15 C. To preserve large lots for single major industrial Uses until such time as there is no demonstrated
16 demand or need for such large lots.

17 **12.27.620 Applicability.** The SID overlay zone may be applied only on properties designated
18 Industrial on the Comprehensive Plan Land Use Map, located within the following boundaries:

- 19 • North Boundary: NW West Union Road
- 20 • South Boundary: NW Jacobson Road
- 21 • East Boundary: Western edge of the Burlington Northern Railroad right-of-way
- 22 • West Boundary: Eastern edge of the Bonneville Power Administration easement

23 **12.27.630 Administration.** The purposes of the SID overlay zone are administered and
24 implemented through the land division process under Section 12.80.090 and the Development Review
25 process under Section 12.80.040.

26 **12.27.640 Regulations on Permitted Uses or Activities.**

- 27 A. Exceptions to the Underlying Zoning.
 - 28 1. Development in the SID overlay zone shall conform to the base zone development standards
29 of the I-P Industrial Park zone as contained in Section 12.25.200, except that the minimum
30 lot size for development in the SID shall be one acre.
 - 31 2. Within the SID overlay zone, development and land division shall comply with the following
32 standards:
 - 33 a. Lots of record < 5 acres. The minimum lot size for land divisions and development on
34 lots of record 5 acres or smaller is 1 acre.

1 b. Lots of Record < 30 acres. Except as provided in Subsection D, contiguous lots of record
2 in common ownership totaling between 5 and 30 acres shall be divided only in
3 compliance with Subsection B or C below.

4 B. Reconfiguration of Contiguous Lots in One Ownership. New lots smaller than 30 acres may be
5 created when all contiguous lots of record in common ownership meet all of the following
6 requirements:

- 7 1. The number of newly created lots is the same or fewer than the number of original lots;
- 8 2. The newly created lots are configured to better allow aggregation than the original lots;
- 9 3. The reconfiguration includes all contiguous lots of record in the common ownership;
- 10 4. If the contiguous lots in common ownership total more than 30 acres, the proposed
11 reconfiguration retains at least one 30 acre parcel. This 30 acre may be further divided
12 pursuant to Subsection C below; and
- 13 5. The reconfiguration shall be processed as a Type II application under the provisions of
14 Section 12.70.040.

15 C. Staged Development. Lots of record or contiguous lots of record in common ownership, which
16 total more than 30 acres, may be divided into lots smaller than 30 acres subject to the following
17 restrictions:

- 18 1. No more than 20% of the total acreage may be divided into lots smaller than 30 acres, except
19 under Subsections 2, 3, and 4 below.
- 20 2. After Development Review approvals pursuant to Section 12.80.040 or building permits have
21 been issued on 60% of the lots or 60% of the total acreage, an additional 20% of the original
22 land area may be divided into lots smaller than thirty (30) acres.
- 23 3. The staged land division described in Subsection 2 above may continue in 20% increments,
24 provided that at least one 30 acre lot, suitable for a single major industrial use, remains
25 undivided within the original lot or lots.
- 26 4. The final 30 acre lot may be divided in accordance with this section only under a Type III
27 subdivision application process pursuant to Section 12.80.098. To approve the final lot
28 division, the Review Authority must find that the current supply of 30 acre or larger vacant
29 lots in the SID, or in a County industrial zone with substantially similar land division
30 restrictions, is adequate to supply the present and projected county-wide demand for large
31 lots if the final lot is divided.
- 32 5. Upon compliance with Subsections 1 through 4 above, division of the final 30 acre lot is not
33 subject to the requirements of this section.

34 D. Exceptions to Lot Division Requirements.

- 35 1. Transportation Plan Implementation. Lots of record or contiguous lots of record in common
36 ownership larger than 30 acres may be reconfigured or divided into smaller lots to the extent
37 necessary to allow the dedication and/or construction of public Collector or Arterial
38 roadways to implement Comprehensive Plan Section 13 Transportation.

- 1 2. Natural & Hazard Areas. Lots of record or contiguous lots of record in common ownership
2 larger than 30 acres may be reconfigured or divided into smaller lots to accommodate the
3 following conditions:
- 4 a. The presence of a natural division of the lot(s) by a significant natural resource area,
5 flood hazard area or other resource or hazard designation in which standards may restrict
6 development under Subsection 12.27.100 or 12.27.200; or
- 7 b. The intent to divide the lot(s) to provide for separate common or public ownership of
8 natural areas, flood hazard areas or other natural resource or hazard areas within an
9 industrial park.
- 10 3. Division of Remaining Lots. Smaller lots remaining after the reconfiguration or division of a
11 larger lot or lots of record remain eligible for further reconfiguration or division pursuant to
12 Subsections B and C above. In calculating the land area involved in a subsequent
13 reconfiguration or land division, the land area of the original lots at the time of annexation
14 shall be used.

15 **12.27.650 Establishment or Modification of Overlay Boundaries.** The boundaries of the SID
16 overlay zone as described in Section 12.27.620 are not subject to modification.

1 **SUBCHAPTER 12.30**

2 **NON-CONFORMING SITUATIONS: USES, STRUCTURES, AND LOTS**

- 3 **12.30.100 Purpose of Regulating Non-Conforming Situations; Examples**
4 **12.30.200 Status and Documentation of a Non-Conforming Situation**
5 **12.30.300 Exceptions to Non-Conforming Situation Requirements**
6 **12.30.400 Continuation of Non-Conforming Uses**
7 **12.30.500 Discontinuation or Change of Non-Conforming Uses, Structures, or Lots**
8 **12.30.600 Alteration or Expansion of Non-Conforming Developments**
9 **12.30.700 Destruction of a Non-Conforming Use or Structure**
10 **12.30.800 Enlargement or Expansion of Non-Conforming Uses or Structures**
11 **12.30.900 Restricted Non-Conforming Uses in Light Rail Zones**

1 **12.30.100 Purpose of Regulating Non-Conforming Situations; Examples.**

2 A. Purpose. Legally compliant Uses, structures or lots become non-conforming when a zone or
3 development standard applicable to the Use or site changes, and the existing Uses or structures
4 would no longer be allowed under the changed zoning. Requiring non-conforming Uses or
5 structures to immediately conform to the changed zoning would be a significant hardship on
6 property owners, residents, and businesses. Regulating non-conforming situations such as Uses,
7 structures and lots limits the expansion of such situations over time and encourages future Uses
8 and development toward consistency with the Code, eventually bringing such situations into
9 conformance.

10 B. Examples of Non-Conforming Situations.

- 11 1. Uses: Lawfully established, pre-existing residential Uses in commercial or industrial zones,
12 or residential development with a density lower than the minimum density standard in the
13 base zone or higher than the maximum density standard.
- 14 2. Structures. Lawfully established, pre-existing structures with setbacks, lot coverage, or
15 building heights that are not compliant with existing base zone standards.
- 16 3. Lots. Lawfully established, pre-existing lots of record that do not meet currently applicable
17 base zone dimension or area standards.
- 18 4. Developments. Lawfully-established, pre-existing projects (usually non-residential) which
19 conform to current standards as to use but which have elements such as parking, landscaping,
20 or screening which do not conform with current development standards.

21 **12.30.200 Status and Documentation of a Non-Conforming Situation.**

22 A. Legal Status Required. Non-conforming situation regulations apply only to Uses, structures or
23 lots which were lawfully permitted and compliant with applicable codes when they were created
24 or established or that were approved through a previous land use review. Non-conforming
25 situations not permitted or created in compliance with the applicable standards at the time are not
26 protected as non-conforming situations.

27 B. Documentation Required.

- 28 1. To establish the validity of a non-conforming situation, the property owner or applicant must
29 provide documentation to the Planning Director that a non-conforming Use, structure or lot
30 was permitted and compliant when it was created or established.
- 31 2. The property owner or applicant must also provide documentation to the Planning Director
32 that the non-conforming situation has been continuously maintained since its establishment.
- 33 3. Satisfactory documentation of the non-conforming situation may include, but is not limited to
34 the following:
- 35 • Building permits
 - 36 • Utility hookups
 - 37 • Tax records
 - 38 • Business licenses

- 1 • Telephone directory listings
- 2 • Insurance policies
- 3 • Leases or other legal instruments
- 4 • Dated aerial photos
- 5 • Insurance maps identifying the Use (such as Sanborn Fire Insurance Maps)
- 6 • Land use or development inventories prepared by a government agency
- 7

1 **12.30.300 Exceptions to Non-Conforming Situation Regulations.**

2 A. Non-Conforming Lots of Record. Lots of record or the aggregate of contiguous lots of record
3 under the same ownership, which do not meet the dimensional or area requirements of the
4 applicable base zone, may be developed. Any new structure built on the lot(s) must conform to
5 the development standards for the applicable base zone (such as setbacks, lot coverage, etc.). If
6 the lot area is less than the minimum lot area in the applicable zone, any permitted residential use
7 shall be limited to a detached single-family dwelling.

8 B. Exceptions Regarding Incomplete Projects. This Section does not require changes in plans,
9 construction, or proposed use of a structure for which a land use approval or building permit was
10 issued and substantial construction accomplished (as defined in Section 12.01.500) before
11 adoption of a Code amendment creating the non-conforming situation. However, if the proposed
12 Use would be non-conforming under the revised zoning provision, the Use shall be considered
13 discontinued if it has not begun within two years of the date the building permit was issued.

14

1 **12.30.400 Continuation of Non-Conforming Uses, Structures, and Lots.**

- 2 A. Continuation of Non-Conforming Uses and Structures. A non-conforming Use may be
3 continued indefinitely. The expansion of a non-conforming Use within the same structure is
4 considered a continuation of that use. A non-conforming structure may continue in use
5 indefinitely, provided it is maintained in reasonable repair.
- 6 B. Ownership Status. The status of a non-conforming Use, structure or lot is not affected by
7 changes in ownership.
- 8 C. Alteration of a Non-Conforming Structure. A structure non-conforming as to height, setback, or
9 coverage may be altered, providing the alteration does not increase the deviation from the
10 standards of this Ordinance. Alterations which do not enlarge or expand a non-conforming
11 structure are not subject to the provisions of Section 12.30.800.
- 12 D. Alteration of a Non-Conforming Cultural Resource Structure. In addition to the provisions of
13 this section, alterations of non-conforming structures listed on the Cultural Resource Inventory
14 are subject to the provisions of Section 12.27.300 and 12.80.030 as applicable.

15

1 **12.30.500 Discontinuation or Change of Non-Conforming Uses, Structures, and Lots.**

- 2 A. Discontinuance of Non-Conforming Status. A non-conforming Use of a building, structure, or
3 property shall be considered discontinued if the building, structure, or property ceases for any
4 reason to be occupied by the non-conforming use for one continuous year. The determination of
5 discontinued status may be delayed for up to one year by the Planning Director upon written
6 request, if the applicant provides documentation that the property has been actively marketed for
7 at least six months during the previous, first year.
- 8 B. Permitted Use Required after Discontinuance. If a non-conforming Use is discontinued pursuant
9 to Subsection A above, further use of the building, structure or property shall consist of a use or
10 Uses permitted outright or conditionally.
- 11 C. Change of a Non-Conforming Use or Structure. A non-conforming use or structure may be
12 changed or altered by right to bring it into conformity. After a conforming use occupies a site,
13 the non-conforming rights are terminated and the previous non-conforming use or a different
14 non-conforming use may not be reestablished. A non-conforming use may also be changed to a
15 use permitted outright or as a conditional use in the base zone, subject to review and approval
16 under Section 12.80.020. After an approved conditional use occupies the site, the non-
17 conforming rights are terminated and the previous non-conforming use or a different non-
18 conforming use may not be reestablished.

19

1 **12.30.600 Alteration or Expansion of Non-Conforming Developments.**

2 A. Continuation of Non-Conforming Developments. Non-conforming developments may continue
3 in the previous use unless specifically limited by other regulations in this Code.

4 B. Alterations or Expansions of Non-Conforming Development. Where alteration or expansion of
5 non-conforming developments is subject to the Development Review process pursuant to Section
6 12.80.040, Development Review approval may be conditioned to require compliance with the
7 following base zone standards, to an extent proportional to the proposed changes:

- 8 1. Landscaped setbacks for surface parking and exterior development areas;
- 9 2. Interior parking lot landscaping;
- 10 3. Landscaping in existing building setbacks;
- 11 4. Minimum landscaped area (where land is not used for structures, parking, or exterior
12 improvements);
- 13 5. Screening; and
- 14 6. Paving of surface parking and exterior storage and display areas.

15

1 **12.30.700 Destruction of a Non-Conforming Use or Structure.**

- 2 A. Percentage Destroyed. Except as provided in Subsection C below, if a non-conforming structure
3 or a structure containing a non-conforming Use is destroyed by any cause to an extent exceeding
4 80 percent of the value of the structure, a future structure or use on the property shall comply
5 with the provisions for a conforming use and structure in the zone.
- 6 B. Structural Value. For purposes of Subsection A above, the value of the structure shall be
7 determined by establishment of its replacement cost using current values for labor and new
8 materials. If the Building Official determines there is question as to the percent of the structure
9 destroyed, he shall refer the question to the building board of appeals established by the city
10 building code for determination.
- 11 C. Provisions for Single Family Units. Single family residential structures may be rebuilt in any
12 zone if not deliberately destroyed by the owner, provided the reconstruction of the residence
13 complies with the following standards:
- 14 1. The residence is rebuilt on the same location on the lot, or in compliance with the setback
15 standards for the underlying zone; and
 - 16 2. The square footage of the replacement structure does not exceed the square footage of the
17 original structure by more than twenty percent (20%); and
 - 18 3. If the property is within a zone or Plan District subject to architectural standards, the style of
19 the replacement structure complies with those architectural standards.
- 20

1 **12.30.800 Enlargement or Expansion of Non-Conforming Uses or Structures.**

- 2 A. Limitations on Enlargement or Expansion. In case of practical difficulty or unnecessary
3 hardship, non-conforming Uses or structures outside light rail zones or the AmberGlen Plan
4 District may be enlarged or expanded up to 10 percent in land area, or up to 20% in floor area
5 where structures are involved. Such enlargements or expansions shall not increase the number of
6 dwelling units above the maximum density permitted in the applicable base zone. Requirements
7 for enlargements or expansions in light rail zones are provided in Subsections C and D, below,
8 and in Section 12.30.900. Enlargement or expansion of non-conforming Uses or structures in
9 Plan Districts shall be subject to the standards in the Plan District.
- 10 B. Application Required. Except as provided in specific Plan District standards, non-conforming
11 Uses or structures may be enlarged or expanded only upon approval of a Non-Conforming Use
12 application as described in Section 12.80.110.
- 13 C. Expansion or Enlargement of Cultural Resources. In addition to approval of the provisions of
14 this section, expansions or enlargements of non-conforming structures listed on the Cultural
15 Resource Inventory are subject to the provisions of Section 12.27.300 and 12.80.030 as
16 applicable.
- 17 D. Expansions of Non-Conforming Structures in Light Rail Zones. Except as provided in Section
18 12.30.900, expansions of non-conforming structures in light rail zones may be approved as listed
19 in Subsections 1, 2, and 3 below, subject to approval of a Non-Conforming Use application
20 pursuant to Section 12.80.110.
- 21 1. Additions Between the Existing Structure and the Street. Front yard additions may be
22 permitted without regard to maximum setback requirements subject to compliance with the
23 following criteria:
- 24 a. The front façade of the addition is set back no further from the front property line than
25 the front façade of the existing structure;
- 26 b. No additional parking is proposed between the addition and the front property line;
- 27 c. The addition increases the Floor Area Ratio of the project; and
- 28 d. The construction of the addition does not prevent further additions and increases to the
29 Floor Area Ratio of the project.
- 30 2. Expansion on the Same Property. Additions to non-conforming structures, or construction of
31 new structures on the same property, is allowed without regard to minimum Floor Area
32 Ratios if the resulting Floor Area Ratio exceeds the original, and the siting of the new
33 structures does not prevent further intensification of the Use on the same property.
- 34 3. Expansion onto Adjacent Property. Where existing non-conforming structures are expanded
35 and some portion of the expansion is sited on an adjacent property, the expansion area shall
36 meet the minimum FAR of the applicable base zone if the gross floor area of the expansion
37 on the adjacent property is 40% of more of the net acreage of the adjacent property. If the
38 expansion on the adjacent property is less than 40% of the net acreage, the expansion is
39 exempt from the minimum FAR, provided that the location of the expansion does not prevent
40 further construction on the combined properties.

1 E. Enlargement of Existing Parking Facilities in Light Rail Zones. Existing parking facilities may
2 be enlarged only if the associated Uses of the facility are enlarged. Parking facility enlargements
3 shall comply with the parking ratios in Section 12.50.320 and the design standards in Section
4 12.50.360. Commercial parking facilities are exempt from this standard.
5

1 **12.30.900 Restricted Non-Conforming Uses in Light Rail Zones.**

- 2 A. Restricted Non-Conforming Uses. To promote high intensity land Uses in light rail zones,
3 certain low intensity Uses are restricted due to their low transit ridership. The following land
4 Uses are considered restricted non-conforming Uses where they existed as of August 31, 1996:
- 5 1. Book bindery, except in the SCI or SCBP zone.
 - 6 2. Building materials sales and supplies, excluding hardware stores 10,000 sq. ft. or less in area.
 - 7 3. Retail or wholesale “warehouse” facilities occupying 40,000 sq. ft. or more, where products
8 are sold in institutional sizes or multi-packs.
 - 9 4. Car washes.
 - 10 5. Cemeteries.
 - 11 6. Cold storage plants.
 - 12 7. Commercial or accessory parking structures within 400 feet of a light rail station, unless the
13 first floor is or can be occupied by retail goods and services Uses.
 - 14 8. Commercial or accessory surface parking within 850 feet of a light rail station site, unless the
15 lot is located behind a building.
 - 16 9. Drive- in and drive-through facilities, except as specified in Subsection E, below.
 - 17 10. Electric power generation.
 - 18 11. Farm machinery, equipment or implement sales or service.
 - 19 12. Fuel dealerships and storage yards (including card locks).
 - 20 13. Furniture and appliance stores, excluding stores not exceeding 10,000 square feet in area
21 which provide home delivery.
 - 22 14. Junk yards and motor vehicle wrecking yards.
 - 23 15. Kennels, excluding those accessory to veterinary clinics or medical research facilities.
 - 24 16. Land-extensive recreational facilities, except in the SC-F zone.
 - 25 17. Manufactured home sales lots.
 - 26 18. Mini-warehouses and/or mini-storage units.
 - 27 19. Motels.
 - 28 20. Motor vehicle service, maintenance or repair within 400 feet of a light rail station site
29 boundary, excluding retail or wholesale facilities selling parts and accessories without on-site
30 installation.
 - 31 21. Motor vehicle, recreational vehicle, boat and travel trailer sales, leasing, rental or storage
32 facilities, except offices where the rental vehicles are not stored within 2,600 feet of a light
33 rail station site.
- 34

1 22. Movie theaters with four or more screens, unless structured or joint use parking is available
2 within 800 feet to accommodate 80% of theater patrons. In the SCC-DT zone movie
3 theaters with up to eight screens are permitted without complying with this parking
4 restriction.

5 23. Nurseries and greenhouses, retail and wholesale. In the SCC-DT zone such Uses are not
6 considered restricted if they occupy less than 5000 sq. ft.

7 24. Recreational vehicle parks and campgrounds.

8 25. Seasonal Uses. In the SCC-DT zone, such Uses are not considered restricted.

9 26. Solid waste transfer stations.

10 27. Truck stops.

11 28. Warehouse storage of materials or products not manufactured, assembled, or used in an on-
12 site process, or used in maintenance or operation of on-site facilities.

13 a. Buildings storing materials or products manufactured or assembled and marketed on-site
14 are not considered restricted.

15 b. Buildings constructed before August 31, 1996 that were originally designed to be used
16 primarily for warehouse use are not considered restricted.

17 B. New Restricted Uses Not Permitted. In a light rail zone, the Uses listed in Subsection A above
18 shall not be established as new Uses, and existing structures shall not be converted or remodeled
19 for occupancy by such Uses.

20 C. Destruction of Restricted Non-Conforming Uses. The structures occupied by Uses in Subsection
21 A above, if lawfully pre-existing as of August 31, 1996, may be rebuilt if unintentionally
22 destroyed if the following criteria are met:

23 1. The replacement construction complies with the development and design standards in
24 Section 12.50.700 or 12.50.800 as applicable;

25 2. The Development Review application under Section 12.80.040 is filed and deemed complete
26 under Section 12.70.110 within six months of the date of destruction; and

27 3. Construction begins not more than one year after destruction of the original structure.

28 D. Expansion of Restricted Non-Conforming Uses.

29 1. No Expansion Permitted. Drive-through or drive-in facilities within 400 feet of a light rail
30 station site and surface parking lots adjacent to light rail transit station sites shall not be
31 enlarged or expanded. All other restricted non-conforming Uses may be enlarged or
32 expanded under Subsections 2 or 3 below.

33 2. Up to 20% Expansion Permitted. Except as provided in Subsection 3 below, all other
34 restricted Uses legally established as of August 31, 1996 may be enlarged or expanded up to
35 20% of the gross floor area existing as of August 31, 1996. The expansion shall be subject to
36 the following standards and criteria:

37 a. The applicable standards of the base zone;

38 b. The development and design standards of Section 12.50.700 or 12.50.800 as applicable;

- c. Review and approval of a Non-Conforming Use application pursuant to Section 12.80.110;
 - d. Review and approval of a Development Review application pursuant to Section 12.80.040; and
 - e. The enlargement or expansion is contiguous to the existing square footage occupied by the use.
3. No Limit on Expansion. The restricted Uses listed below, if legally established in the SCC-DT zone as of August 31, 1996, may be enlarged or expanded with no percentage limitation on the size of the expansion. The expansion shall be subject to the standards and criteria listed in Subsection 2 above:
- a. Car washes;
 - b. Drive-through and drive-in facilities farther than 400 feet from a light rail station site;
 - c. Furniture and appliance stores;
 - d. Motels; and
 - e. Motor vehicle service, maintenance and repair facilities.
- E. Drive-in and Drive-Through Facilities in Light Rail Zones. New drive-in and drive-through facilities in light rail zones shall be restricted as follows:
1. Within 400 feet of a Light Rail Station Site. New facilities Not Permitted except in the SCC-DT zone as provided in Subsection 4 below.
 2. Between 401 and 850 Feet from a Light Rail Station Site. New facilities may be permitted if the facility has been documented by the applicant not to be the primary method of sales of service. If such facilities are Not Permitted or restricted in a particular light rail zone, the more restrictive provisions shall apply.
 3. Farther than 850 feet from a Light Rail Station Site. New facilities may be permitted if the use is permitted in the district, subject to the following standards and criteria:
 - a. The applicable standards of the base zone;
 - b. The development and design standards of Section 12.50.700 or 12.50.800; as applicable, and
 - c. Review and approval of a Development Review application pursuant to Section 12.80.040.
 4. In the SCC-DT Zone. New facilities may be permitted subject to the standards and criteria in Subsection 3 above and the following criteria:
 - a. The facility consists of only one drive-through lane or window;
 - b. The drive-through lane or window and its access drive are designed to minimize disruption of on- and off-site pedestrian and bicycle traffic; and
 - c. The facility has been documented by the applicant not to be the primary method of sales or service.

1 **SUBCHAPTER 12.40**
2 **SPECIAL USE STANDARDS**

- 3 **12.40.010 Purpose**
4 **12.40.020 Applicability**
5 **12.40.030 Organization**
6 **12.40.100 Accessory Structures and Equipment**
7 **12.40.110 Animal Service Facilities**
8 **12.40.120 Automobile Service Station**
9 **12.40.130 Bed and Breakfast Inns**
10 **12.40.140 Cemeteries**
11 **12.40.150 Day Care Facilities**
12 **12.40.160 Flag Lot Development**
13 **12.40.170 Home Occupations**
14 **12.40.180 Manufactured Dwelling Parks**
15 **12.40.190 Manufactured Dwellings Placed Outside Parks**
16 **12.40.200 Model Home as Project Sales Office**
17 **12.40.210 Public Assembly Facilities**
18 **12.40.220 Recreational Vehicle and Boat Storage**
19 **12.40.230 Secondary Dwelling Units**
20 **12.40.240 Telecommunication Facilities**
21 **12.40.250 Temporary Commercial Activities at Stadiums**
22 **12.40.260 Utility Facilities**
23 **12.40.270 Vehicle Wrecking Yards**
24

1 **12.40.010 Purpose.** This subchapter lists development requirements for specific Uses which may
2 be permitted either outright or as Conditional Uses in one or more zones. Specific standards are
3 necessary for these Uses due to their potential impacts on neighboring properties.

4 **12.40.020 Applicability.** Specific Uses listed in this subchapter are subject to the base zone
5 standards in Subchapters 12.21 through 12.26, the development and design standards in Subchapter
6 12.50, and any applicable overlay zone standards or Plan District standards in Subchapters 12.27 or
7 12.60 through 12.64. Where special Use standards conflict with other standards in this Code, special use
8 standards supersede base zone standards and development and design standards, but are subordinate to
9 overlay zone and Plan District standards.

10 **12.40.030 Organization.** Each Special Use section includes two subsections: characteristics and
11 standards. Characteristics describe the functional and physical attributes or qualities which most closely
12 describe or define the special Use. Standards include the criteria for approval of the Use and specify its
13 parameters.

14

1 **12.40.100 Accessory Structures and Equipment.**

2 A. Characteristics. Accessory structures are defined in Section 12.01.500, and are used by the
3 residents, customers, or employees of the primary structure(s) on the site. Examples of
4 residential accessory structures include playhouses, storage sheds, detached garages or
5 workshops and greenhouses. Examples of commercial or industrial accessory structures include
6 trash or utility enclosures, storage tanks, and cooling towers. Accessory equipment includes
7 heating, ventilation and air-conditioning devices and communication equipment such as satellite
8 dishes.

9 B. Standards.

- 10 1. Residential accessory structures meeting all the following specifications may be placed
11 within the side or rear yard setbacks of the applicable base zone:
- 12 a. Structural footprint of 450 sq. ft. or less, measured at the outside of the foundation or
13 supports;
 - 14 b. Placement no closer than 3 feet to a property line, with edges of any eaves no closer than
15 2 feet to the property line;
 - 16 c. Separation from any other structure on the site by at least 6 feet;
 - 17 d. One story height (maximum 10 feet, measured mid-point between the roof peak and the
18 roof eave); and
 - 19 e. Placement behind the front building plane of the dwelling.
- 20 2. Residential accessory structures not meeting all the specifications in Subsection 1 above must
21 be placed within the normal building envelope of the applicable zone.
- 22 3. The combined building footprints of primary and accessory structures on a lot cannot exceed
23 the maximum lot coverage standard of the applicable zone.
- 24 4. Accessory equipment, whether installed either on the ground or attached to a structure, shall
25 be located outside any required emergency access routes or clearances from the structure.

26 **12.40.110 Animal Service Facilities.**

27 A. Characteristics. Animal service facilities are defined in Section 12.01.500. Facilities providing
28 overnight pet care may include living quarters for facility operators. Animal service facilities do
29 not include keeping of domesticated animals in compliance with Municipal Code Section 6.20.

30 B. Approval Process. Animal service facilities primarily enclosed within a building, or having
31 exterior yards for supervised activity only, may be permitted as an outright use in certain zones,
32 subject to Section 12.80.040. Where allowed, facilities with outdoor runs allowing unsupervised
33 activity are permitted only as Conditional Uses under Section 12.80.020.

34 C. Additional Information on Applications. An application for an animal services facility or for
35 accessory outdoor exercise areas shall specify the following operational conditions of the facility
36 or area:

- 37 1. Average number of animals kept during a 24-hour period, weekdays and weekends, and
38 maximum number of animals kept during peak periods;

2. On-site pick-up / drop-off vehicle circulation patterns;
3. Interior and exterior noise attenuation materials to be used, including but not limited to solid exterior noise barriers and enhanced interior building insulation;
4. Visual screening of outdoor exercise areas or runs;
5. Sanitation measures for outdoor exercise areas;
6. Staffing levels during all hours of operation; and
7. Schedule and scale of training, competition, or show activities generating additional vehicular traffic or on-site activities.

D. Standards for Outdoor Exercise Areas. Accessory outdoor exercise areas shall comply with the following standards:

1. Not more than 10 animals per 1000 square feet of outdoor exercise area shall be permitted in the area at any given time;
2. Outdoor exercise areas shall be fully screened from adjacent properties and from public right-of-way;
3. Noise attenuation measures shall be provided on the walls or fences of outdoor exercise areas, to mitigate animal generated noise. This standard will be considered met if the applicant provides documentation from a qualified sound engineer that the sound attenuation measures will ensure compliance with the following standards:
 - a. Animal-generated noise at any property line of the site does not exceed 60 dBA at any time except as provided in subsection b;
 - b. Animal-generated noise above 60 dBA shall be allowed on an “infrequent” basis within the 12-hour period between 7:00 a.m. and 7:00 p.m. of the same day. In applying this standard “infrequent” is defined as either:
 - i. Continuous animal-generated noise of up to 70 dBA at a property line for no more than ten (10) minutes of the 12-hour period; or
 - ii. Intermittent animal-generated noise of up to 70 dBA at a property line for no more than thirty (30) minutes of the 12-hour period.
 - c. For purposes of measuring “infrequent” sound levels from approved outdoor exercise areas, Hillsboro Municipal Code Section 6.24.030 shall not apply.
4. The effectiveness of these standards may be reevaluated at any time at the discretion of the Planning Commission.

12.40.120 Automobile Service Station.

- A. Characteristics. An automobile service station is a vehicle service and repair use specifically providing primarily vehicle fuel sales, but which may also supply other goods and services, excluding major vehicle repairs, painting, and body work.
- B. Approval Process. Where permitted, automobile service stations are subject to approval as a conditional use under Section 12.80.020.

1 C. Standards. Approval and operation of new automobile service stations shall conform to the
2 following standards:

- 3 1. Location. No service station shall be located closer than 200 feet from any school or public
4 playground and 400 feet from any church, hospital, or residential services facility.
- 5 2. Minimum Required Lot Dimensions.
- 6 a. Lot area: 15,000 sq. ft.
- 7 b. Street frontage (corner lot): 180 feet.
- 8 c. Street frontage (interior lot): 120 feet.
- 9 3. Exterior Lighting.
- 10 a. All site lighting must comply with the standards of Section 12.50.240.
- 11 b. Freestanding light fixtures cannot be higher than 25 feet. Only one freestanding light
12 fixture is permitted for each driveway approach.
- 13 4. Screening. A sight-obscuring fence or wall 6 feet to 8 feet high must be provided between
14 the service station site and abutting property in a residential zone. In the front yard setback
15 the height of the wall or fence must be reduced to 3 ½ feet.
- 16 5. Landscaping. Site landscaping shall comply with Section 12.50.220.
- 17 6. Other required conditions:
- 18 a. Except for small vehicle accessories, sales, storage, and display of merchandise must be
19 conducted within an enclosed building.
- 20 b. Storage of inoperative vehicle or vehicle parts is not permitted for longer than 72 hours,
21 except in enclosed structures.

22 **12.40.130 Bed and Breakfast Inns.**

- 23 A. Characteristics. Bed and Breakfast Inn is defined in Section 12.01.500. Bedroom units in a bed
24 and breakfast inn do not contain individual cooking facilities. The lodging price at a bed and
25 breakfast inn includes the price of a morning meal available only to guests of the inn. Additional
26 rooms or structures may be added onto the original building or site provided the total number of
27 bedroom units remains at five or less.
- 28 B. Approvals Required. Bed and breakfast inns in residential zones must be approved as
29 conditional Uses under Section 12.80.020. Bed and breakfast inns in any zone are subject to
30 review and approval under Section 12.80.040.
- 31 C. Standards. Bed and breakfast inns permitted as Conditional Uses in residential zones must
32 comply with the following standards:
- 33 1. The dwelling to be used as a bed and breakfast inn must have been occupied as a residence
34 for at least five years prior to the date of conditional use application submittal;
- 35

2. The dwelling used as the bed and breakfast inn must be occupied as the primary residence of the person or persons identified as the bed and breakfast operator(s). Primary residence is defined as the operator's permanent residence of record as substantiated by official documents such as driver's license or tax forms;
3. Commercial assembly events, such as weddings, meetings, receptions, or other gatherings for direct or indirect compensation, shall not be held at the inn;
4. No more than an average of five customer vehicles may access the premises on a daily basis;
5. No more than an average of two business related deliveries per day is allowed. Business deliveries shall not restrict pedestrian or vehicular circulation on adjoining public streets and sidewalks;
6. No more than one person who is not a principal resident of the dwelling can be engaged in the operation of the Bed and Breakfast at any one time;
7. A parking plan with the following elements shall be included in the Conditional Use application or the Development Review application:
 - a. On-site parking including the minimum required off-street parking for the residential use and one off-street parking space for each inn bedroom;
 - b. Location of all parking on an all-weather surface within site boundaries, including the driveway leading to the garage/carport vehicle entrance. One parking space may be allowed adjacent to the driveway, in front of the side yard adjacent to the garage/carport, with evidence of written permission from the owner of the property adjacent to the additional space. If no garage/carport is present, then parking shall be designed to minimize its appearance from the street and its impact to adjacent residents, and to maintain a residential appearance for the site; and
 - c. Provision of a solid fence or wall, together with landscaping, to buffer surrounding residents from the adverse effects of headlights and noise from guest or employee vehicles.

12.40.140 Cemeteries.

- A. Characteristics. Cemeteries are land used or intended to be used for interment of the dead. Interment structures such as mausoleums and columbariums, and structures for associated Uses such as mortuaries and crematoria may be included within the boundaries of a cemetery. Accessory structures may include chapels, maintenance buildings and caretakers' dwellings.
- B. Approval Process. Where allowed, cemeteries shall be subject to review and approval under Section 12.80.020 and Section 12.80.040.
- C. Standards. Applications for new cemeteries, mausoleums, or columbariums shall comply with the following standards:
 1. Minimum Lot Size. The minimum lot size shall be 2 acres if used for earthen burials. The minimum lot size for mausoleums and columbariums without earthen burials shall be that of the applicable base zone.
 2. Minimum Lot Size with Accessory Uses: The minimum lot size shall be 5 acres where a mortuary, crematorium, columbarium or mausoleum is included in the cemetery.

- 1 3. Fencing, Landscaping and Irrigation: Fencing, landscaping and irrigation shall be provided
2 consistent with Sections 12.50.220 and 12.50.250.
- 3 4. Plat Requirements: A plat and maintenance agreement shall be recorded prior to sale of lots.
- 4 5. State Requirements: Cemetery operation shall continuously conform to applicable State
5 standards.

6 **12.40.150 Day Care Facilities.**

- 7 A. Characteristics. Day care facilities provide care to children or adults. Child care facilities are
8 defined in Section 12.01.500. As used in this Code, day care facilities applies to the total child
9 or adult care operation and includes the physical setting, administration, staff, equipment,
10 program, and care of children or adults.
- 11 B. Approval Process. Day care facilities may be allowed as either outright or conditional Uses,
12 dependent on the applicable base zone standards.
- 13 C. Exemptions from Standards. Pursuant to ORS 657.250A, certified or registered family child care
14 homes serving 15 or fewer children, or licensed adult day care services facilities serving five or
15 fewer adults, are exempt from the standards in this section.
- 16 D. Standards.
 - 17 1. All day care facilities shall provide on-site circulation and parking plans with adequate
18 capacity to accommodate drop-off and pick-up activities without impeding traffic on the
19 adjacent public streets.
 - 20 2. Child day care facilities shall conform to the following standards:
 - 21 a. A sight-obscuring fence at least four feet but not more than six feet in height shall be
22 provided separating any outdoor play area from abutting lots.
 - 23 b. Child care facilities in residential zones shall be located at the intersection of two
24 neighborhood route streets or on a Collector street.

25 **12.40.160 Flag Lot Development.**

- 26 A. Characteristics. Flag lot developments may be approved for any type of structure on a lot
27 without full street frontage, to which street access is provided by an access strip (the “pole”).
28 The vehicular access to the buildable portion of the lot (the “flag”) may be located on the “pole”
29 or on an easement on an adjacent lot. Creation of flag lots may be restricted by the Review
30 Authority if alternative means of access or lotting patterns is deemed more appropriate by the
31 Review Authority.
- 32 B. Restrictions on Flag Lot Development. The City’s preferred standard for lot configuration is
33 regular lots as defined in Section 12.01.500. Creation of flag lots may be approved only under
34 the limited circumstances listed below:
 - 35 1. In standard zones, where construction of a public cul-de-sac street would prevent
36 achievement of the minimum residential density or any minimum floor area ratio of the
37 applicable zone.

2. Creation of flag lots is Not Permitted in the SCR-OTC zone Station Community Residential - Orenco Townsite Conservation District.
 3. In any light rail zone except the SCR-OTC, creation of flag lots is restricted as listed below:
 - a. Flag lots are Not Permitted unless the Review Authority finds, based on documentation provided by the applicant, that dedication and improvement of a public or private alley is impracticable; or
 - b. Flag lots are Not Permitted on corner lots. The Review Authority may approve reduced lot depths or widths to allow partitioning of a corner lot if there is no possibility of future construction of an alley in lieu of the requested flag lot access.
 4. In a light rail zone, the Review Authority may approve a “temporary” flag lot access if alley right-of-way or easements are not available, and the applicant dedicates or provides a permanent public easement on the rear portion of the flag lot as necessary to provide right-of-way necessary for a future alley. Temporary flag lot access strips shall meet the standards of Table 12.40.160-1 below.
- C. Standards. Flag lot development shall be subject to compliance with the following standards:
1. Creation of flag lots must be approved through a land division process under Section 12.80.090, but is Not Permitted in the SCR-OTC Station Community Residential-Orenco Townsite Conservation zone.
 2. Access strips for flag lots shall be provided at the widths shown in Table 12.40.160-1 below.

**Table 12.40.160-1:
Minimum Access Strip Widths and Driveway Improvements for Flag Lots**

Proposed Development Type	Minimum Access Strip Width	Minimum Driveway improvement width
1 single family dwelling on 1 flag lot	12 feet	See Table 12.50.540-1
2 single family dwellings on 2 adjacent flag lots	8 feet per lot, with shared driveway	
3 single family dwellings on 3 adjacent flag lots	8 feet per lot, with shared driveway	
2 townhomes	8 feet per lot, with shared driveway	
1 duplex	16 feet	
3 multi-family dwellings on 1 flag lot	25 feet with shared driveway	
Commercial, industrial or institutional buildings (any number)	25 feet with shared driveway	

3. Turnaround configuration and dimensions for flag lot driveways and common driveways are subject to approval by City Engineer and Fire Marshal, based on Oregon Fire Code requirements.

- 1 4. Structural setbacks on flag lots shall conform to the requirements of the applicable zone.
2 Setbacks shall be measured as described in Section 12.50.130.
- 3 5. Access, maintenance and utility easements necessary to accommodate and maintain proposed
4 driveway improvements and utilities shall be provided prior to final occupancy of any
5 structures on the flag lots. Easement documents shall be prepared and submitted on forms
6 acceptable to the City.
- 7 6. Each structure on a flag lot shall be served by water, sanitary and storm service connections
8 as required by Table 12.50.540-1. Townhouses on flag lots shall have separate utility
9 connections for each dwelling.

10 **12.40.170 Home Occupations.**

- 11 A. Characteristics. Home Occupations are defined in Section 12.01.500. In appearance and
12 operation, a Home Occupation is a small-scale business activity conducted in a manner neither
13 detrimental nor disruptive to neighboring properties and residents.
- 14 B. Exemptions. The following activities are exempt from the provisions of this Section:
 - 15 1. Garage sales as allowed by Chapter 5.40 of the Hillsboro Municipal Code;
 - 16 2. Child care facilities for up to 16 children or adult day care for up to 12 adults, pursuant to
17 ORS 657A.440 and ORS 657A.250; and
 - 18 3. Residential homes or adult foster homes providing residential treatment or training for up to
19 five adults who are not related to the provider by blood or marriage under ORS 443.705 (1),
20 pursuant to ORS 197.665.
- 21 C. Uses Not Permitted as Home Occupations. The following Uses are Not Permitted as Home
22 Occupations:
 - 23 1. Auto-body repair and painting;
 - 24 2. On-going mechanical repair conducted outside of an entirely enclosed building;
 - 25 3. Junk and salvage operations;
 - 26 4. Storage and/or sale of fireworks; and
 - 27 5. Any other use with characteristics consistent with Home Occupations but non-compliant with
28 these standards.
- 29 D. Standards for Operation. Home Occupations shall operate in on-going conformance with the
30 following standards:
 - 31 1. Operation of a Home Occupation requires issuance of a city business license and renewal as
32 necessary;
 - 33 2. No more than 25% of the floor area of all structures on the lot or 528 square feet, whichever
34 is less, can be used in connection with the Home Occupation or associated storage;
 - 35 3. No one other than the principal residents of the dwelling, and not more than two persons
36 closely related to the principal residents, shall be engaged in the Home Occupation at the
37 dwelling;

- 1 4. No more than one commercially licensed vehicle in excess of one-ton manufacturer's rating
2 shall be utilized or parked at the dwelling unit in connection with the Home Occupation;
- 3 5. No more than an average of ten customer vehicle trips per day area allowed, with no more
4 than two customer vehicles on the premises at any time;
- 5 6. No more than three business related deliveries per week are allowed. Such deliveries shall
6 not restrict pedestrian or vehicular circulation on adjoining public streets and sidewalks.
7 Deliveries by the U.S. Postal Service are not considered business related deliveries for
8 purposes of this provision;
- 9 7. No direct retail sales are permitted, excepting the occasional sale of products associated with
10 the Home Occupation, with such sales being clearly secondary to the primary business
11 activity; and
- 12 8. No customers may enter the premises between the hours of 9:00 p.m. and 7:00 a.m.

13 E. Activities Not Permitted with Home Operations. Conduct of Home Occupations shall not
14 include any of the following activities:

- 15 1. Displays or other evidence of business operations visible from public right-of-ways or
16 abutting residences.
- 17 2. Changes in the IBC occupancy classification of the residence or any accessory structure.
- 18 3. Outside storage of equipment, materials, or supplies associated with the Home Occupation.
- 19 4. Indoor storage or use of hazardous materials not normally associated with a residence is Not
20 Permitted.
- 21 5. Generation of any noise, vibrations, odors, heat, glare or visual or audible electrical
22 interference or fluctuations in the line voltage detectable beyond any property line.

23 F. Compliance with Standards through Conditions. The Review Authority may impose conditions
24 on approval of a Home Occupation permit to ensure compliance with this Section. Such
25 conditions may include but are not limited to the following:

- 26 1. Limitations on hours, days, place and manner of operation;
- 27 2. Construction or installation of site and building design features to minimize noise, vibration,
28 air pollution, glare, odor and dust;
- 29 3. Increased building setbacks;
- 30 4. Limitations on building area and outdoor storage used by the Home Occupation and/or
31 restrictions on the location of Home Occupation Uses on the site in relation to adjoining
32 Uses;
- 33 5. Restriction of the size, number, location and design of vehicular access points;
- 34 6. Restriction of on-street parking adjacent to the Home Occupation site;
- 35 7. Installation of landscaping to screen the use from adjoining properties, and continued
36 maintenance of such landscaping;
- 37 8. Installation of fencing, including specifications regarding size, height, location, and
38 materials;

- 1 9. Construction of additional paved areas for parking and loading areas and additional storm
2 drainage improvements as necessary to accommodate the increased impervious surface;
- 3 10. Limitations on interior or exterior building remodeling to accommodate the Home
4 Occupation;
- 5 11. Limitations on the location and intensity or outdoor lighting; and
- 6 12. Limitations on the type and number of vehicles or equipment parked or stored on site.

7 **12.40.180 Manufactured Dwelling Parks.**

- 8 A. Characteristics. Manufactured Dwelling Parks are defined in Section 12.01.500. In
9 manufactured dwelling parks, separate water and sanitary sewer connections are provided for
10 each manufactured dwelling. Individual parking spaces, community buildings and/or open space
11 may also be provided. Access to individual units is provided by privately owned and maintained
12 streets.
- 13 B. Approval Process. Where permitted under the base zone standards of Subchapters 12.21 through
14 12.26, manufactured dwelling parks shall be reviewed as a Conditional Use under a Type III
15 procedure pursuant to Section 12.70.050, except that the Review Authority shall be the Planning
16 Commission.
- 17 C. Standards. Development of new manufactured dwelling parks shall be reviewed for compliance
18 with the following standards:
 - 19 1. Zoning and Density. Manufactured dwelling parks may be approved in the MFR-1 Multi-
20 Family Residential zone.
 - 21 2. Location Outside Floodplain. All new Manufactured Dwellings in parks shall be placed
22 above the elevation of the Base Flood on the property, as referenced in Section 12.27.100.
 - 23 3. Age. All dwellings placed in new manufactured dwelling parks shall have been constructed
24 after June 15, 1976. All dwellings shall bear an "Insignia of Compliance" indicating
25 compliance with the Federal Manufactured Dwelling Construction and Safety Standards and
26 bear a date of manufacture, except if the dwelling is being relocated due to the closure or
27 partial closure of another Manufactured Home park pursuant to Subsection 4 below.
 - 28 4. Age Exception in Older Parks. Manufactured dwellings constructed before June 15, 1976
29 may be relocated to an existing park from another park. Dwellings relocated shall be
30 replacements of dwellings previously in the park: placement of additional dwellings
31 increasing the total number is Not Permitted except under Subchapter 12.30.
 - 32 5. Minimum Dwelling Unit Size: 1000 square feet gross floor area.
 - 33 6. Park Design Requirements.
 - 34 a. Design Team. All manufactured dwelling parks shall be designed by a team including an
35 architect (or a landscape architect) and a civil engineer, all licensed by the State of
36 Oregon.
 - 37 b. Minimum Lot Size: 1.00 acres.
 - 38 c. Minimum Lot Frontage: 100 feet on a public street.

- d. Maximum Lot Coverage: 50% of the gross lot area.
- e. Minimum Common Recreation Area: 5% of the site area.
- f. Minimum Perimeter Setback Requirements:
 - i. Front Yard: 30 feet minimum, measured on each yard abutting a public street.
 - ii. Side and Rear Yards: 20 feet minimum.
- g. Minimum Interior Setback Requirements.
 - i. Front Yard: 10 feet from the closest edge of the curb or sidewalk.
 - ii. Structure Separation: 10 feet between structures.
- h. Street Standards. All interior streets within the manufactured dwelling park shall be privately owned and maintained. Interior streets shall be improved to the widths shown in Table 12.40.180-1:

**Table 12.40.180-1:
Manufactured Dwelling Park Street Improvements**

Number of Dwellings Served	Street Type			
	Entry Street	Loop Street	Cul-de-sac < 300 feet long	Cul-de-sac > 300 feet long
1-120	32 feet	28 feet	24 feet	28 feet
121+	36 feet	32 feet	24 feet	28 feet

- i. Maximum Cul-de-sac Length: 500 feet.
- ii. Cul-de-sac Terminus Configuration. Turnaround configuration and dimensions for cul-de-sacs are subject to approval by City Engineer and Fire Marshal, based on Oregon Fire Code requirements
- iii. Street Cross Section and Materials. Interior streets shall be constructed to the public street cross-section and materials standards pursuant to the Public Works Design and Construction (D&C) Standards.
- iv. Curbs. Interior streets shall have a continuous concrete curb on both sides of the street, compliant with the D & C Standards for public street improvements.
- i. Sidewalks. Interior streets 36 feet wide shall have a sidewalk on both sides of the street. Interior streets less than 36 feet wide shall have a sidewalk on one side of the street. Such sidewalks shall be compliant with the D & C Standards for public street improvements. Mailboxes, light poles, or other obstructions that may be located a sidewalk shall be placed to leave at least 5 feet of unobstructed width.
- j. Utilities.
 - i. Plans. Plans for water, sanitary sewer and storm drainage lines shall be subject to review and approval by the City Engineer. All on-site systems shall be public systems, compliant with the D & C Standards for public utility improvements.

- 1 ii. Storm Drainage. All storm drainage shall be compliant with the D & C Standards for
2 public utility improvements. If a public storm drain line is not available, the
3 developer may be required to construct an off-site storm drainage system acceptable
4 to the City Engineer and compliant with the D & C Standards for public utility
5 improvements.
- 6 iii. Electricity and Telecommunications Cable. All electrical and telecommunications
7 cable lines shall be located underground.
- 8 k. Minimum Resident Parking: Two off-street parking spaces per dwelling unit. Spaces
9 may be in a tandem configuration, but shall not be located in a perimeter yard.
10 Driveways and off-street parking areas shall be paved with asphaltic concrete or Portland
11 cement concrete.
- 12 l. Minimum Guest Parking: One space per five dwelling units. Guest parking may be
13 located on-street where on-street parking is permitted pursuant to Table 12.40.180-2.

**Table 12.40.180-2:
Parking on Manufactured Dwelling Park Private streets**

Street Width	Parking permitted
36 feet	Both sides
32 feet	Both sides
28 feet	One side
24 feet	No parking

- 16 m. Landscaping. All areas not occupied by parking, streets, or structures shall be landscaped
17 consistent with Section 12.50.220 including removal of dead plants and irrigation.
- 18 n. Perimeter Fencing. A uniform perimeter fence between 4 and 6 feet high shall be
19 installed to separate the park from the adjacent properties.
- 20 o. Street Names & Addresses. Private street names and individual dwelling addresses shall
21 conform to the City street name and address grid. Street identification signs shall be
22 standard City street signs unless other similar street identification signs are approved
23 during the Development Review process under Section 12.80.040. Street identification
24 signs shall be installed prior to the placement of any manufactured dwelling in the park
25 and shall be maintained by the park owner.
- 26 p. Recreational Vehicle Storage. Storage areas for recreational and similar vehicles or
27 equipment shall not be located within 100 feet of the perimeter lot lines of the site, and
28 shall have a 10 foot setback to the nearest structure inside the park. Storage areas shall be
29 screened by a sight-obscuring fence and landscaping.
- 30 q. Manufactured Dwelling Design. All manufactured dwellings within a park shall comply
31 with the following design standards:
- 32 r. Removal of Towing Equipment. All towing hitches, wheels, running lights and other
33 towing related equipment shall be removed within 30 days after installation.
- 34 s. Foundations. Foundations shall conform to the construction specification of the 2010
35 Oregon Manufactured Dwelling Installation Specialty Code.

- 1 t. Siding. All dwellings shall have vinyl, wood or aluminum lap siding or pretreated
2 simulated wood siding and composition shingle roofing.
- 3 u. Roofs. Roof slope shall have a minimum 2:12 pitch with a minimum six inch overhang.
4 All roof areas shall have gutters with runoff draining through piped connections to the
5 adjacent street gutter or to the park storm drainage system.
- 6 v. Skirting. Dwellings and decks shall be skirted with vinyl, wood or aluminum lap siding,
7 pretreated simulated wood siding or masonry to blend with the color and texture of the
8 dwelling exterior. Skirting shall be installed within 30 days of setup.
- 9 w. Awnings, Decks & Carports. All manufactured dwellings shall have a deck or patio with
10 a minimum size of 120 square feet and an attached or detached garage or covered carport.
11 Garages or carports shall be constructed and finished to blend with the exterior materials
12 of the manufactured dwelling.
- 13 x. Storage Sheds. One storage shed is allowed for each dwelling. Storage sheds shall be
14 200 square feet or smaller, located adjacent to the dwelling or deck, and painted or
15 finished to match the exterior color of the dwelling. If required, the storage shed shall
16 conform to the structural requirements of the Oregon Structural Specialty Code or other
17 applicable codes.
- 18 y. Antennas. Telecommunication antennas larger than three feet diameter are Not Permitted
19 unless the antenna serves a centralized signal distribution system in the park. Home dish
20 antennas smaller than three feet in diameter shall be installed only at the rear of the
21 dwelling, five feet or less above the roof peak. Antennas shall not be located in a
22 perimeter yard.

23 **12.40.190 Manufactured Dwellings Placed Outside Parks.**

- 24 A. Characteristics. Manufactured dwellings as defined in Section 12.01.500 may be placed on
25 individual lots outside a manufactured dwelling park, in any zone where single family dwellings
26 are permitted.
- 27 B. Approval Process. Placement of a manufactured dwelling on a lot outside a park is not subject to
28 Conditional Use approval under Section 12.80.020, or Development Review approval under
29 Section 12.80.040. However, Development Review shall be required if the dwelling is proposed
30 to be placed in a Plan District with architectural standards, pursuant to Subchapters 12.60
31 through 12.64.
- 32 C. Standards. Placement of manufactured dwellings outside manufactured dwelling parks shall be
33 reviewed for compliance with the following standards:
- 34 1. Location and Density. Manufactured dwellings may be placed on individual lots outside a
35 manufactured dwelling park, in any zone where single family dwellings are permitted except
36 as provided under Subsection 2 below, subject to the minimum and maximum residential
37 densities of the underlying base zone.
- 38

- 1 2. Adjacency to Cultural Resources or in Conservation Zones Not Permitted. Manufactured
2 dwellings shall not be placed adjacent to a site identified on the City's Cultural Resource
3 Inventory, or on a lot within the SCR-DNC Station Community Residential - Downtown
4 Neighborhood Conservation zone or the SCR-OTC Station Community Residential - Orenco
5 Townsite Conservation zone.
- 6 3. Location Outside Floodplain. Placement is Not Permitted in the 100-Year Floodplain except
7 in compliance with Section 12.27.100.
- 8 4. Age. All manufactured dwellings placed on lots outside parks shall have been constructed
9 after June 15, 1976; shall have an "Insignia of Compliance" indicating compliance with the
10 Federal Manufactured Dwelling Construction and Safety Standards; and bear the date of
11 manufacture.
- 12 5. Lot Size, Setbacks, and Lot Coverage. Placement of the dwelling shall comply with all the
13 standards of the applicable base zone.
- 14 6. Minimum Square Footage. 1,000 square feet; and multi-sectional.
- 15 7. Foundation. The dwelling shall be placed on an excavated and back-filled foundation,
16 enclosed at the perimeter, at a height such that the dwelling is not more than 12 inches above
17 grade. Where a building site has a sloped grade, the dwelling shall not be more than 12
18 inches above grade on the uphill side.
- 19 8. Roof. The dwelling shall have a pitched roof with a minimum 3/12 slope: 3 feet in height
20 for each 12 feet in width.
- 21 9. Siding and Roofing Materials. Exterior siding and roofing shall be similar in color, material
22 and appearance to the exterior siding and roofing material commonly used or comparable to
23 the predominant materials used on the surrounding dwellings, as determined by the Planning
24 Director.
- 25 10. Parking. Off-street parking for the dwelling shall be provided in compliance with Table
26 12.50.320-1.
- 27

1 **12.40.200 Model Home as Project Sales Office.**

- 2 A. Characteristics. In residential projects, model homes are sometimes built to be used for lot and
3 home sales purposes and/or as examples of available floor plans, materials and finishes. To
4 facilitate early sales, such model homes are generally constructed prior to completion of all the
5 streets and utility lines within the development. When sales are complete, the sales office use is
6 discontinued and the structures convert to their intended use as dwelling units.
- 7 B. Standards. Construction of model homes as project sales offices shall be reviewed for
8 compliance with the following standards:
- 9 1. The number of model homes in a development shall not exceed the number of lots of record
10 within the boundary of the development.
 - 11 2. The model home(s) shall be connected to water and sanitary sewer lines prior to occupancy
12 as a sales office. Lines used for connection shall be inspected and accepted by the City prior
13 to connection.
 - 14 3. If the development includes a land division, the model home shall be sited where its setbacks
15 will comply with the standards of the underlying base zone after the land division plat is
16 recorded.
 - 17 4. Fire protection shall be available to the model home(s) during both construction and
18 occupancy as a sales office. Fire protection plans shall be submitted and shall be subject to
19 review and approval by the Fire Marshal.
 - 20 5. Emergency vehicle access shall be provided to the model home(s) during both construction
21 and occupancy as a sales office.
 - 22 6. Any structural or architectural modifications or features on the model home related to its use
23 as a sales office shall be removed before it is converted to a dwelling unit.

24 **12.40.210 Public Assembly Facilities.**

- 25 A. Characteristics. Public assembly Uses are buildings or portions of buildings where persons
26 regularly assemble for educational, religious, athletic, recreational, or other purposes, and where
27 such assembly is the primary Use of the site. Public assembly Uses include religious institutions,
28 public or private schools, conference centers, stadiums, and similar Uses. Facilities secondary to
29 a primary Use, such as a conference center within an industrial campus, are not public assembly
30 facilities. Pursuant to Section 12.10.450, Minor Assembly Facilities have an occupancy capacity
31 of less than 250 persons, and Major Assembly Facilities have an occupancy capacity of 250
32 persons or more.
- 33 B. Approval Process. Pursuant to Subchapters 12.21 through 12.26, Minor and/or Major Assembly
34 Facilities may be allowed in certain zones as Conditional Uses under Section 12.80.020, and may
35 be permitted outright in other zones.
- 36 C. Standards. Construction of new structures, or conversion of existing structures, to public
37 assembly facilities shall be reviewed under the following standards:
- 38 1. Compliance with Applicable Codes. Applicable IBC provisions for exiting, fire suppression,
39 ventilation, and sanitary facilities.

- 1 2. Parking and Internal Vehicle Circulation. Provision of adequate parking and internal
2 circulation as specified in Section 12.50.300.
- 3 3. Setbacks. In a residential zone, provision of front, side and rear yard setbacks equal to one-
4 half the height of the principal structure, except as provided under Subsection 5 below. In
5 any zone the Review Authority may require increased setbacks beyond the standard of the
6 applicable base zone.
- 7 4. Height. The principal structure of a public assembly use may exceed the height limitations of
8 the applicable zone up to a maximum height of 50 feet if the FAR of all structures on site is
9 less than 1.5 and the setback of the principal structure complies with Subsection 3 above.
- 10 5. Minimum Elementary School Acreage. One acre of site area for each 90 pupils or a
11 minimum of one acre for each three classrooms, whichever is greater.
- 12 6. Signage. Signage for public assembly Uses shall comply with Hillsboro Municipal Code
13 Chapter 15.20.

14 **12.40.220 Recreational Vehicle and Boat Storage.**

- 15 A. Characteristics. Recreational vehicle and boat storage facilities are commercial or industrial
16 properties improved for vehicle storage purposes. Site improvements may include cover
17 canopies for stored vehicles, sanitary sewer disposal connections for waste disposal, and living
18 quarters for facility operators.
- 19 B. Approval Process. Where permitted, development of recreational vehicle and boat storage
20 facilities shall be reviewed under Section 12.80.040.
- 21 C. Standards. Recreational vehicle and boat storage facilities shall be reviewed for compliance with
22 the following standards:
 - 23 1. On-site security is provided, including both fencing and lighting.
 - 24 2. Perimeter landscaping is provided adjacent to public rights-of-way. Perimeter landscaping at
25 a minimum shall be at least 5 feet in depth, measured from the property lines.
 - 26 3. Drive aisles within the facility are paved with asphalt or concrete (storage spaces may be
27 improved with gravel or other similar semi-pervious surfaces).
 - 28 4. Any sanitary sewer facilities comply with City standards.

29 **12.40.230 Secondary Dwelling Units.**

- 30 A. Characteristics. Secondary dwelling units (SDUs) are defined in Section 12.01.500, and provide
31 the following housing opportunities:
 - 32 1. Accommodating additional density in existing neighborhoods with minimum cost and
33 disruption to surrounding neighborhoods;
 - 34 2. Allowing more efficient use of existing housing stock and infrastructure;
 - 35 3. Providing a mix of housing in response to changing family needs and smaller households;
 - 36 4. Allowing seniors, single parents, families with grown children and other residents to remain
37 in their homes and neighborhoods; and

- 1 5. Providing a broader range of Housing Types and costs.
- 2 B. Approval Process. Where permitted, SDUs are subject to review and approval pursuant to
3 Section 12.80.040.
- 4 C. Creation of an SDU. Secondary dwelling units may be attached or detached from the primary
5 dwelling on the lot, and may be created through one of three methods:
- 6 1. Converting existing floor area in an existing dwelling or attached garage (attached SDU);
7 2. Adding new floor area to an existing dwelling or garage (attached SDU). An SDU connected
8 to the primary residence by an architectural or structural connection between the dwellings
9 (such as a breezeway) is considered attached; or
- 10 3. Constructing a separate unit on a lot with a new or existing primary dwelling (detached
11 SDU).
- 12 D. Standards. Construction and occupancy of an SDU shall conform to the following standards:
- 13 1. Occupancy Restriction. An SDU shall not be occupied by more than three (3) related or
14 unrelated persons.
- 15 2. Location and Number. An SDU shall be located on the same lot as the primary detached or
16 attached single family dwelling. Only one SDU is allowed per lot.
- 17 3. Minimum Lot Area Required. An SDU is not permitted on a lot with an area less than the
18 minimum required lot area of the applicable zone.
- 19 4. Parking. One off-street parking space is required for a SDU. The parking space for the SDU
20 shall be independently accessible from the parking space(s) for the primary dwelling.
- 21 5. Minimum and Maximum Floor Area. SDUs shall be at least 250 square feet, but not more
22 750 square feet in area.
- 23 6. Code Compliance. SDUs shall comply with applicable building, fire, health and safety
24 codes.
- 25 7. Placement.
- 26 a. Except as provided in Subsection b below, an SDU must conform to the standards of the
27 applicable zone regarding building height, lot coverage, and setbacks. If the applicable
28 zone has standards for the placement of SDUs, such standards supersede this section.
- 29 b. A detached SDU meeting the following specifications may be located within 5 feet of a
30 side or rear property line:
- 31 i. The total area is 450 square feet or smaller;
- 32 ii. Building height is one story (maximum 10 feet measured mid-point between the roof
33 peak and the roof eave);
- 34 iii. The SDU is placed behind the front building plane of the primary dwelling.
- 35 • On interior lots, detached SDUs and attached SDUs attached by a breezeway must
36 be located behind the rear building plane of the primary dwelling;
- 37 • On corner lots SDUs must be located behind the front building plane on both
38 streets.

- iv. The SDU is separated from any other structure on the site by at least 6 feet; and
 - v. The outer edges of the eaves are at least 2 feet from the side and rear property lines.
- c. SDUs cannot be located in any public or private utility or access easement.

8. Entrances for Attached SDUs. A new attached SDU shall not have a ground floor entrance on the front elevation of the primary dwelling, unless the primary dwelling had more than one ground floor entrance on that elevation before the SDU was added. An attached SDU may have a front elevation entrance on the second floor from a balcony or deck.

9. Architectural Standards.

- a. Exterior Finish Materials. Exterior finish materials must visually match, in type, size and placement, the exterior finish of the primary residence.
- b. Roof Pitch. Roof pitch shall be the same as the predominant roof pitch of the primary residence.
- c. Eaves. Eaves shall project the same distance as eaves on the primary residence.
- d. Windows. Windows shall match those in the primary residence in proportion (relationship of width to height) and orientation (horizontal or vertical).
- e. Trim. Trim shall be proportionally the same in type, size and location as the trim used on the primary residence.
- f. In Conservation Zones or Plan Districts: SDUs must meet all applicable architectural standards for residential construction in any applicable District.

12.40.240 Telecommunication Facilities.

- A. Characteristics. Telecommunication facilities are categorized in Section 12.10.550. Telecommunication facilities include a free-standing tower with attached antennae, and one or more ground-mounted equipment cabinets.
- B. Approval Process. Where allowed, telecommunication facilities are subject to approval through the Conditional Use process under Section 12.80.020 and the Development Review process under Section 12.80.040. Requests for eligible modifications to existing facilities are subject to approval through a Type II Development Review process under Section 12.80.040. “Eligible modification requests” are defined in subsection 12.40.240.D below.
- C. Exemptions. The following types of communications facilities are exempt from this section:
 - 1. Replacement of existing antenna on approved towers;
 - 2. Facilities regulated by the FCC under the Code of Federal Regulations: industrial, scientific and medical equipment; military and government communication towers; amateur (ham) and citizen band towers; and
 - 3. Temporary facilities used during community emergencies.

1 D. Modifications to Existing Facilities. All modifications and expansions to existing facilities are
2 permitted in every zone, subject to the requirements of this section. Certain modifications are
3 deemed minor in nature and are deemed “eligible modifications” These modifications include
4 the addition, removal, and/or replacement of transmission equipment that do not make a
5 substantial change to the physical dimensions (height, mass, width) of the existing tower, support
6 structure, or base station. Replacement of an existing tower may also be considered an eligible
7 modification if such replacement meets the standards in subsection 4 below.

8 1. For the purpose of this section, “substantial change” means the following:

- 9 a. The mounting of the proposed antenna on the tower would increase the existing height
10 of the tower by more than 10%, or by the height of one additional antenna array with
11 separation from the nearest existing antenna not to exceed twenty feet, whichever is
12 greater, except that the mounting of the proposed antenna may exceed the size limits set
13 forth in this subsection by up to an additional 5% if necessary to avoid interference with
14 existing antennas; or
- 15 b. The mounting of the proposed antenna would involve the installation of more than the
16 standard number of new equipment cabinets for the technology involved (not to exceed
17 four) or more than one new equipment shelter; or
- 18 c. The mounting of the proposed antenna would involve adding an appurtenance to the
19 body of the tower that would protrude from the edge of the tower more than twenty feet,
20 or more than the width of the tower structure at the level of the appurtenance, whichever
21 is greater, except that the mounting of the proposed antenna may exceed the size limits
22 set forth in this subsection to the extent necessary to shelter the antenna from inclement
23 weather or to connect the antenna to the tower via cable; or
- 24 d. The mounting of the proposed antenna would involve excavation outside the current
25 tower site, defined as the current boundaries of the leased or owned property
26 surrounding the tower and any access or utility easements currently related to the site.

27 2. Increases to height allowed by this subsection above the existing tower shall be based on
28 the existing height of the tower, excluding any tower lighting required in the original land
29 use approval or in the proposed modification request.

30 3. To the extent feasible, additional equipment shall maintain the appearance intended by the
31 original facility, including, but not limited to, color, screening, landscaping, mounting
32 configuration, or architectural treatment.

33 4. To be considered an eligible modification, a replacement tower shall not exceed the height
34 of the original tower by more than 10%, or the diameter of the original tower by more
35 than 25% at any given point.

36 E. Standards for Free-Standing Towers.

37 1. Tower Finishes. Paint and color finishes on free-standing towers shall be selected and
38 applied to reduce the tower’s visual impact against the skyline.

39 2. Co-Location Required. Approved new towers shall be designed and constructed to allow co-
40 location of additional antennas. The Review Authority may require owners of approved
41 towers to negotiate in good faith with parties seeking co-location.

- 1 3. Equipment Cabinets. Ground-mounted equipment cabinets shall be enclosed within secure
2 fences and screened with landscaping.
- 3 4. Additional Setbacks. The Review Authority may require additional setbacks to a proposed
4 tower to mitigate its visual impacts, protect existing vegetation, or allow use of a shared
5 access.

6 F. Standards for Antenna Installation.

- 7 1. On Utility Poles. If antennas are installed on existing utility poles, the poles shall be
8 maintained with the same colors as poles without antennas. If the antennas do not increase
9 the overall height of the pole more than 20 feet, or by more than the minimum height
10 necessary to achieve safety clearances as required by the utility pole owner, whichever is
11 greater, Conditional Use approval is not required.
- 12 2. On Existing Buildings. If antennas are installed on existing buildings, secondary equipment
13 on the building roof shall be screened. If the antennas are not over 20 feet in height, or are
14 below the maximum building height of the applicable zone, Conditional Use approval is not
15 required.
- 16 3. On or within Architectural Elements. Antenna may be installed on or within architectural
17 elements such as church steeples or flag poles, if such installation is scaled in proportion with
18 the architectural element.

19 G. Restrictions:

- 20 1. Antenna Required. Installation of towers without antenna, based on speculation of future
21 antenna installation, is Not Permitted.
- 22 2. Installation on Trees. Installation of transmitting or receiving equipment on trees is Not
23 Permitted.

24 **12.40.250 Temporary Commercial Activities at Stadiums.**

- 25 A. Characteristics. Temporary commercial activities at stadiums are short-term events (not more
26 than 30 days duration) which may include retail vehicle sales, large scale vendor gatherings such
27 as swap meets, or other similar non-athletic events usually conducted on the parking field rather
28 than in the stadium. Temporary commercial activities are subordinate to the primary Use of the
29 stadium. For purposes of this section, the term “stadium” refers to facilities built solely for
30 athletic performances or outdoor events, and not to facilities owned and/or operated as accessory
31 to school operations, fairgrounds, or other Uses.
- 32 B. Approval Process. Temporary commercial activities at stadiums shall be subject to the issuance
33 of a temporary business permit pursuant to Municipal Code Subchapter 5.25.
- 34 C. Standards. Temporary commercial activities at stadiums shall comply with the following
35 standards:
 - 36 1. No single commercial event shall exceed 30 days in duration.
 - 37 2. The cumulative total of temporary commercial events at a stadium shall not exceed 120 days
38 in duration in a calendar year.
 - 39 3. Provisions for sanitary facilities and emergency exiting shall comply with City requirements.

1 **12.40.260 Utility Facilities.**

- 2 A. Characteristics. Utility facilities are categorized in Section 12.10.560.
- 3 B. Approval Process. Pursuant to Subchapters 12.21 through 12.26, Utility Facilities may be
4 allowed in certain zones as Conditional Uses subject to Section 12.80.020, and may be permitted
5 outright in other zones. In all zones where allowed, utility facilities shall be subject to Section
6 12.80.040.
- 7 C. Standards. Utility facilities shall conform to the following standards:
- 8 1. Minimum Lot Size: Minimum lot size of the applicable base zone, unless the Review
9 Authority finds that locating the facility on a smaller lot will not result in noise or other
10 detrimental effects on adjacent property.
 - 11 2. Fencing and Landscaping: Utility facilities in any zone shall be fenced and landscaped
12 consistent with Sections 12.50.220 and 12.50.250.
 - 13 3. Outdoor Storage. Outdoor equipment storage shall be Not Permitted in a residential or C-N
14 zone. In other zones, outdoor storage shall be fenced and landscaped pursuant to Subsection
15 2 above.

16 **12.40.270 Vehicle Wrecking Yard.**

- 17 A. Characteristics. Vehicle wrecking yards are outdoor storage areas on which two or more motor
18 vehicles or the parts thereof, not in running condition, are stored, or any other location where lots
19 or structures are used to disassemble or store such motor vehicles or their parts.
- 20 B. Approval Process. Where allowed, vehicle wrecking yards are subject to approval as a
21 conditional use pursuant to Section 12.80.020.
- 22 C. Standards. Operation of vehicle wrecking yards shall comply with the following specifications:
- 23 1. Minimum Lot Area: One acre;
 - 24 2. Minimum Lot Frontage: 100 feet;
 - 25 3. Fencing: Minimum 8-foot sight-obscuring, continuous, uniform fence enclosing the entire
26 portion of the site used for auto wrecking and storage, with a minimum 10-foot landscaped
27 setback between the fence and the right-of-way;
 - 28 4. Setbacks: Minimum 40-foot setback to any structures, and minimum 50-foot setback to any
29 on-site crushing equipment;
 - 30 5. Storage and Stacking: Storage of all vehicles and parts within the fenced area, with no
31 stacking higher than the fence;
 - 32 6. Oil Disposal: Provision for storage and off-site disposal of oil; and
 - 33 7. State Requirements: Continuous compliance with all State requirements.

1
2

**SUBCHAPTER 12.50
DEVELOPMENT AND DESIGN STANDARDS**

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4 **12.50.020 Organization and Hierarchy of Standards and Guidelines**
5 **12.50.030 General Applicability**
6
7 **12.50.100 Base Zone Standards**
8 **12.50.110 Lot Dimensions**
9 **12.50.120 Residential Density**
10 **12.50.130 Setbacks**
11 **12.50.140 Building Height**
12 **12.50.150 Floor Area Ratio**
13
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15 **12.50.210 Usable Open Space**
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9	12.50.710	Detached Single Family Residential Design Standards
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11		
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24		
25	12.50.900	Public Benefit Standards
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27	12.50.920	Building and Site Design Guidelines
28	12.50.930	Sustainable Development Practices
29	12.50.940	Crime Prevention through Environmental Design
30		

1 **12.50.010 Purpose.** The development and design standards in this subchapter are intended to insure
2 project design and construction which:

- 3 A. Includes adequate, structurally sound public and Private streets and utilities;
- 4 B. Allows logical, efficient development or redevelopment of adjacent properties;
- 5 C. Includes a range of lot sizes, structural design, setbacks, and housing choices;
- 6 D. Respects surrounding context and enhances community character;
- 7 E. Considers security and privacy;
- 8 F. Provides attractive Usable Open Space in functional locations;
- 9 G. Provides adequately for community infrastructure such as utilities, vehicle, bicycle and
10 pedestrian transportation, schools, parks and other public requirements, and
- 11 H. In general, promotes public health, safety, convenience, and general welfare.

12 **12.50.020 Organization and Hierarchy of Standards and Guidelines.**

- 13 A. Standards in Subchapter 12.50. The standards and guidelines in this Code are organized in
14 several Sections, as described below:
 - 15 1. Base Zone Standards (Section 12.50.100): Includes lot dimensions, residential densities,
16 setbacks, building heights, and floor area ratios which apply to all properties within that
17 zone, but which may vary among zones.
 - 18 2. Site Development Standards (Sections 12.50.200 through 12.50.600): This level of standards
19 applies generally to development regardless of its location in the city. Development
20 standards include Usable Open Space, lighting, landscaping, and vehicle and bicycle parking.
21 Infrastructure standards such as pedestrian and bicycle connectivity and circulation, access
22 and street standards, and utilities and site grading are intended to be implemented in
23 conjunction with the Public Works Design and Construction Standards, and to provide an
24 additional level of design specificity.
 - 25 3. Design Standards (Sections 12.50.700 through 12.50.900): Includes architectural standards
26 (building entries and orientation, ground floor windows and building facades, and
27 architectural elements). Design standards represent the City's requirements, but may vary
28 among broad categories of Uses (residential, non-residential and Mixed-Use). Public Benefit
29 Standards (Section 12.50.900) represent the City's desired expectation regarding
30 development quality and may not be mandatory in all cases. However, where appropriate,
31 adherence to Public Benefit Standards may be required as a condition of a discretionary
32 approval.
- 33 B. Standards in Subchapters 12.27, 12.40 and 12.60 through 12.64. Additional location-specific
34 standards and guidelines are contained in separate Sections as follows:
 - 35 1. Overlay Zone Standards (Subchapter 12.27): Overlay Zones apply to certain areas of the
36 City subject to environmental conditions not related to land use (floodplain, significant
37 natural resources, or historical significance). These standards have been identified by the
38 City as necessary to balance development rights with protection of community assets such as
39 wetlands or historic structures.

- 1 2. Special Use Standards (Subchapter 12.40): The specific Uses identified in these sections are
2 subject to conformance with more specific standards, identified by the City as necessary due
3 to the potential impacts of these Uses on neighboring properties.
- 4 3. Plan District Standards (Subchapters 12.60 through 12.64): Plan Districts have been
5 identified in certain locations in the city where community plans and/or district zoning are
6 intended to create unique neighborhood character. Location-specific standards and
7 guidelines are necessary to implement these plans and/or zones in these neighborhoods.
- 8 C. Hierarchy of Standards. The standards and guidelines in this Code are organized in a hierarchy
9 based on their applicability. Where conflicts occur among standards, the order of application
10 will be as follows:
 - 11 1. Where applicable, overlay zone standards supersede all other standards.
 - 12 2. Where applicable, Plan District standards supersede base zone standards, special use
13 standards and general standards, but are subordinate to overlay zone standards.
 - 14 3. Where applicable, special use standards supersede base zone and general standards, but are
15 subordinate to overlay zone and Plan District standards.
 - 16 4. General standards are applicable throughout the city, but are subordinate to overlay zone
17 standards, special use standards, or Plan District standards.
 - 18 5. Base Zone standards are applicable throughout the city, but are subordinate to overlay zone
19 standards, special use standards, or Plan District standards.
 - 20 6. If required as a condition of discretionary approval, public benefit standards supersede base
21 zone standards and Plan District standards, but are subordinate to overlay zone standards and
22 special use standards.

23 **12.50.030 General Applicability.**

- 24 A. Except as modified under Subsection B below or exempt under Subsection C below, the
25 standards of Subchapter 12.50 apply to all properties and development activities within the city
26 limits. Each standard includes specific applicability provisions which may modify the general
27 applicability, and individual standards may not apply to some development projects. Each
28 standard may also include exceptions specific to that standard. Applicability of standards will be
29 determined through a Type I, Type II or Type III application process, or during review of major
30 site alterations or other construction as defined in Section 12.01.500.
- 31 B. Non-Conforming Uses, Structures or Lots. The development standards and design guidelines in
32 this subchapter may be applied differently to non-conforming Uses, structures or lots, as
33 specified in Subchapter 12.30.
- 34 C. Exemptions. Compliance with the standards of this subchapter is not required for the following
35 types of development:
 - 36 1. Ordinary maintenance or repair of an existing building or structure;
 - 37 2. Interior remodeling or external alteration of an existing building or structure which does not:
 - 38 a. Substantially change its exterior appearance from a public or Private street;

- 1 b. Change its housing type from single family use to multi-family, or change its use type
2 from residential to commercial or industrial; or
- 3 c. Require approval through the Development Review process due to the location of the site
4 in a particular zone, Plan District, or overlay zone.
- 5 3. Building and/or site alterations required to comply with the Americans with Disabilities Act
6 (ADA); or
- 7 4. Non-structural “minor site alterations” meeting the following standards:
- 8 a. 500 sq. ft. or less ground area disturbance due to grading or paving;
- 9 b. No resulting effect on site access, site topography, mature or specimen trees, natural
10 resources, or required landscaping; or
- 11 c. No resulting alteration of on-site drainage pattern at a property line.
- 12

1 **12.50.100 Base Zone Standards.** Base zone standards include the following sections:

- 2 12.50.110 Lot Dimensions
- 3 12.50.120 Residential Density
- 4 12.50.130 Setbacks
- 5 12.50.140 Building Height
- 6 12.50.150 Floor Area Ratio

7 **12.50.110 Lot Dimensions.**

8 A. Lot Area.

- 9 1. Lot area is defined in Section 12.01.500 under Lot Dimensions.
- 10 2. Lots created after *<effective date of this Code>* must contain the minimum lot area specified
- 11 within the standards of the applicable zone, unless variations are approved by the Review
- 12 Authority pursuant to Subsections B, C or D below, or unless a Variance or Adjustment has
- 13 been granted by the Review Authority pursuant to Section 12.80.150.

14 B. Lot Area Variation in New Developments.

- 15 1. Purpose. The lot area variation provisions of this section may be applied to detached single
- 16 family residential development. These standards are intended to provide opportunity to
- 17 create a variety of lot areas and provide flexibility to developers in responding to varying site
- 18 conditions.
- 19 2. Applicability. The standard in Subsection 3 below may be applied in subdivisions or
- 20 Planned Unit Developments of eight or more lots, outside areas designated Station
- 21 Community Planning Area on the Comprehensive Plan Map.
- 22 3. Standard. Up to 20% of the lots may have areas which are below the minimum lot size and
- 23 above the maximum lot size, in the applicable zone. The area of any “compact lots” below
- 24 the minimum lot size shall not be reduced below 75% of the minimum lot area of the
- 25 applicable zone.
- 26 4. Dispersal. If proposed, the compact lots permitted in Subsection 3 above shall be dispersed
- 27 throughout the development.

28 C. Lot Area Variation in Light Rail Zones. To ensure that new development in the light rail zones

29 includes variety within the allowed flexibility of the base zone standards, tentative plats for

30 subdivisions or PUDs of eight lots or more in light rail zones shall include a variety of lot areas.

31 At a minimum, the variation in area shall be 20% from the smallest to the largest lot. This

32 standard does not apply to townhouse or multi-family residential development.

33 D. Lot Area Variation in the Downtown Plan District. Land divisions creating four or more

34 residential lots within the Downtown Plan District shall include a variety of lot areas. At a

35 minimum, the variation in area shall be 20% from the smallest to the largest lot. This standard

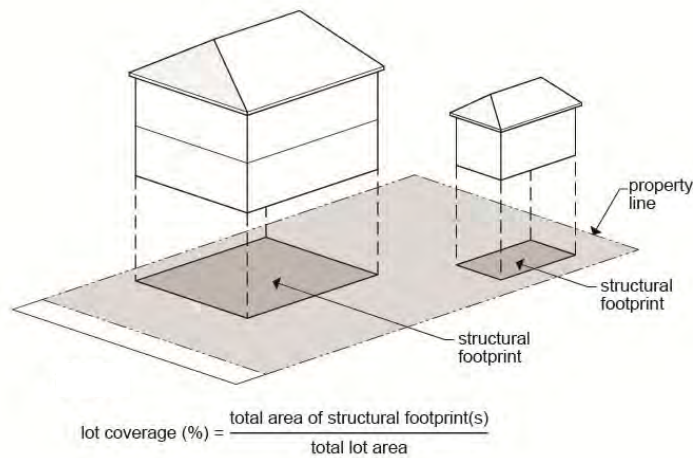
36 does not apply to townhouse or multi-family residential development.

37 E. Lot Coverage.

- 38 1. Lot coverage is defined in Section 12.01.500 under Lot Dimensions.

- 1 2. Lot coverage is calculated by totaling the area(s) of all building footprints on the lot, parcel
- 2 or tract, excluding buildings 24 inches or shorter above native grade, and dividing the total
- 3 footprint area into the area of the lot, parcel or tract. Figure 12.50.110-A illustrates an
- 4 example of lot coverage measurement.
- 5 3. Development on any lot after *<effective date of this Code>* shall not be approved if the
- 6 additional building footprint on the lot, parcel or tract would result in a lot coverage
- 7 percentage exceeding the maximum specified within the standards of the applicable zone,
- 8 unless a Variance or Adjustment has been granted by the Review Authority pursuant to
- 9 Section 12.80.150 or Section 12.80.120.

**Figure 12.50.110-A:
Example of Lot Coverage Measurement**

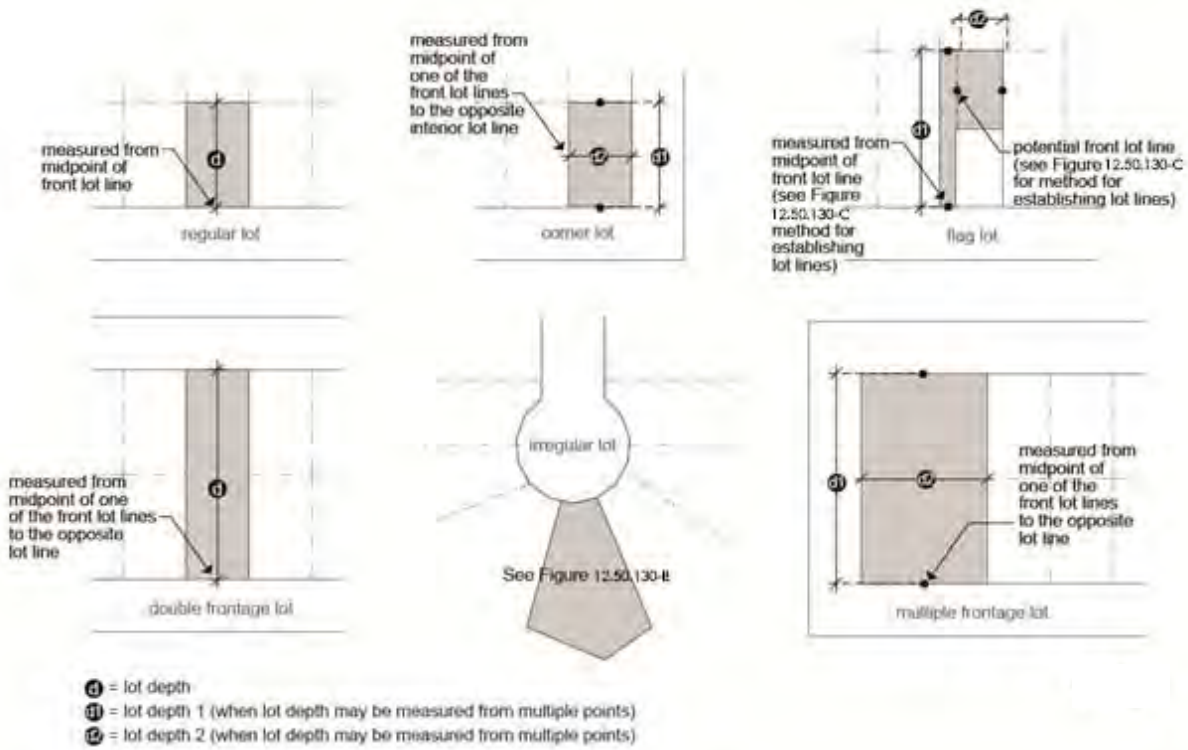


F. Lot Depth.

1. Lot depth is defined in Section 12.01.500 under Lot Dimensions.
2. Figure 12.50.110-B illustrates methods to measure lot depth on regular lots, irregular lots, flag lots, and corner lots.
3. Lots created after *<effective date of this Code>* must have the minimum lot depth specified within the standards of the applicable zone, unless variations are approved by the Review Authority pursuant to Subsection G below, or unless a Variance or Adjustment has been granted by the Review Authority pursuant to Section 12.80.150.

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**Figure 12.50.110-B:
Examples of Measuring Lot Depth on Various Lot Types**



3

G. Lot Depth Variation in New Developments.

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7
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1. **Purpose.** The lot depth variation provisions of this subsection may be applied to detached single family residential development. This standard is intended to provide opportunity to create a variety of lot depths and provide flexibility to developers in responding to varying site conditions.

9
10
11

2. **Applicability.** The standard in Subsection 3 below may be applied in subdivisions or Planned Unit Developments of eight or more lots, outside areas designated Station Community Planning Area on the Comprehensive Plan Map.

12
13
14

3. **Standard.** Up to 20% of the lots may have lot depths which are below the minimum lot depth of the applicable zone. Depths of such “shallow lots” shall not be reduced below 75% of the minimum lot depth of the applicable zone.

15
16

4. **Dispersal.** If proposed, the shallow lots created as a result of Subsection 3 above shall be dispersed throughout the development.

17

H. Lot Width.

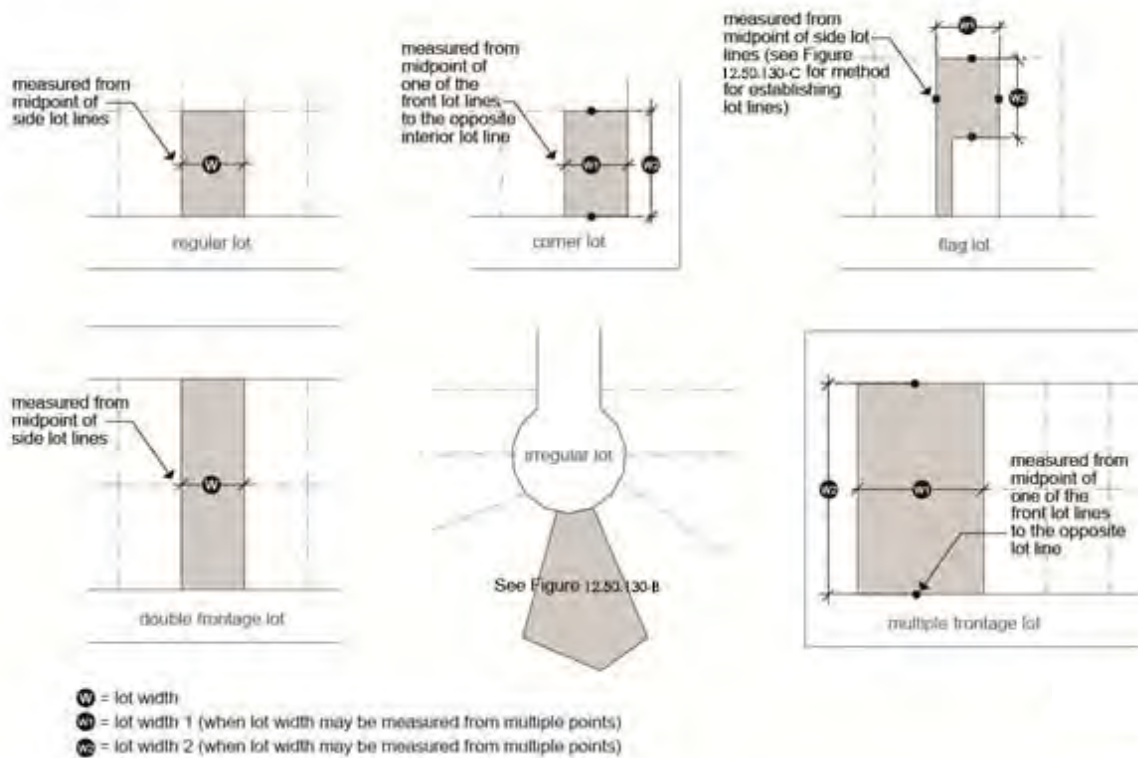
18
19
20

1. Lot width is defined in Section 12.01.500.

2. Figure 12.50.110-C illustrates methods to measure lot width on regular lots, irregular lots, flag lots, and corner lots.

- 1 3. Lots, parcels or tracts created after *<effective date of this Code>* must have the minimum lot
 2 width specified within the standards of the applicable zone, unless variations are approved by
 3 the Review Authority pursuant to Subsections c, d, e, f or f below, or unless a variance or an
 4 adjustment has been granted by the Review Authority pursuant to Section 12. 80.150.

5 **Figure 12.50.110-C:**
 6 **Examples of Measuring Lot Width on Various Lot Types**

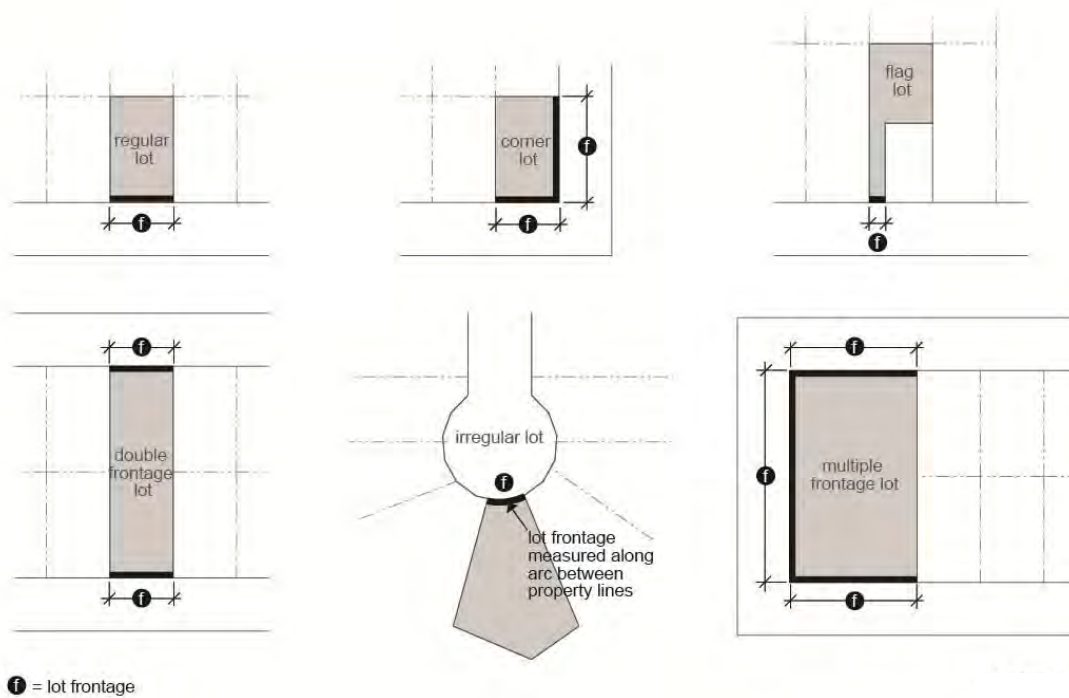


7
 8 **I. Lot Width Variation in New Developments.**

- 9 1. **Purpose.** The lot width variation requirements of this section may be applied to detached
 10 single family residential development. This standard is intended to create opportunity for a
 11 variety of lot widths and provide flexibility to developers in responding to varying site
 12 conditions.
- 13 2. **Applicability.** The standards in Subsection 3, below, may be applied in subdivisions or
 14 Planned Unit Developments of eight or more lots, outside areas designated Station
 15 Community Planning Area on the Comprehensive Plan Map.
- 16 3. **Standard.** Up to 20% of the lots may have lot widths at the building line which are below the
 17 minimum lot width in the applicable zone. Widths of such “narrow lots” shall not be reduced
 18 below 75% of the minimum lot width of the applicable zone.
- 19 4. **Dispersal.** If proposed, the narrow lots required in Subsection 3 above, shall be dispersed
 20 throughout the development.

- 1 J. Lot Width Variation in Light Rail Zones. To ensure that new development in the light rail zones
 2 includes variety within the allowed flexibility of the base zone standards, tentative plats for
 3 subdivisions or PUDs of eight lots or more in light rail zones shall include a variety of lot widths.
 4 At a minimum, the variation in width shall be 20% from the narrowest lot to the widest lot. This
 5 standard does not apply to townhouse or multi-family residential development.
- 6 K. Lot Width Variation in the Downtown Plan District. Land divisions creating four or more
 7 residential lots within the Downtown Plan District shall include a variety of lot widths. At a
 8 minimum, the variation in width shall be 20% from the narrowest lot to the widest lot. This
 9 standard does not apply to townhouse or multi-family residential development.
- 10 L. Lot Frontage.
- 11 1. Lot frontage is defined in Section 12.01.500 under Frontage.
 - 12 2. Figure 12.50.110-D illustrates methods to measure lot frontage on regular lots, irregular lots,
 13 and flag lots.
 - 14 3. Lots created after *<effective date of this Code>* must have the minimum lot frontage
 15 specified within the standards of the applicable zone, unless a Variance or Adjustment has
 16 been granted by the Review Authority pursuant to Section 12.80.150. In zones where flag
 17 lots are permitted, lot frontage may be reduced on adjacent flag lots pursuant to Subsection 5
 18 below.

19 **Figure 12.50.110-D:**
 20 **Examples of Measuring Lot Frontage on Various Lot Types**



4. Property abutting the end of a public or Private street not ending in a cul-de-sac, or which may be subject to future extension, shall not be considered as having lot frontage.
5. Minimum lot frontages may be reduced below base zone standards for flag lots as shown in Table 12.50.110-E.

**Table 12.50.110-E:
Required Lot Frontage for Flag Lots**

Flag Lot Type	Minimum Lot Frontage
Residential: Single Family Detached	
1 flag lot	12 feet
2-4 flag lots with adjacent flags	8 feet for each lot
Residential: Duplex or Two-Dwelling Townhouse	
1 flag lot	12 feet
2-4 flag lots with adjacent flags	10 feet for each lot
Residential: Multiple Dwelling Structure	
1 or 2 flag lots	25 feet each
Commercial or Industrial	
1 or 2 flag lots	25 feet each

12.50.120 Residential Density.

- A. Definition and Purpose. Residential density is defined in Section 12.01.500. Establishing minimum and maximum densities creates consistency within neighborhoods, achieves planned intensities of residential development and encourages development parameters within which the market will operate to provide particular Housing Types. Establishing maximum densities also ensure that the intensity of residential development will match the availability of public services.
- B. Standards and Calculation Methodology.
 1. Unless specified otherwise in Subsections 2 or 3 below, residential density in development projects containing residential dwellings submitted after *<effective date of this Code>* must be between the minimum and the maximum residential density of the applicable zone, unless a Variance or Adjustment has been granted by the Review Authority pursuant to Section 12.80.150 or Section 12.80.120.
 2. Unless specified otherwise in the base zone standards, the minimum residential density is 80% of the maximum density permitted by the base zone applicable on a site. The minimum or maximum number of dwellings permitted for a project is calculated by multiplying the minimum or maximum density standard by the net residential acres within the development site.
 3. Residential density in group living or residential service Uses is calculated at four residents equivalent to one dwelling unit.

- 1 4. In multi-family residential developments, dwelling units with four or more bedrooms may be
2 calculated as two dwelling units at the applicant's discretion. If provided, dwelling units
3 with four or more bedrooms shall be limited to a maximum of 20% of the total dwelling
4 units.

5 C. Exceptions to Minimum Density.

- 6 1. On lots larger than 12,000 sq. ft. designated Medium, High, or Mid-Rise Density Residential
7 on the Comprehensive Plan Map, building permit applications for a single-family dwelling
8 shall be approved only upon demonstration by the applicant that the dwelling is sited to allow
9 further development of the remainder of the lot at the minimum density permitted under the
10 implementing zone of the Comprehensive Plan designation.
- 11 2. One or more dwellings may be constructed on an existing lot of record in a light rail
12 residential zone if the dwelling(s) is/are sited to allow future development of the remainder of
13 the lot to at least the minimum applicable density without demolishing the new dwelling(s).
- 14 3. On a site containing existing mature or specimen trees as defined in Section 12.50.230, net
15 acreage on a development site may be reduced by subtracting the area within the drip line of
16 the trees, up to a maximum reduction of 35% of the original net acreage. Applications
17 proposing net acreage reductions to preserve existing trees shall include a certified arborist's
18 report and tree preservation plan. The approval of the development may be conditioned by
19 the Review Authority on implementation of the recommended tree preservation measures.
- 20 4. Pursuant to Section 12.25.230, on sites within or partially within a Significant Natural
21 Resource (SNR) area, the Review Authority may limit residential density on portions of the
22 SNR area below the minimum density specified in the base zone and may allow transfer of
23 such density to the portion of the site outside the SNR area.

24 D. Exceptions to Maximum Density.

- 25 1. In light rail zones, secondary dwelling units are included in calculations of minimum density
26 in new development projects. In all light rail zones except SCR-DNC and SCR-OTC, the
27 addition of a new secondary dwelling shall not be Not Permitted solely due to a maximum
28 density standard.
- 29 2. Pursuant to Section 12.80.156, increased residential density above the specified maximum of
30 the base zone may be approved as a Type III Adjustment in conjunction with a Planned Unit
31 Development Concept Plan application. Such density increases shall be limited to 120% of
32 the maximum of the underlying base zone density.
- 33 3. Pursuant to Section 12.27.200, on sites within or partially within the Significant Natural
34 Resource Overlay (SNRO) zone containing otherwise developable land, overall residential
35 density on the site may be limited by the Review Authority to 50% of the maximum
36 permitted by the base zone, to protect the SNRO area. The Review Authority may approve
37 transfer of a portion of the otherwise allowable density to the remainder of the site outside
38 the SNRO area. Such density transfer shall be limited as follows:
- 39 a. Not more than 30% of the maximum number of units allowed in the SNRO area may be
40 transferred; and
- 41 b. The resulting density on the remainder of the site shall not exceed 80% of the allowed
42 maximum number of units

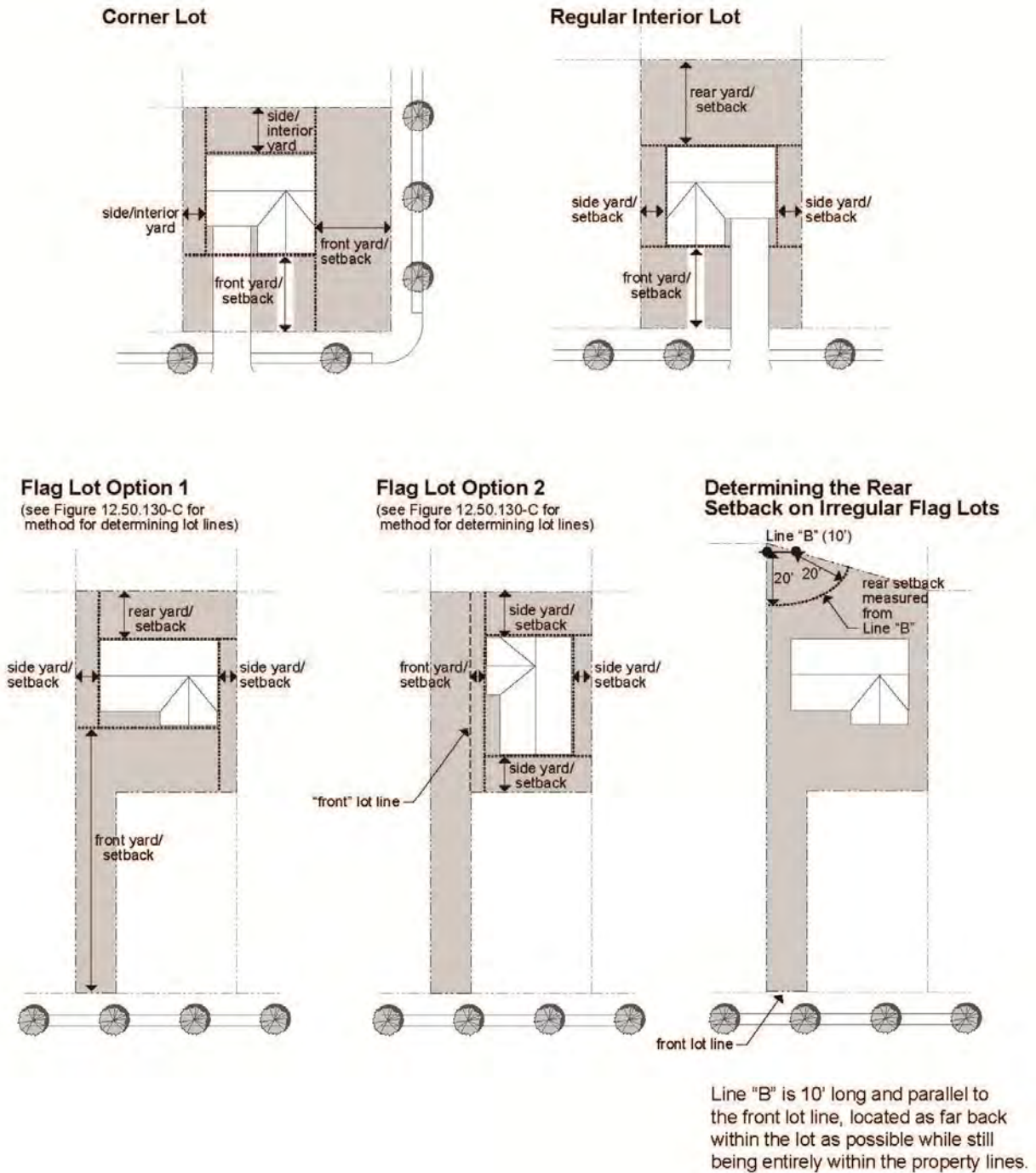
1 **12.50.130 Setbacks.**

2 A. Definition and Purpose. Setbacks (also known as “yards”) are defined in Section 12.01.500.
3 Minimum setback standards are intended to provide light and air between buildings and
4 protection to neighboring properties. Maximum setback standards are intended to complement
5 applicable standards for building height, floor area ratio, and design to promote an attractive
6 streetscape and pleasant pedestrian environment in higher density neighborhoods. Maximum
7 setbacks are not applicable in all zones.

8 B. Measurement Methodology: Minimum Setbacks. Figures 12.50.130-A, 12.50.130-B. and
9 12.50.130-C illustrate the methods to measure minimum front, interior, side and rear setbacks on
10 interior lots, corner lots, irregular lots and flag lots.

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**Figure 12.50.130-A:
Examples of Measuring Minimum Setbacks on Various Lot Types**

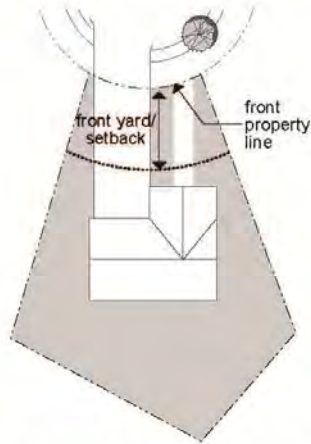


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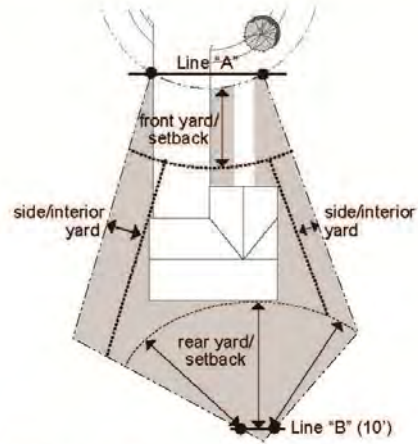
Figure 12.50.130-B: Measuring Minimum Front, Interior, Side and Rear Setbacks on Irregular Lots

1. Determining the Front Setback on Lots with Curved Frontages



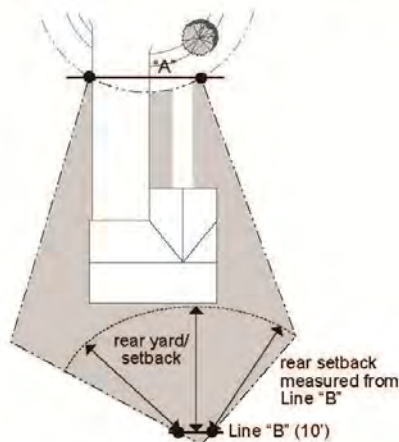
- The front setback line is parallel to the front property line.

2. Determining the Side / Interior Yard Setbacks

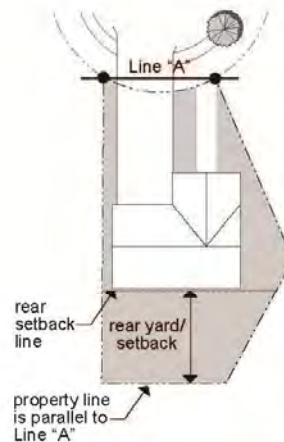


- All property lines not used to determine front or rear setbacks are used to determine side /interior yard setbacks.
- Side setback lines are parallel to property lines.

3. Determining the Rear Setback on Lots with Curved Frontages



- Establish Line "A" through the corner points at the front property line.
- Line "B" is 10' long and parallel to Line "A," located as far back within the lot as possible while still being entirely within the property lines.



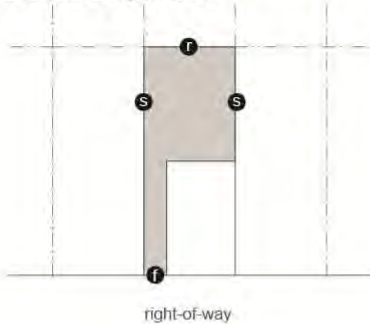
- If a property line is parallel to Line "A," the rear setback is measured from that property line.

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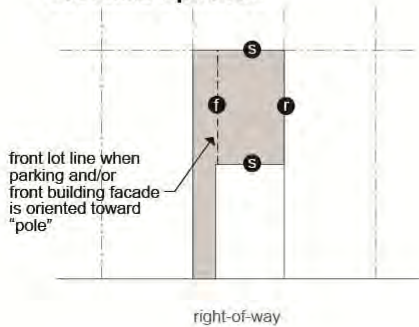
**Figure 12.50.130-C:
Measuring Minimum Setbacks on Flag Lots**

Lot Lines Option #1



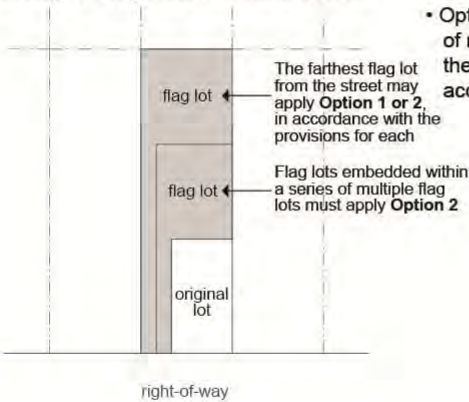
- Option 1 may be applied if the garage or parking area is or will be oriented toward the street.
- Option 1 may be applied if the front building facade is or will be oriented toward the street.

Lot Lines Option #2



- Option 2 shall be applied if the garage or parking area is or will be oriented toward the access strip (flag "pole").
- Option 2 may be applied if the front building facade is or will be oriented toward the access strip (flag "pole").

Multiple Flag Lots Within a Series



- Option 2 shall be applied if the lot is embedded within a series of multiple flag lots such that the lot is not the farthest flag lot from the street, or if there is a possibility of future extension of the access strip to create additional flag lots.

f = front lot line
 s = side lot line
 r = rear lot line

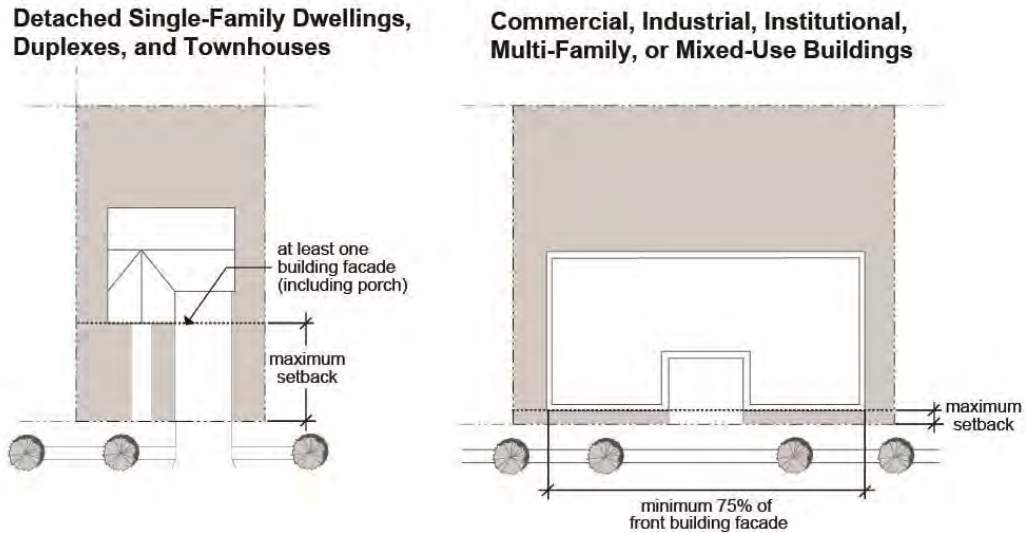
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4 C. Measurement Methodology: Maximum Setbacks.

- 5 1. Figure 12.50.130-D illustrates the methods to measure maximum front setbacks for
 6 residential and non-residential buildings.

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**Figure 12.50.130-D:
Measuring Maximum Front Setbacks**



3

4

2. Garage and Carport Setbacks.

5

a. In General. Setbacks measured to a garage door shall also be applicable to the entrance of a carport. The setback distance shall be measured to the support posts of the carport closest to the driveway, or to the edge of the carport roof if there are no posts.

6

7

8

b. In Light Rail Zones. Figure 12.50.130-E illustrates the methods to measure garage setbacks in light rail zones, where a residential garage or carport is accessed from a street or a public alley, the setback to the garage door or carport opening shall be either equal to the dwelling unit setback (if that setback is 5 feet or less) or nineteen feet (19'), except:

9

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i. If the dwelling unit setback is more than 19 feet, the setback to the garage/carport shall equal or exceed the dwelling unit setback; or

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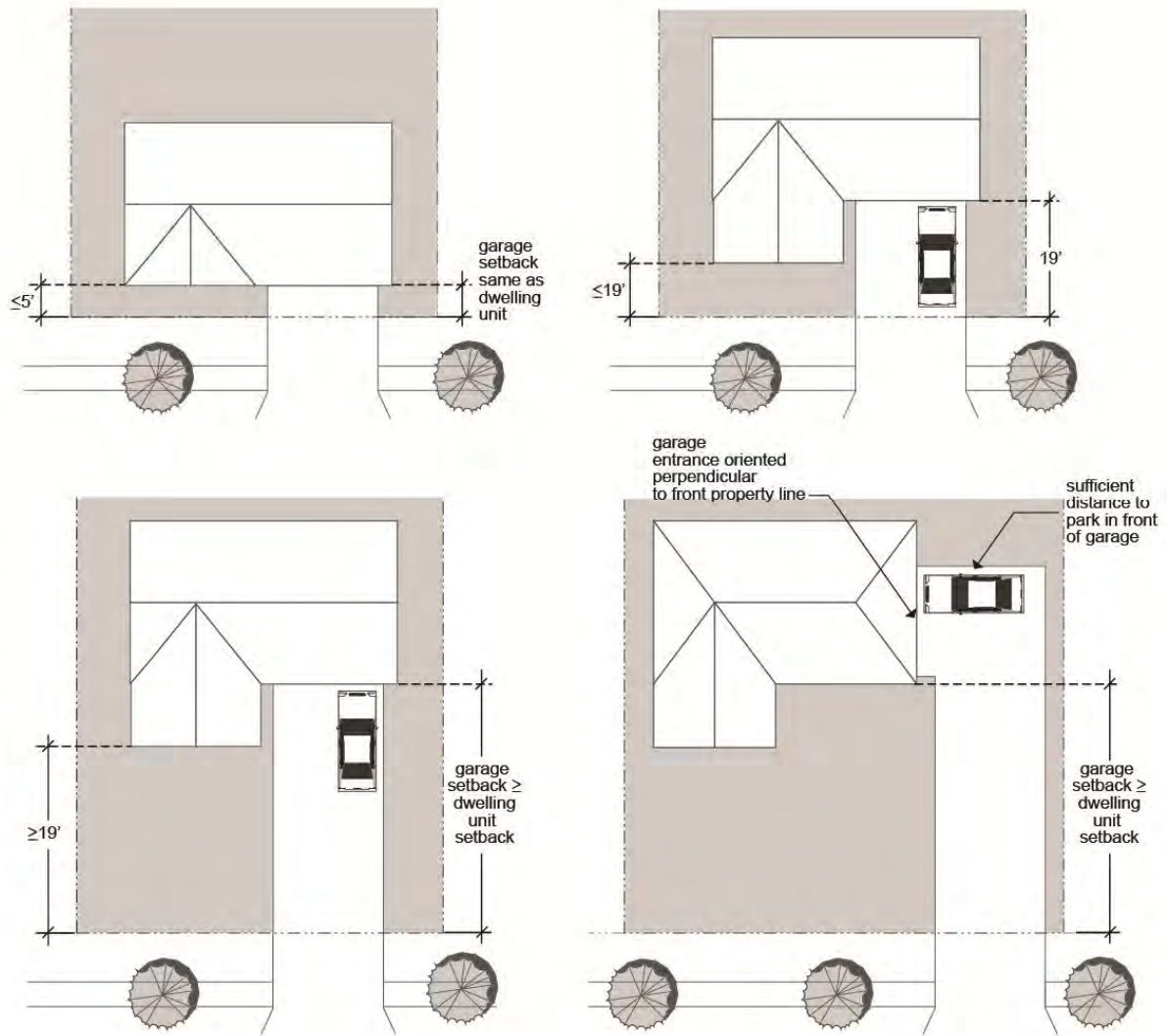
ii. If the garage door or carport opening is perpendicular to the front property line, then the garage/carport setback shall be equal to or greater than the dwelling.

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**Figure 12.50.130-E:
Measuring Garage Setbacks in Light Rail zones**



3

4 3. **Maximum Setback Compliance.** In zones where maximum setbacks apply, the maximum
5 setback standard is considered met under the following circumstances:

6 a. For detached single family dwellings, duplexes and townhouses, where at least one
7 façade, including a porch, is located no farther from the property line than the setback
8 specified for the zone; or

9 b. For commercial, industrial, institutional, multi-family, or Mixed-Use buildings, where at
10 least 75% of the front building façade is located no farther from the property line or
11 future right-of-way line than the maximum setback specified for the zone.

12 4. **Build-to Zone.** In the urban center zones, maximum front setbacks may be expressed as
13 build-to zones.

14

1 D. Standards.

- 2 1. Structures built on lots after *<effective date of this Code>* must meet the minimum and
3 maximum (if applicable) setback standards of the applicable base zone, unless a variations
4 are approved by the Review Authority pursuant to Subsection E below or unless a Variance
5 or Adjustment has been granted by the Review Authority pursuant to Section 12.80.150.
- 6 2. Where public or private utility easements are present on a lot, the setback may include the
7 easement. However, setbacks are subordinate to such easements if the easement is wider
8 than the required setback. Setbacks may be increased by the Review Authority above either
9 the minimum or maximum standards of the base zone to accommodate such easements, and
10 to provide necessary angles of repose as required by the Building Code.
- 11 3. Setbacks measured to a garage door shall also be applicable to the entrance of a carport. The
12 setback distance shall be measured to the support posts of the carport closest to the driveway,
13 or to the edge of the carport roof if there are no support posts.

14 E. Front Yard Setback Variations in New Developments.

- 15 1. Purpose. Front yard setback variation provisions are intended to provide opportunity for a
16 wider range of structural design, setbacks, and housing choices within new development, and
17 provide developers with flexibility in response to varying site conditions.
- 18 2. Applicability.
- 19 a. These standards may be applied to detached single family subdivisions or detached single
20 family PUDs with eight (8) or more lots.
- 21 b. Pursuant to Section 12.50.020, the standards of this section are subordinate to more
22 specific standards of any applicable Plan District.
- 23 3. Standards.
- 24 a. Up to 20% of the houses in the subdivision or PUD may have front yard setbacks greater
25 or less than the applicable base zone standard, by at least one foot variation. Setback
26 variations may not be reduced below 80%, or increased above 120%, of the required
27 minimum setback. Application of this reduction is further restricted as follows:
- 28 i. The varied setback applies only to the residence portion of the structure;
- 29 ii. Front setbacks on corner lots where reduced setbacks are already allowed on one
30 street cannot be further reduced;
- 31 b. Front yard setbacks shall not be reduced if the setback contains a public utility easement
32 wider than the proposed reduced setback and the necessary angle of repose as required by
33 the Building Code.

34 F. Exemptions.

- 35 1. First-Story Decks. For purposes of this Code, first-story decks may be located within
36 required side, rear, and interior setbacks if such decks meet the following standards:
- 37 a. The outside edge of the deck is at least three feet from the side, rear, and interior property
38 lines;

- 1 b. The deck does not exceed the height of the first-story finished floor of the associated
2 building, or 24 inches, whichever is less, as measured from the natural grade to the
3 finished deck surface; and
- 4 c. The deck surfaces and ground surfaces beneath the deck are both permeable.
- 5 2. Soundwalls and Ramps. For purposes of this Code the following are not considered
6 structures for the purposes of determining setbacks:
- 7 a. Sound walls installed according to a plan approved by the City as part of a land use
8 application;
- 9 b. Accessibility ramps.
- 10 3. Publicly-Owned Parks. In publicly-owned parks, expansion of existing accessory structures
11 or recreational facilities and construction of new accessory structures or recreational facilities
12 are exempt from the minimum and maximum setback standards of the applicable base zone.
13 Accessory structures in public parks and recreational facilities may include, but are not
14 limited to: restrooms; weather shelters; equipment storage buildings; and similar structures.
- 15 G. Exceptions for Non-Conforming Structures. Pursuant to Section 12.30.600, existing structures
16 with non-conforming setbacks may be altered if the alteration does not increase the deviation
17 from the setback standard of the applicable base zone. Setbacks for additions to non-conforming
18 structures in light rail zones are subject to the provisions of Section 12.30.600.
- 19 H. Exceptions to Minimum Setbacks. The Review Authority may approve exceptions to a
20 minimum setback standard under any of the following circumstances without a Variance or an
21 Adjustment:
- 22 1. Side Yard Setback Reductions. In addition to the setback exceptions for non-structural
23 architectural features permitted in Subsection 12.50.130.H.3, side yard setbacks in all zones
24 may be reduced to allow structural building elements not containing usable or habitable floor
25 area. Such elements may include, but are not limited to bay windows, alcoves, or
26 cantilevered closets. Structural building elements may extend up to four feet into the
27 required setback, provided that:
- 28 i. A minimum three-foot setback is provided from the projection to the property line;
- 29 ii. Structural building elements on adjacent structures are not aligned opposite one
30 another;
- 31 iii. The total length of any Structural building element(s) is/are not more than 25 percent
32 of the length of the wall from which they project;
- 33 iv. Side yard setbacks shall not be reduced if the setback contains a public utility
34 easement wider than the proposed reduced setback and the necessary angle of repose;
35 and
- 36 v. The side yard setback reductions for such elements have received approval by the
37 Review Authority under Section 12.80.150.
- 38

- 1 2. Accessory Structures. In a residential zone, side and rear setbacks may be reduced to 3 feet
2 (3') for an accessory structure which meets the following thresholds:
 - 3 a. Maximum Height: 10 feet (see Figure 12.50.140-A regarding height);
 - 4 b. Maximum Square Footage: 450 sq. ft.;
 - 5 c. Minimum Separation: 6 foot separation from all other buildings; and
 - 6 d. Minimum Setback: 65 feet from a street other than an alley; or if located on a double- or
7 multiple-frontage lot, behind the front building plane of the primary structure.
- 8 3. Secondary Dwelling Units. Detached secondary dwelling units may be constructed with
9 narrower setbacks than specified in the base zone. Setbacks for secondary dwelling units are
10 included in Section 12.40.230.
- 11 4. Non-Structural Architectural Features Projecting into Setbacks. Except as provided in
12 Subsections a and b, below, non-structural architectural features can project up to 2 feet into
13 a required setback. Examples of such features include but are not limited to cornices, eaves,
14 canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, and lintels.
 - 15 a. Non-structural architectural features on a dwelling unit cannot project more than 4 feet
16 into a required front or rear setback in single family or duplex zones, or 3 feet into
17 required side yards.
 - 18 b. Non-structural architectural features on accessory structures having reduced setbacks
19 under Subsection 1 above may not extend closer than 3 feet from any property line.
 - 20 c. Non-load-bearing architectural features may not project more than two feet into the
21 required yards in any non-residential zone.
- 22 5. Structural Building Elements Projecting into Setbacks.
 - 23 a. In Mixed-Use zones, structural building elements such as porches, decks, pergolas,
24 balconies, and stoops may encroach by no more than 4 feet into a required front or rear
25 setback, subject to compliance with applicable standards of the Oregon Structural
26 Specialty Code and Oregon Fire Code and accommodation of public utility easements.
 - 27 b. In all other zones, the Review Authority may approve load-bearing architectural
28 projections into required side yard setbacks under either a Type II or a Type III
29 Adjustment procedure pursuant to Section 12.80.154 or 12.80.156.
- 30 6. Projections into Public Right-of-Way. Second story bay windows, balconies, awnings, and
31 canopies may extend into public right-of-way upon approval by the City Engineer, Building
32 Official, and Fire Marshal.
- 33 I. Exceptions to Maximum Setbacks. The Review Authority may approve exceptions to a
34 maximum setback standard without a Variance or an Adjustment under any of the following
35 circumstances:
 - 36 1. Where a Public Utility Easement (PUE) is wider than the maximum setback of the applicable
37 base zone, the structure shall be set back to accommodate the PUE and the necessary angle of
38 repose.

- 1 2. In Mixed-Use or non-residential developments, maximum front setbacks may be exceeded by
2 up to 10 additional feet if the Review Authority finds that all of the additional setback would
3 be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or
4 other such usable pedestrian space.
- 5 3. In residential development in light rail zones, on irregular lots on curvilinear streets or cul-
6 de-sacs, increases in maximum setbacks may be granted subject to the following standards:
 - 7 a. For dwellings, the front setback is the minimum necessary to achieve either of the
8 following at the front building plane: a 25 foot lot width for a townhouse; or a 48 foot lot
9 width for a detached dwelling;
 - 10 b. The increased setback is applied to 5 or fewer individual lots in a land division subject to
11 a Type II procedure or 10 or fewer lots in a land division subject to a Type III procedure;
 - 12 c. The residential density required by the base zone is met; and
 - 13 d. The increased setback meets the standards in Subsection 6 below.
- 14 4. To allow location of a structure where the site is located:
 - 15 a. In an existing development where the required maximum setback would be inconsistent
16 with previous development on the surrounding properties; or
 - 17 b. In an existing development where private legal restrictions require a setback greater than
18 the maximum standard of the base zone; or
 - 19 c. At the entry of a development, where planned entry features would be precluded by
20 conformance with the maximum setback standard; and
 - 21 d. The increased setback meets the standards in Section 12.80.158.
- 22 5. To accommodate placement of surface parking, maneuvering or loading areas or service
23 docks on corner lots, if the parking, maneuvering or loading areas meet the standards in
24 Sections 12.50.350 and 12.50.360.

25 J. Increased Setbacks Adjacent to Substandard Right-of-Way.

- 26 1. Setbacks Adjacent to Substandard Alleys. Adjacent to an alley right-of-way less than 20 feet
27 in width, the setback from the centerline of the alley shall be a minimum of 10 feet, to
28 maintain a 20 foot wide emergency fire access corridor free of obstructions. An additional
29 setback from an alley may be required by the Fire Marshal if necessary to accommodate
30 larger firefighting equipment.
- 31 2. Additional Setbacks to Accommodate Street Widening. To accommodate street
32 improvements and right-of-way dedications in compliance with the Transportation System
33 Plan (TSP), additional setbacks beyond the minimum standards in the base zones shall be
34 required on the streets identified in Table 12.50.130-1. On streets identified in Table
35 12.50.130-1, the front setback shall be increased by the distance specified, measured from the
36 center of the street right-of-way. This distance represents the eventual right-of-way width as
37 specified in the TSP.

**Table 12.50.130-1:
Special Street-Facing Setback Requirements**

Street	Feet
SE 11th Avenue: SE Walnut Street to 90 feet south of SE Alder Street	27
SE 11th Place: SE Maple Street to SE Walnut Street	27
S.E. 12th Avenue from S.E. Maple Street to East Main Street and from S.E. Elm Street to S.E. Alder Street	27
S.E. 15th Avenue from 400 feet north of S.E. Oak Street to S.E. Walnut Street, and from 50 feet south of S.E. Alder Street north 510 feet	27
S.E. 16th Avenue from S.E. Oak Street to S.E. Walnut Street and from 50 feet south of S.E. Alder Street north 510 feet	27
S.E. 26th Avenue from East Main Street south to terminus	27
S.E. 40th Avenue from S.E. Bentley Street to S.E. Ash Street	27
S.E. Alder Street from S.E. 11th Avenue to S.E. 21st Avenue	27
S.E. Ash Street from 350 feet west of S.E. 40th Avenue eastward to city boundary	27
S.E. Bentley Street from S.E. 32nd Avenue east to city boundary	30
S.E. Cedar Street from S.E. 32nd Avenue east to city boundary	30
S.E. Currin Drive from S.E. River Road to city boundary	27
S.E. Currin Lane from S.E. River Road to city boundary	27
S.E. Elm Street from S.E. 12th Avenue west 225 feet	27
S.E. Maple Court from S.E. 18th Avenue west 465 feet	27
S.E. Walnut Street from 50 feet east of S.E. 15th Avenue eastward to end of street	27
N.W. Brookwood Avenue from LRT alignment north to US 26	49
N.W. and S.W. Brookwood Avenue from LRT alignment south to UGB	37
N.E. 8th Avenue from North Arrington Road to 120 feet south of N.E. Queens Lane	27
N.E. 9th Avenue from 130 feet north of N.E. Arrington Road to 120 feet south of N.E. Queen's Lane	27
N.E. 25th Avenue from East Main Street to end of road	27
N.E. 28th Avenue from East Main Street to N.E. Cornell Road	37
N.E. Arrington Road from N.E. Jackson School Road to N.E. Cornell Road	27
Birchwood Lane from N.E. Grant Street north 160 feet	27
N.E. Birchwood Terrace from N.E. Grant Street to N.E. Donelson Road	27
N.E. Cornell Road from East Main Street to city boundary	49
N.E. Lincoln Street from Cornell Road to N.E. 12th Avenue	27
N.E. Queens Lane from N.E. 8th Avenue to N.E. Delsey Road	27
N.W. Brogden Street within city	30
N.W. Forest Street from N.W. Connell Avenue to city boundary	27
N.W. Hyde Street from N.W. 273rd Avenue to N.W. 269th Avenue (N.E. 28th Avenue)	27
East Main Street from the east line of Tenth Avenue easterly to the City boundary	35

North Dennis Avenue from N.W. Garibaldi Street to N.W. Forest Street	27
11th Street Drive from East Main Street to N.E. 12th Avenue	27
Padgett Road (N.W. 10 th Avenue and N.W. Donelson Street)	27
East Main Street from the east line of 5th Avenue easterly to Tenth Avenue	35
S.E. 10th Avenue from S.E. Maple Street north to S.E. Walnut Street	49
S.E. 10th Avenue from S.E. Walnut Street to S.E. Oak Street	61

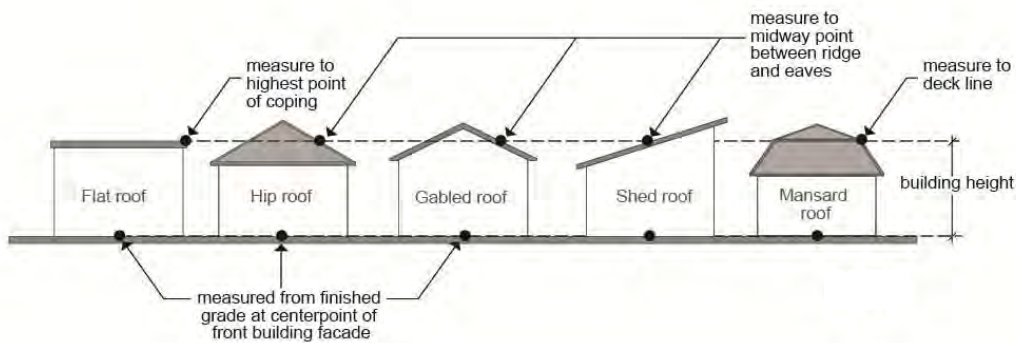
1 **12.50.140 Building Height.**

2 A. Definition and Purposes. Building height is defined in Section 12.01.500. Minimum and
3 maximum building height standards promote relationship of scale among structures in
4 residential, commercial, and industrial neighborhoods, helping to create harmonious
5 environments which enhance a sense of place. Variations in maximum building height among
6 zones allow increased intensity of development in light rail, Mixed-Use and urban center zones.

7 B. Standards and Measurement Methodology.

- 8 1. Standards. Except as provided under Subsections C and D below, structures built after
9 *<effective date of this Code>* must comply with the maximum (and minimum if applicable)
10 building height standards of the applicable base zone, unless a Variance or Adjustment has
11 been granted by the Review Authority pursuant to Section 12.80.150.
- 12 2. Figure 12.50.140-A illustrates the methods to measure building heights for buildings with flat
13 roofs, mansard roof, and pitch or hip roofs. Except as provided under subsection 4 below,
14 building height is measured from finished grade at the center of the front building plane.

15 **Figure 12.50.140-A:**
16 **Measuring Building Height on Various Roof Types**



- 17
- 18 3. Minimum and maximum building height in light rail, Mixed-Use, and non-residential
19 standard zones is calculated in feet, to the points shown in Figure 12.50.140-A.
- 20 4. Figure 12.50.140-B illustrates the method to measure building heights for buildings on
21 slopes. Except as provided under Subsection 5 below, building height is measured from
22 finished grade at the center of the front building plane.

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**Figure 12.50.140-B:
Measuring Building Height on Slopes**



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5. If a difference of 6 feet or more exists between the elevations at finished grade of the front and rear building planes, building height shall be measured from the center of the side walls between the front and rear building planes.

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6. Minimum and maximum building height in single family and multi-family residential zones is calculated in stories, as shown in Figure 12.50.140-C below. In calculating minimum and maximum height in stories, a residential “story” is considered to be not more than 10 feet.

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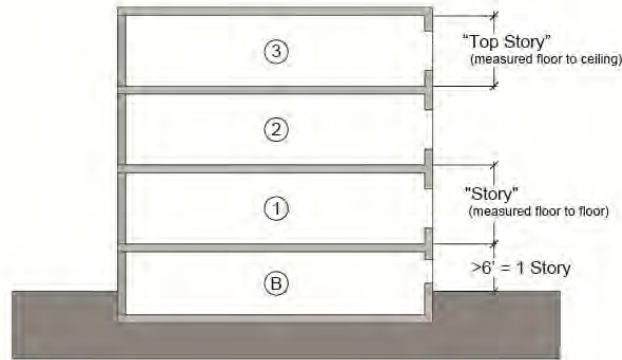
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7. Figure 12.50.140-C illustrates measurement of building height in stories related to basements and top stories. As illustrated, a basement is not a story if its finished floor is at least six feet (6’) below finished grade at the mid-point of the wall.

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14

**Figure 12.50.140-C:
Measuring building height in relation to basements and top stories.**



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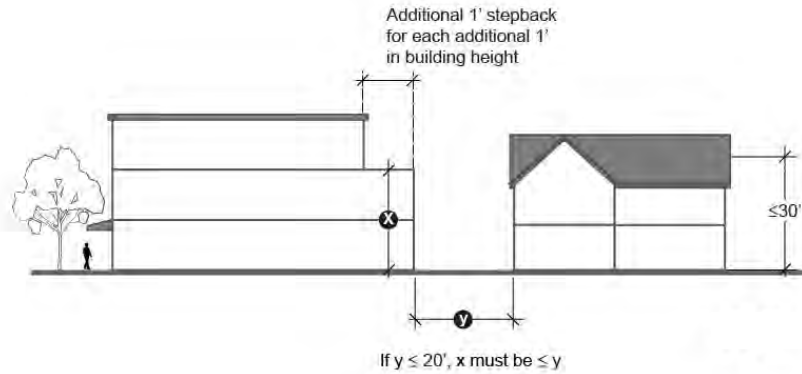
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C. Building Height Transition in Mixed-Use Zones. Building heights for new development in the MU-N and MU-C zones shall “step-down” and provide for a transition where adjacent to existing SFR zoning to provide compatible scale and privacy between developments.

1. Building height transitions shall be applied to new and vertically expanded buildings in the MU-N and MU-C zones within 20 feet (measured horizontally) of an existing single family residential building 30 feet or less in height.
2. The building height transition standard is met when the height of the taller building (x) does not exceed one foot of height for every one foot separating the new building from the existing single family residential structure (y) as shown in Figure 12.50.140-D.

**Figure 12.50.140-D:
Building Height Transition in Mixed-Use Zones**



D. Exceptions to Maximum Building Height.

1. The structures or structural parts listed below, while subject to building code requirements, are not subject to the maximum building height requirements of the applicable base zone:
 - a. Chimneys
 - b. Elevated storage tanks
 - c. Spires or belfries
 - d. Domes
 - e. Monuments and flagpoles
 - f. Emergency services training towers
 - g. Observation towers
 - h. Telecommunications towers
 - i. Cooling towers
 - j. Elevator shafts
 - k. Electrical transmission towers
 - l. Smokestacks
 - m. Wind turbines, with the limitation listed in Subsection 2 b below
 - n. Photovoltaic or solar equipment, with the limitation listed in Subsection 2 a below

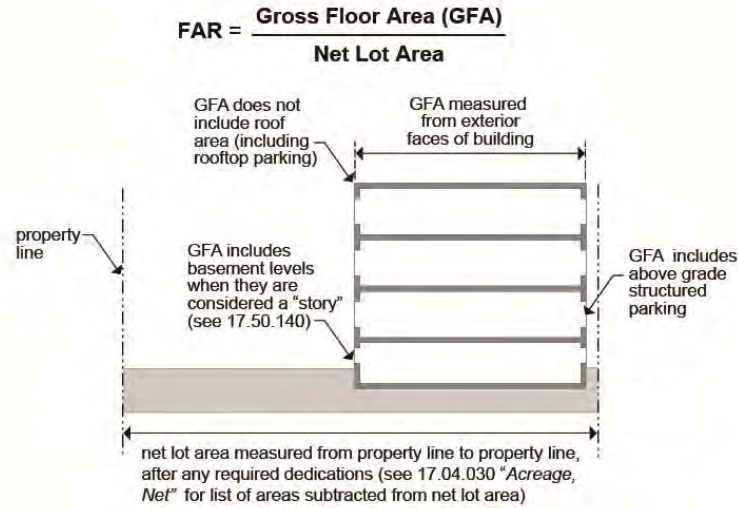
- 1 o. Roof-mounted, non-habitable mechanical penthouses for heating, cooling or ventilation
2 equipment, with or without screening
- 3 2. Limitations in Urban Center Zones. The exceptions to maximum building height listed in
4 Subsection 1 above are limited in certain Urban Center zones as follows:
 - 5 a. On-site or roof mounted solar energy production equipment: maximum exception 36
6 inches above the applicable height limit.
 - 7 b. On-site or roof-mounted wind energy production equipment in the UC-OR and UC-RP
8 zones: maximum exception 30 feet above height limit.
- 9 3. Limitations Based on Federal Aviation Regulations. Regardless of the building height
10 standards in any base zone, all structures or parts of structures shall be consistent with
11 Federal Aviation Regulation (FAR) Part 77 “Objects Affecting Navigable Airspace” (14
12 CFR 77).
- 13 4. Limitations for Structured Parking in MU-N and MU-C zones. Pursuant to Subsection
14 12.24.250.C, in the MU-N and MU-C zones for buildings where structured parking is
15 integrated into the building envelope, the floors occupied by parking shall not be counted
16 toward the maximum building height, provided that:
 - 17 a. The design of the building with integrated structured parking complies with the standards
18 in Section 12.50.800, and with the standards in Subsection 12.50.360.D for location and
19 design of structured parking.
 - 20 b. The design of the building complies with the design standards contained in Section
21 12.50.800 regarding building façade and architectural design requirements.

22 **12.50.150 Floor Area Ratio.**

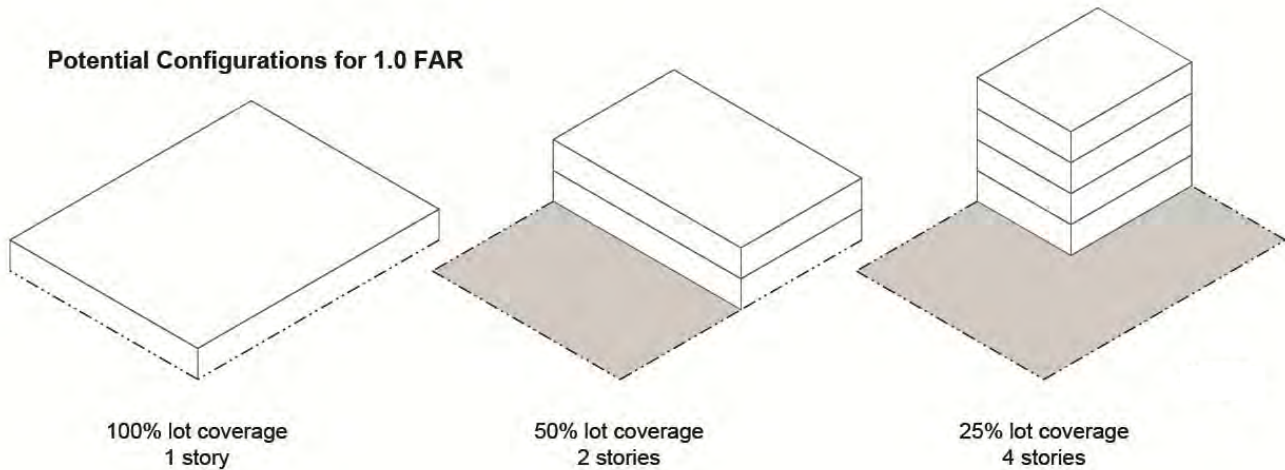
- 23 A. Definition and Purpose. Floor area ratio (FAR) is defined in Section 12.01.500. Minimum FAR
24 standards are intended to achieve an increased intensity of nonresidential development in light
25 rail zones and Mixed-Use and urban center zones, within walking distance of high capacity
26 transit. Minimum FAR standards therefore are not applicable in every zone.
- 27 B. Standards and Measurement Methodology.
 - 28 1. Except as provided under Subsections C and D below, projects developed after *<effective*
29 *date of this Code>* must comply with the minimum FAR standard of the applicable base
30 zone, unless a Variance or Adjustment has been granted by the Review Authority pursuant to
31 Section 12.80.150.
 - 32 2. Figure 12.50.150-A illustrates the methods to calculate FAR.

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**Figure 12.50.150-A:
Measuring Floor Area Ratio (FAR)**



Potential Configurations for 1.0 FAR



3

- 4 3. Calculation of Floor Area Ratio in Mixed-Use buildings includes the entire residential square
- 5 footage including hallways, common space, mechanical rooms and other utility features.
- 6 4. Floor Area Ratio for automobile service stations includes the service area covered under the
- 7 service canopy.
- 8 5. Floor Area Ratios for above-grade parking structures includes all areas within the exterior
- 9 faces of the structure, whether used for parking stalls, ramps and aisles, equipment rooms,
- 10 stairwells or commercial space.
- 11 6. Floor Area Ratios may be calculated on a project-wide basis including multiple contiguous
- 12 blocks, pursuant to Subsection D below.
- 13 7. In calculating FAR for non-residential development, 25% of employee parking area may be
- 14 subtracted from net acreage if parking is provided at a ratio of .5 spaces per employee or less
- 15 for the average number of employees in any eight-hour shift.

1 8. In calculating FAR for non-residential development on a site containing existing mature or
2 specimen trees as defined in Section 12.50.230, net lot area on a development site may be
3 reduced by subtracting the area within the drip line of the trees, up to a maximum reduction
4 of 35% of the original net area. Applications proposing net lot area reductions to preserve
5 existing trees shall include a certified arborist's report and tree preservation plan. The
6 approval of the development may be conditioned by the Review Authority on
7 implementation of the recommended tree preservation measures.

8 C. Exemptions from Minimum Floor Area Ratios in Phased Developments. Phased development in
9 the following categories is exempt from minimum FAR requirements:

- 10 1. Properties subject to an approved Concept Development Plan in the SCR-V zone; or
11 2. Properties in any phased commercial, industrial or institutional development subject to an
12 approved Concept Development Plan or PUD.

13 D. Exceptions to Minimum Floor Area Ratios. Each phase in a phased development must meet the
14 applicable minimum FAR standard unless the following standards are met:

- 15 1. The subject phase is not more than 10% of the total project area;
16 2. An FAR reduction in the subject phase is mitigated by an FAR increase of 10% or less in a
17 later phase, which does not rely on redevelopment of early phases, and which is approved in
18 an amended phasing plan and required in a binding legal instrument; or
19 3. The subject phase combined with earlier phases meets the minimum FAR requirement.
20

1 **12.50.200 Site Design.** Site design standards include the following sections:

2 12.50.210 Usable Open Space

3 12.50.220 Landscaping

4 12.50.230 Tree Preservation

5 12.50.240 Exterior Lighting

6 12.50.250 Fences, Free-Standing Walls, Hedges and Berms

7 12.50.260 Sight Distance / Vision Clearance

8 **12.50.210 Usable Open Space.**

9 A. Purpose. Usable Open Space is defined in Section 12.01.500. Availability of Usable Open
10 Space is an important aspect of livability and benefits public health and well-being. Usable
11 Open Space standards are intended to assure opportunities for both private relaxation and for
12 community interaction among residents, employees, and customers. These standards are
13 intended to ensure that required Usable Open Space is functional in terms of location, area, and
14 level of improvement and that it remains functional and an asset to the surrounding properties
15 and to the larger community.

16 B. Applicability. These standards apply in all zones where Usable Open Space standards are
17 specified in the base zone in Subchapters 12.21 through 12.26.

18 C. Exceptions. Where specified, Usable Open Space standards in Section 12.60 supersede the
19 standards of this section.

20 D. Exemptions. Detached single family residential developments meeting all of the following
21 thresholds are exempt from the requirements of this section:

22 1. The net acreage of the development is 3.0 acres or less;

23 2. The development is within ½ mile (measured in walking distance) of a publicly accessible
24 active open space such as a public park or elementary school;

25 3. A minimum of 800 square feet per lot, compliant with the dimensional standards in Table
26 12.50.210-2 is provided on at least 65% of the lots in the development; and

27 4. The Review Authority finds that Usable Open Space compliant with the area standards of
28 Table 12.50.210-1 cannot be located within the development consistent with the Locational
29 standards in Subsection 12.50.210 G.

30 E. Exclusions. The following features cannot be counted toward the requirements of this section:

31 1. Foundation landscaping around buildings;

32 2. Sidewalks and parking areas;

33 3. Small, irregularly-shaped and/or otherwise unusable remnant parcels;

34 4. Parking strips, even if enlarged or enhanced with seating or

35 5. Unimproved land within a development site unless such land is within a publicly accessible
36 natural or wildlife viewing area.

37

F. Area Standards.

1. Development approved after *<effective date of this Code>* shall provide the Usable Open Space specified in Table 12.50.210-1, unless a Variance or Adjustment has been approved under Section 12.80.150.

**Table 12.50.210-1:
Usable Open Space Minimum Area Requirements, by Zone and Development Type
(expressed as percentage of net acreage or square feet per unit)**

Project NA	Standard and Light Rail Residential zones and MU-N zone	Standard and Light Rail Non-Residential zones and MU-C zone	SCC-DT and SCC-SC	All Urban Center Zones
< 3.0	SFR = exempt if compliant with 12.50.5210 D; otherwise 3%	With no residential = none. With residential = 200 sq. ft./du	See Section 12.61.400 E	See Section 12.64.210
	Duplex and Townhouse = 5%			
	MFR = 200 sq. ft / du			
3.1 to 15.0	SFR: 5%			
	Duplex and Townhouse = 7.5%			
	MFR = 200 sq. ft./du			
15.1 – 50.0	SFR: 7.5%	With no residential = 5%; With residential = 200 sq. ft./du; can be private or common space	See Section 12.61.400 E	See Section 12.64.210
	Duplex and Townhouse = 10%			
	MFR = 200 sq. ft./du			
> 50.1	SFR = 10%			
	Duplex and Townhouse: 12.5%			
	MFR = 200 sq. ft./du;			

- In applying Table 12.50.210-1 to multi-family residential developments, the 200 sq. ft. per dwelling unit standard shall be used for one-, two- or three-bedroom units. Dwelling units with four or more bedrooms shall provide 400 sq. ft. of Usable Open Space per dwelling unit.
- The standards of Section 12.61.400 E shall be used in calculating minimum Usable Open Space requirements in the SCC-SC zone.
- In a non-residential zone where outdoor seating for eating and drinking establishments are provided, 65% of the private outdoor seating area may be counted toward the Usable Open Space requirement if the area is outside the public right-of-way,
- In multi-family or Mixed-Use developments, commonly accessible courtyards or rooftop courtyards, gardens and terraces may be counted as Usable Open Space if such areas comply with the following standards:

- a. The area is open and available to the public or for the common use of residents and/or building tenants;
- b. The area contains seating and/or recreation facilities; and
- c. Landscaping is provided consistent with the character and function of the space.

G. Locational Standards.

1. Usable Open Space shall be sited to provide opportunities for active recreation and “third place” social interaction, except where Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site as described in subsection 3.
2. In determining the location of Usable Open Space within a development, preference shall be given to the following:
 - a. Integration into the overall design of the development;
 - b. Easily accessible sites adjacent to public through streets;
 - c. Sites visible from front yards of adjacent lots or buildings;
 - d. Sites adjacent to multiple properties within or adjacent to the development;
 - e. Sites near neighborhood commercial activity centers;
 - f. Otherwise unprotected natural resources and wildlife habitat on the site, particularly if isolated smaller areas can be consolidated, and/or if an opportunity is available to provide passive space in conjunction with the natural resource site; or
 - g. Opportunities to create contiguous natural resource corridors with adjacent properties.
3. Usable Open Space may include passive recreation areas only where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas may be counted as Usable Open Space under the following standards:
 - a. Public accessways and covered viewing areas are provided;
 - b. The entire Resource area within the site is enhanced pursuant to CWS standards and Section 12.27.225 if applicable;
 - c. Only the on-site portion of the Resource area, floodplain, wetland or wetland buffer area visible from the viewing area is applicable toward the requirement; and
 - d. The visible on-site Resource area, floodplain, wetlands or wetlands buffers will not count for more than 25% of the required Usable Open Space.
4. In multi-family residential and Mixed-Use developments, spaces such as private yards, at grade patios, balconies, rooftop gardens, porches, or terraces may be counted as up to 65% of the Usable Open Space requirement, if such spaces meet the following requirements:
 - a. The spaces comply with the dimensions in Table 12.50.210-2;
 - b. Patios, balconies or porches are screened or oriented to avoid direct lines of sight into adjacent units; and

- c. At grade spaces are differentiated through use of decorative pavers, pervious pavement, and changes in paving color, pattern and texture.

**Table 12.50.210-2:
Specifications for Spaces Meeting 65% UOS Requirements**

Open Space Location	Minimum Specifications
Private Yards (single family)	Area: 1000 sq. ft.; configured in contiguous front, side and/or rear yards Dimensions: depth at least 15 feet; width at last 40 feet
Private Yards (townhouse or duplex)	Area: 200 sq. ft.; configured in contiguous side and/or rear yards Dimensions: depth at least 10 feet; width at last 18 feet
At grade patios	Area: 100 sq. ft. Dimensions: depth at least 8 feet; width at least 10 feet
Balconies or Porches	Area: 50 sq. ft. Dimensions: depth at least 5 feet; width at least 8 feet
Roof Gardens	Area: 120 sq. ft. Dimensions: depth at least 8 feet; width at least 10 feet

H. Improvement Standards.

1. In Station Communities, Regional Centers, Town Centers or Main Streets as identified on the Hillsboro 2040 Growth Concept Boundaries Map (Comprehensive Plan Section 14 B 2), Usable Open Space improvements shall be designed to enhance the public pedestrian environment. Improvements may include but are not limited to the following:
 - a. Hardscaped courtyards;
 - b. Water features;
 - c. Public art or sculpture;
 - d. Weather canopies or sunshades;
 - e. Seating areas;
 - f. Drinking fountains;
 - g. Free-standing planters and/or raised planting beds;
 - h. Play structures; or
 - i. Other pedestrian-friendly features as approved by the Review Authority.
2. In Inner and Outer Neighborhoods, Industrial and Commercial areas as identified on the Hillsboro 2040 Growth Concept Boundaries Map (Comprehensive Plan Section 14 B 2) Usable Open Space improvements shall be designed to provide recreational and/or social interaction among residents, employees or visitors. Improvements in these areas may include but are not limited to the following:
 - a. Play structures;
 - b. Sport courts, fields, or tracks;

- c. Seating areas;
- d. Landscaped or hardscaped courtyards;
- e. Shelters, weather canopies or sunshades;
- f. Free-standing planters and/or raised planting beds; or
- g. Other pedestrian space or design features as approved by the Review Authority.

I. Usable Open Space Standards: Maintenance and Minimum Area.

- 1. Land use approvals for developments containing Usable Open Space shall assign maintenance responsibility for the Usable Open Space. Ownership of common open space through a homeowners association or similar entity may be approved only under the limited circumstances listed below:
 - a. Where both permanent ownership and maintenance of the Private Open Space areas for a minimum of 40 years have been demonstrated to the satisfaction of the Parks and Recreation Director and the City Attorney; or
 - b. In single family and townhouse developments, where the common Usable Open Space tract is at least 1.5 acres in area and all improvements therein meet the standards of the Parks and Recreation Department for installation in a public park.
- 2. The Review Authority may decline to approve common Usable Open Space if the standards in subsection 1 above cannot be met.

J. Usable Open Space in Phased Developments.

- 1. Developments constructed in multiple phases may aggregate required Usable Open Space into one or more areas if the following criteria are met:
 - a. The location and required area of Usable Open Space for the entire development is shown in the preliminary development application; and
 - b. The percentage of total Usable Open Space developed before or with occupancy of the first phase is at least proportional to the percentage of total acreage in the first phase.
- 2. 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 in other phases of the development. This provision is applicable whether the Usable Open Space is retained in private ownership or is dedicated to the City as a public park.

12.50.220 Landscaping.

- A. Purpose. Landscaping in new and existing developments accomplishes the following community purposes:
- 1. Enhancing aesthetic and economic value in new developments and the community as a whole;
 - 2. Unifying new developments with existing neighborhoods and establishing a more pleasant community character;

- 1 3. Softening and buffering large-scale structures and parking lots, and buffering or screening
2 unsightly features;
- 3 4. Providing privacy and creating buffers between residential and non-residential Uses;
- 4 5. Aiding in energy conservation by providing shade from the sun and shelter from the wind;
5 and
- 6 6. Reducing stormwater runoff by providing permeable surfaces.

7 B. Applicability. The standards of this section shall apply to all Type II and Type III development
8 projects on properties for which base zone standards require landscaping.

9 C. Exemptions. Landscaping within stormwater management facilities are exempt from the
10 standards of this section, and shall be landscaped in compliance with the applicable provisions of
11 the 2007 CWS Design and Construction Standards Chapter 3 Sensitive Areas and Vegetated
12 Corridors and Chapter 4 Runoff Treatment and Control.

13 D. Area Standards.

- 14 1. Type II and III development applications submitted after *<effective date of this Code>* shall
15 provide landscaping which meets or exceeds the area percentages specified in the applicable
16 base zone standards, unless a Variance or Adjustment has been granted by the Review
17 Authority pursuant to Section 12.80.150.
- 18 2. The standard in Subsection 1 above may be satisfied by providing vegetated landscaping
19 only or vegetated landscaping in combination with other areas as follows:
 - 20 a. Natural vegetation compliant with Subsection E.10 below;
 - 21 b. Low Impact Development Approach (LIDA) Stormwater facilities compliant with
22 Section 12.64.750; or
 - 23 c. Hardscaped plazas or required Usable Open Space compliant with Subsection
24 12.50.210.H.1.
- 25 3. On development sites in zones having a minimum landscaping percentage standard, required
26 landscaping areas shall be located preferentially as follows: first, within front yard setbacks
27 adjacent to streets; and second, within side or rear yard setbacks between residential and non-
28 residential Uses.
- 29 4. On development sites in standard zones having no minimum landscaping percentage
30 standard, at least 15% of the lot being developed shall be landscaped wherever practicable.
- 31 5. All areas of the site not occupied by buildings, parking and loading, storage, required
32 landscaping or protected natural resources shall be improved and maintained as approved by
33 the Review Authority.

34 E. Improvement Standards.

- 35 1. Minimum Sizes and Spacing for Landscaping Materials. Table 12.50.220-1 shows the
36 minimum sizes and spacing for landscaping materials at planting:

1
2

**Table 12.50.220-1:
Minimum Sizes and Spacing for Landscaping Materials**

Species	Minimum size at planting	Maximum spacing at planting
Deciduous trees	Single stem: 2-inch caliper 4 feet above grade Multi-stem: 8 feet height	Mature canopy width apart
Coniferous trees	6 feet height	15 feet on center; 10 feet on center if planted as a screening buffer
Large shrubs (6+ feet mature height)	5 gallon pot	5 feet on center
Medium shrubs (3 to 6 feet mature height)	3 gallon pot	4 feet on center
Small shrubs (1 to 3 feet mature height)	1 gallon pot	3 feet on center
Ground covers and annuals	1 gallon pots	2 feet on center
	4-inch pots	18 inches on center
	2¼-inch pots	12 inches on center

- 3 2. Installation and maintenance of plant materials shall be in accordance with the American
4 Nursery and Landscaping Association standards and the following standards:
- 5 a. Plant materials shall be nursery stock or the equivalent quality and installed to industry
6 standards or better; and
- 7 b. Plant materials shall be staked to current industry standards or better. Stakes and guy
8 wires shall not interfere with vehicular or pedestrian traffic.
- 9 3. Required landscaping shall be located, selected and installed as an integral part of the site,
10 building and streetscape design of the development site.
- 11 4. Where practicable, landscaping species shall be selected to correspond in scale with the
12 structures in the project, including selection of taller-height species adjacent to taller
13 buildings, if not Not Permitted by overhead utility lines or reduced setbacks
- 14 5. Vegetated landscaping shall include a mixture of vertical elements (trees) and horizontal
15 elements (grass, ground cover, etc.).
- 16 6. All required landscaping shall use a combination of the following elements:
- 17 a. Plants (trees, shrubs, ground cover, vines, flowers and lawns); and
- 18 b. Usable Open Space features compliant with Section 12.50.210 H.
- 19 7. Landscaping shall be selected, located, and installed to reduce adverse impacts on
20 surrounding properties from root or canopy systems which may extend across property lines.
- 21

- 1 8. The following types of plants are Not Permitted for use in any landscaping:
 - 2 a. Nuisance plants as defined in Section 12.01.500;
 - 3 b. Plant materials identified by the Review Authority as having potential to damage or
4 disrupt existing underground utilities, curbs, sidewalks, or gutters through invasive root
5 structures; or
 - 6 c. Trees identified by the Review Authority as having potential to damage above-ground
7 improvements on adjacent property.
- 8 9. Use of drought-tolerant plant species is encouraged in required landscaping, and may be
9 required when irrigation is not available. Drought-tolerant grasses, shrubs or trees may also
10 be used outside the required landscaping areas specified in Subsections C.3 and C.4 above.
11 Irrigation shall be provided in required landscaping areas for plants that are not drought-
12 tolerant.
- 13 10. Natural existing vegetation may be counted toward the landscaping requirement, provided
14 that the natural vegetation is maintained continuously to remove nuisance plants and to keep
15 the natural vegetation alive.
- 16 11. Required landscaping in surface parking lots is subject to the standards in Section 12.50.390
17 in addition to the standards in this section.
- 18 12. Approved landscaping in common open space areas, parking strips, and in all yards adjacent
19 to a public or Private street shall be installed prior to issuance of certificates of occupancy or
20 final building inspections. With City approval, financial assurance acceptable to the
21 Planning Director may be provided to ensure installation of required landscaping not more
22 than six months following acceptance of public infrastructure or final certificates of
23 occupancy.
- 24 13. Landscaping provision and maintenance are continuing obligations of the property owner. If
25 plantings die, the property owner shall replace each planting with an equivalent type (i.e.,
26 evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All
27 man-made landscaping features required as part of a development approval shall be
28 maintained in good condition or replaced with substantially similar features.
- 29 14. Landscaping plans for development projects (excluding subdivisions) 1.0 gross acre or larger
30 shall be prepared by a licensed landscape architect or other landscaping professional as
31 accepted by the Review Authority.
- 32 F. Design Guidelines. In addition to the standards in Subsections C and D above, developments are
33 encouraged to meet the following guidelines:
 - 34 1. Landscaping should be used to enhance pedestrian orientation by creating a sense of
35 enclosure and to reduce the scale of large buildings and paved areas, especially in higher
36 density areas surrounding light rail stations and in designated town centers and regional
37 centers.
 - 38 2. Arbors or trellises supporting landscape materials should be considered for ornamentation of
39 exterior walls.

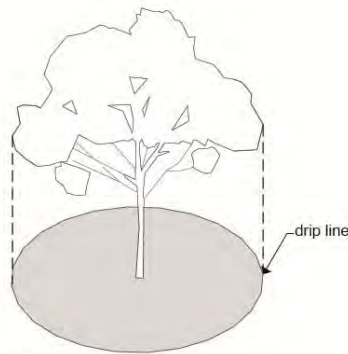
1 **12.50.230 Tree Preservation.**

- 2 A. Purpose. Tree preservation establishes character and livability in new neighborhoods and
3 preserves the existing character in both residential and non-residential neighborhoods. Mature
4 and specimen trees provide shade and temperature moderation, store and maintain carbon levels,
5 and reduce air-borne pollutants. To encourage preservation of mature and specimen trees the
6 City provides the option in Section 12.50.120 C 3 to reduce net acreage on project sites, for
7 purposes of calculating residential densities and floor area ratios, where existing trees are
8 preserved.
- 9 B. Applicability. The standards of this section shall apply to all Type II and Type III development
10 approvals.
- 11 C. Standards for Mature Tree Preservation. These standards apply to deciduous trees 8 inches or
12 greater in diameter measured 4 feet above native grade, or coniferous trees 30 feet or taller in
13 height.
- 14 1. To the maximum extent practicable, development shall be sited and constructed to avoid
15 removing or damaging mature trees. The burden of proof is on the applicant to demonstrate
16 the necessity of tree removal.
 - 17 2. Applications for development of sites with stands of 5 or more overlapping mature tree
18 canopies shall include a tree preservation plan prepared by a certified arborist. The plan shall
19 identify trees which can be retained and which must be removed to accommodate the
20 development or promote public safety. The plan shall also identify areas where potential
21 wind throw may occur as a result of partially removing a stand of trees and recommend
22 measures to prevent wind throw.
 - 23 3. The Review Authority may condition a land use approval to avoid disturbing tree roots by
24 grading activities and to protect trees and other significant vegetation to be retained from
25 construction activity impacts. Such conditions may include the retention of a qualified
26 consulting arborist or horticulturist during and/or after site grading, and a tree maintenance
27 and management program to provide protection to the trees as recommended by the arborist.
 - 28 4. Trees shown as protected or preserved on the tree protection plan shall be marked and
29 protected on site by a construction fence placed at least 5 feet outside the drip line(s)
30 illustrated in Figure 12.50.230-A. No soil compaction, material or spoils storage shall be
31 allowed within the drip line(s). This provision shall be enforced as a requirement of any
32 Building and Engineering Permits for the project.

33

1
2

**Figure 12.50.230-A:
Tree Dripline Location**



3

4 5. Where the Review Authority determines it is impracticable or unsafe to preserve mature
5 trees, removal of the trees shall be mitigated by one of the following alternatives, as
6 determined by the Review Authority:

7 a. The trees shall be replaced in accordance with an approved landscape plan including new
8 plantings of similar character at least 2 1/2" in caliper. The Review Authority may allow
9 the replacement trees to be planted off-site in a public open space or park; or

10 b. A fee in-lieu-of replacement may be paid by the developer to the city. The amount of the
11 in lieu of payment shall be approximately equal to the market value of the replacement
12 trees cited in Subsection a, above.

13 6. The Review Authority may modify the requirements of this section in a manner which in its
14 determination reasonably satisfies the Purpose Statement in Subsection A above. Where a
15 modification is approved, the Review Authority may impose the conditions in Subsection C.3
16 above.

17 7. Under Section 12.80.150, the Review Authority may authorize an adjustment or variance for
18 reduced setbacks or a reduction in the number of parking spaces to avoid removal of mature
19 trees, provided measures are also taken to preserve the health of the trees. If approved,
20 reduced setbacks or numbers of parking spaces must remain in compliance with Building
21 Department requirements.

22 8. The Planning Director may request that the Building Official or the Public Works Director
23 issue a Stop Work order to halt construction if site or building construction violates the
24 standards of this section either intentionally or through negligence. If construction is halted,
25 a legally binding mitigation plan and agreement shall be executed prior to resumption.

26 D. Standards for Specimen Tree Preservation. In addition to the standards in Subsection C above,
27 the standards in Subsection D apply to the Specimen Trees described in Table 12.50.230-1.

**Table 12.50.230-1:
Specimen Tree Sizes**

Tree species	Diameter defining Specimen status (measured at 4 feet above native grade)
single Douglas Fir	greater than 24 inches
single Grand Fir, Ponderosa Pine, Western Hemlock, or Western Red Cedar	greater than 12 inches;
any other single conifer	greater than 20 inches
single Red Alder, Big Leaf Maple, or Oregon White Oak	greater than 12 inches; or
any other single deciduous tree	greater than 20 inches

1. No specimen tree shall be removed or damaged during development construction unless one or more of the following criteria are met:
 - a. A Certified Arborist determines that the tree:
 - i. Is a safety hazard to persons or property due to its location or condition; or
 - ii. Is a dangerous tree as defined in Section 12.04; or
 - iii. Was diseased, weakened, or dying before construction began and no practicable means is available to preserve it;
 - b. A Registered Engineer determines that removal of the tree is necessary:
 - i. To accommodate construction equipment access where there is no practicable alternative route; or
 - ii. To accommodate grading necessary for required storm water management or structural building integrity, and there is no practicable grading alternative to meet those requirements; or
 - iii. To accommodate 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.
2. Under Section 12.80.150, the Review Authority may authorize an adjustment or variance for reduced setbacks or a reduction in the number of parking spaces to avoid removal of specimen trees, provided measures are also taken to preserve the health of the trees. If approved, reduced setbacks or numbers of parking spaces must remain in compliance with Building Department requirements.

12.50.240 Exterior Lighting.

- A. Purpose. Lighting standards ensure that new development provides functional security for persons and property and allows extended use of properties into nighttime hours. Lighting standards also ensure that lighting is installed and maintained to avoid unnecessary increases in ambient nighttime light levels and adverse impacts on adjacent properties.

1 B. Applicability. Except as provided in Subsection E below, the standards of this section shall
2 apply to all Type II and Type III development applications in which exterior lighting is proposed
3 or required as a condition of approval, unless a Variance or Adjustment has been granted by the
4 Review Authority pursuant to Section 12.80.140 Variances and Adjustments.

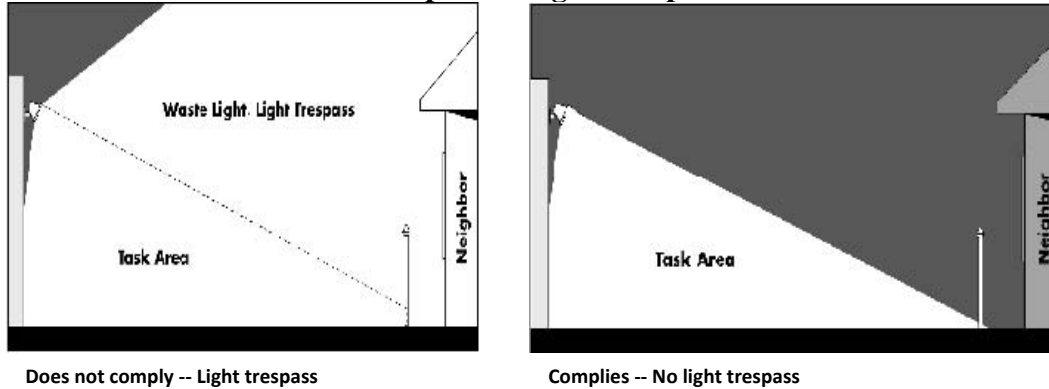
5 C. Exterior Lighting Standards.

- 6 1. Development applications shall include a lighting plan showing locations and specifications
7 for all lighting used to illuminate public and Private streets, buildings, sidewalks, multi-use
8 paths, parking lots, plazas, or open space areas. The lighting plan shall be evaluated during
9 the land use approval process for compliance with the standards of this section.
- 10 2. For safety purposes, lighting shall be provided throughout the on-site pedestrian circulation
11 system, including street frontages, sidewalks, multi-use paths, parking lots, buildings, and
12 plazas. The on-site pedestrian circulation system shall be lighted to a minimum level of 21.5
13 lumens/square meter to enhance pedestrian safety and allow use at night.
- 14 3. Required bicycle parking shall be lighted to a minimum 32.5 lumens/square meter to allow
15 secure use at night.
- 16 4. The minimum lighting level for building entries of new multi-family, retail, commercial,
17 office, industrial and institutional buildings located within 300 feet of the property
18 boundaries of a major transit stop shall be 43.0 lumens/square meter. The minimum lighting
19 level for all other primary building entrances shall be 32.5 lumens/square meter. Lights shall
20 be 6 to 12 feet in height and the light source shall be shielded to reduce glare consistent with
21 Subsection D below.
- 22 5. Maximum lighting levels for pedestrian circulation systems, required bicycle parking, and
23 building entrances shall be 32.5 lumens/square meter.
- 24 6. Lighting plans shall also show any proposed exterior architectural or aesthetic lighting used
25 to create visual interest or emphasize building features. Aesthetic and architectural lighting
26 shall also be evaluated during the land use approval process for compliance with the
27 standards of this section.
- 28 7. Foreground spaces, such as building entrances and plaza seating areas, shall use pedestrian-
29 scale lighting that defines the space without glare. Background spaces such as parking lots
30 shall be illuminated as unobtrusively as practicable to meet the functional needs of safe
31 circulation and of protecting people and property.
- 32 8. Site lighting that could be confused with warning, emergency, or traffic signals is Not
33 Permitted.
- 34 9. Site lighting that could be confused with airport lighting is Not Permitted.

35 D. Light Trespass Standards.

- 36 1. Light Trespass. Maximum lighting levels at property lines generally shall not increase
37 lighting level more than 10.75 lumens/square meter 10 feet beyond the property line, as
38 illustrated in Figure 12.50.240-A:

1 **Figure 12.50.240-A:**
 2 **Examples of Light Trespass**



- 3
- 4 2. **Shielding.** Any light source or lamp that emits more than 900 lumens (13 watt compact
 5 fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illumination
 6 Engineering Society of North America (IESNA) full cut-off style fixture with an angle not
 7 exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on
 8 adjacent property. Examples of shielded light fixtures are shown in Figure 12.50.240-B:

9 **Figure 12.50.240-B:**
 10 **Examples of Shielded Light Fixtures**



- 11
- 12 E. **Exemptions.** The following types of lighting are not subject to the requirements of this Section:
- 13 1. Public street and right-of-way lighting (standards for street lighting are addressed in the
 14 Public Works Design and Construction Standards);
- 15 2. Temporary decorative seasonal lighting;
- 16 3. Temporary lighting for emergency or nighttime work and construction;
- 17 4. Temporary lighting for theatrical, television and performance areas, or for special public
 18 events;
- 19 5. Lighting for a special district, street or building that, according to an adopted City plan or
 20 ordinance, is determined to require special lighting aesthetics as part of its physical character;
- 21 6. Lighting required and regulated by the FAA;
- 22 7. Lighting for outdoor recreational Uses such as stadiums, driving ranges, ball diamonds,
 23 playing fields, tennis courts and similar Uses, provided that (a) light poles are not more than
 24 80 ft. tall, (b) maximum illumination at the property line is not brighter than 21.5
 25 lumens/square meter, and exterior lighting is extinguished no later than 11:00 pm; and
- 26 8. Architectural lighting installed on buildings or structures as an aesthetic feature.

1 **12.50.250 Fences, Free-Standing Walls, Hedges and Berms.**

2 A. Purpose. Fences, walls, hedges and berms mark property boundaries and provide privacy and
3 security. Standards for construction and installation of fences, walls, hedges and berms are
4 intended to ensure that these features are attractive from the public view, accomplish their
5 intended purposes, and are reasonably maintained for both private and public benefit.

6 B. Applicability. The standards of this section shall apply:

- 7 1. To all Type II or III development applications in which fences, hedges, free-standing walls or
8 berms are proposed or required as a condition of approval; and
- 9 2. To any fences, hedges, free-standing walls or berms installed outside the land use approval
10 process.

11 C. Fence Permit Required; Exception.

- 12 1. Except as provided in Subsection 2 below, installation of a new fence or wall, or relocation
13 of a portion of an existing fence or wall, shall require submittal and approval of a fence
14 permit application according to the process specified in Section 12.80.060.
- 15 2. When required through a Type II or Type III land use approval, a separate fence permit is not
16 required for installation of a fence, free-standing wall, hedge or berm consistent with that
17 approval.

18 D. Residential Fence and Wall Standards.

- 19 1. Fences and walls in residential zones shall not exceed 7 feet 2 inches in height except where
20 they abut a commercial, Mixed-Use, urban center, institutional or industrial zone. Adjacent
21 to a commercial, Mixed-Use, urban center, institutional or industrial zone, fences in
22 residential zones may be up to 8 feet 2 inches in height with approval of a building permit.
23 Soundwalls installed in single family zones adjacent to light rail facilities are exempt from
24 these height restrictions.
- 25 2. Fences and walls in residential zones shall not exceed 4 feet 2 inches in height within any
26 front yard setback and shall not conflict with vision clearance requirements in Section
27 12.50.260. One arbor, gate, or similar garden structure not exceeding 8 feet in height and 4
28 feet in width is allowed within the front yard outside a vision clearance triangle.
- 29 3. On corner lots, location of and height of a fence or wall shall be determined by the Planning
30 Director upon submittal of a fence permit application.
- 31 4. Use of barbed wire, razor wire, and electric fences shall be consistent with the requirements
32 of the Hillsboro Municipal Code.
- 33 5. Chain link fences shall include a top rail for security and maintenance. Chain link fences
34 installed adjacent to landscaped areas, wetlands, or open space areas shall have a black, dark
35 brown, or dark green powder coating.
- 36 6. Fencing and Wall Requirements for New Residential Developments.
 - 37 a. Applications for Development Review, preliminary Subdivision plat or Planned Unit
38 Development concept plan approval for new residential development shall submit
39 proposed fencing or wall plans in compliance with the standards in Table 12.50.250-1.

- 1 b. Perimeter street fences and walls shall be installed by the developer prior to the
 2 acceptance of public infrastructure, according to the standards listed in Table 12.50.250-
 3 1.
- 4 c. Uniform interior yard fences and walls shall be constructed during or after home
 5 construction, according to the fencing plan approved during preliminary review.

6 **Table 12.50.250-1:**
 7 **Perimeter Fence and Wall Standards for Residential Developments**

Project Character	Preferred Standard
Arterial or Collector frontage where garages and front doors face the interior street and rear yards face the Arterial or Collector street	<ul style="list-style-type: none"> • 1st: Masonry or brick walls; anti-graffiti sealant • 2nd: Solid wood fence; masonry or brick columns with cap board; anti-graffiti sealant • All fences to be maximum 6 feet high except in vision clearance areas • Construction to include a minimum 3- foot wide landscaped strip between the sidewalk and the fence or wall
Arterial or Collector frontage where front doors face the Arterial or Collector street and garages face the interior street	<ul style="list-style-type: none"> • 1st: Masonry or brick walls • 2nd: Metal fence with masonry or brick columns • 3rd: Solid wood fence with cap board • All fences to be maximum 4 feet high except in vision clearance areas • Individual gates or openings to be provided for single family dwellings; consolidated gates or openings may be provided for multiple dwelling structures and attached two-dwelling structures
Neighborhood route or Local street frontage where garages and front doors face the interior street	Uniform fencing plan to be approved during Type II or Type III application review.
Neighborhood route or Local street frontage where garages and front doors face the neighborhood route street	Uniform fencing plan, to be approved during Type II or Type III application review.
Perimeter fences or walls adjacent to surrounding properties (not street frontage)	Uniform fencing plan, to be approved during Type II or Type III application review

8 E. Commercial, Industrial, and Institutional Fence and Wall Standards.

- 9 1. Fences and walls in commercial, industrial, and institutional zones shall not exceed 6 feet in
 10 height unless a building permit for the fence has been approved by the Building Department.
- 11 2. Chain link fences shall include a top rail for security and maintenance. Chain link fences
 12 installed adjacent to landscaped areas, wetlands, or open space areas shall have a black, dark
 13 brown, or dark green powder coating.
- 14 3. Use of electric fences and /or fences topped with barbed wire, razor wire, or similar
 15 installations shall comply with the requirements of the Hillsboro Municipal Code.

16 F. Standards for Hedges. In all zones, vegetation hedges may be installed in compliance with the
 17 following standards:

- 18 1. Hedge plantings shall not include nuisance plants as defined in Section 12.01.500;

2. Hedge heights may exceed the maximum fence height standards in any zone;
3. Hedges may be installed without a fence permit, but must comply with the vision clearance requirements in Section 12.50.260;and
4. Hedges shall not extend into the public right-of-way.

G. Standards for Berms. As an alternative or in addition to perimeter fences or walls, projects may include perimeter earthen berms. Berms in residential developments shall be a maximum six feet in height, with a maximum 25 percent slope. Berms in commercial, industrial or institutional developments may exceed this height and/or slope if approved through the Development Review process. If approved, berms shall include stabilizing landscaping on all sloped areas; irrigation; and provision for drainage at the toe of all slopes.

12.50.260 Sight Distance / Vision Clearance.

A. Purpose. Specified areas along intersection approach legs and across their included corners should be clear of obstruction that might block a driver's view of potentially conflicting vehicles, bicycles, or pedestrians. When established and maintained in triangular areas at street intersections or intersections with alleys or driveways, these vision clearance areas (also called clear sight triangles or sight distance areas) ensure that drivers, bicyclists and pedestrians have clearer views of crossing traffic, which improves intersection safety for all parties. Corner lots or lots on curvilinear streets may also have additional setback or site design requirements to ensure proper sight distance.

B. Applicability.

1. The standards of this section apply to all development applications at the intersections listed in Subsection 2 below; and to any development occurring outside the land use approval process.
2. The standards of this section apply at the following intersections:
 - a. Intersection of two or more streets;
 - b. Intersections of a street and an alley;
 - c. Intersections of a street or alley and common driveway; and
 - d. Intersection of a street and a Mixed-Use, commercial, industrial or institutional use driveway.
3. The areas subject to these standards are those portions of the vision clearance areas located on private property outside the public right-of-way. Vision clearance requirements in the public right-of-way are specified in the Public Works Design and Construction Standards.

C. Standards.

1. Projects at intersections listed in Subsection B.2 above must provide intersection sight distance as measured and recommended in accordance with the 2004-2005 AASHTO Policy on Geometric Design of Highways and Streets, unless otherwise approved in writing by the City Engineer or Road Agency Engineer. Sight distances shall be based on the 85th percentile or posted speed of the cross street (whichever is higher) as determined by a traffic engineering study.

- 1 2. Projects at intersections other than those listed in Subsection B.2 above must provide
2 intersection sight distance in compliance with Figure 12.50.360-A.
- 3 3. With the exceptions of intersections in the SCC-DT zone listed in Subsections 4 and 5 below,
4 required sight distance triangles shall contain no plantings, walls, structures, or temporary or
5 permanent obstructions between 30 inches and 10 feet in height, except occasional tree
6 trunks or poles. The vertical distances in this section shall be measured vertically from the
7 top of the curb or, if there is no curb, from the centerline street grade.
- 8 4. Projects within the SCC-DT zone must meet the intent of the AASHTO standard in
9 Subsection 1 above, but the sight distance triangle may be occupied by a plaza, provided the
10 location and size of any furniture, planters or landscaping in the plaza do not in the opinion
11 of the City Engineer or the Road Agency Engineer create a sight distance hazard.
- 12 5. Projects within the SCC-DT zone may also meet the intent of the AASHTO standard in
13 Subsection 1 above but may provide a structural support for upper stories above the sight
14 distance triangle, provided the location and size of such supports do not in the opinion of the
15 City Engineer or the Road Agency Engineer create an unsafe sight distance hazard.
- 16 6. The Review Authority may condition land use approvals for projects on corner lots or lots on
17 curvilinear streets to have additional setbacks in order to meet sight distance requirements.
- 18 7. Sight distance triangle locations and dimensions shall be based on ultimate street and cross
19 street rights-of-way.
- 20 D. Exceptions. Sight distance requirements at intersections may be modified at the discretion of the
21 City Engineer or Road Agency Engineer. Requests for modifications must be hardship driven
22 and submitted in writing prior to or during the land use application review process. Any
23 approval of a sight distance triangle exception shall be made in writing by the City Engineer or
24 Road Agency Engineer, and may be conditioned to meet the intent of this standard.
- 25 E. Enforcement. To enforce this standard following approval of a land use application, the Review
26 Authority may impose conditions on a land use application approval to require plat notes, deed
27 restrictions or provision of sight distance easements.

28

1 **12.50.300 Vehicle Parking.** Vehicle parking standards include the following sections:

- 2 12.50.310 Purpose, Applicability and Maintenance Responsibilities
- 3 12.50.320 Number of Spaces Required
- 4 12.50.330 Exempt Parking
- 5 12.50.340 Credit for On-Street Parking
- 6 12.50.350 Vehicle Parking and Loading Location
- 7 12.50.360 Vehicle Parking and Loading Design; Improvements; and Construction

8 **12.50.310 Purpose, Applicability and Maintenance Responsibilities.**

9 A. Purpose.

- 10 1. Minimum off-street parking standards are intended to accommodate vehicular parking for
- 11 residents, customers and employees primarily on-site, allowing more efficient use of the
- 12 street system for multi-modal transportation, including bicycle and freight movement.
- 13 2. Lower minimum off-street parking standards in light rail and Mixed-Use zones reflect the
- 14 higher intensity, closer proximity of land Uses, the increased availability of alternative travel
- 15 modes, and the reduced land area available for parking.
- 16 3. Maximum off-street parking standards are intended to accommodate the majority of parking
- 17 needs for residents, customers and employees, encourage use of alternative travel modes such
- 18 as transit, bicycling and walking, and reduce impervious surface area which receives only
- 19 sporadic parking use.

20 B. Applicability.

- 21 1. The standards of this section shall apply to all Type II and Type III development applications
- 22 which include or are required to include parking, including carpool, vanpool, loading and
- 23 bicycle parking.
- 24 2. The number of spaces, location and improvements for required vehicle parking shall be
- 25 constructed under any of the following circumstances:
- 26 a. Construction of a new building;
- 27 b. Expansion of an existing building by either 50% of its existing floor area or 3000 sq. ft.,
- 28 whichever is less; or
- 29 c. Change in building code occupancy classification of an existing building.
- 30 3. No provision of this section shall be construed to require the removal of pre-existing parking
- 31 spaces in excess of the maximum number required or allowed.

32 C. Maintenance.

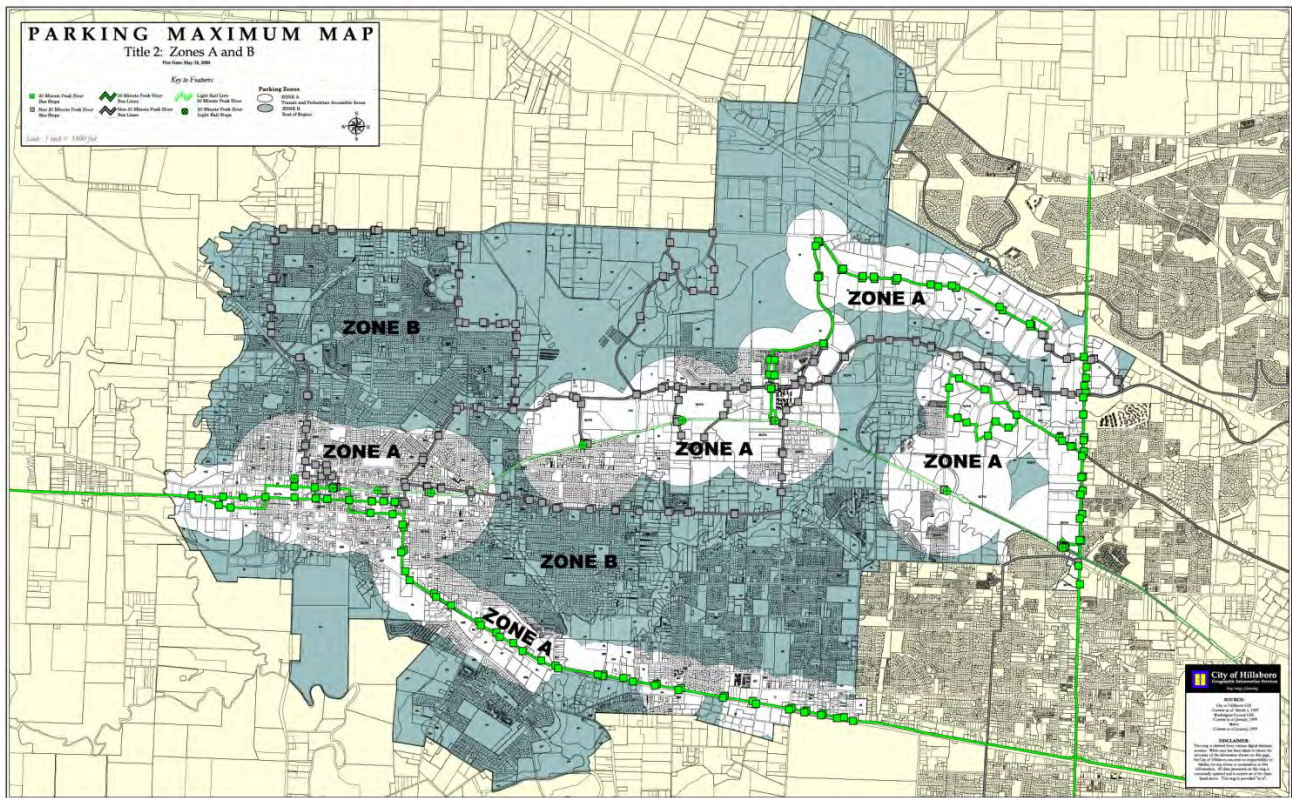
- 33 1. The provision and maintenance of off-street vehicle parking and loading spaces are
- 34 continuing obligations of the property owner. If the use of a building changes and the
- 35 number of required parking spaces increases, the increased number must be provided before
- 36 the new use begins.

2. Required parking spaces shall be available for parking operable vehicles of residents, customers, patrons, and employees, and shall not be used for vehicle or materials storage or for fleet parking.

12.50.320 Number of Spaces Required.

- A. Except as provided in Sections 12.50.330, 12.50.335, or 12.50.340, off-street vehicle parking for new development shall be provided as shown in Tables 12.50.320-1 through 12.50.320-5. The number of parking spaces provided shall be equal to or between the minimum and the maximum number required for the use except where Variances or Adjustments have been approved for increases or reductions pursuant to Subsections 12.80.152, 12.80.156.D.6 or 12.80.156.D.7. Where calculation of maximum required parking results in fewer spaces than the required minimum, the minimum requirement shall apply.
- B. Maximum parking requirements are calculated based on the location of a site in Zone A or Zone B shown on Figure 12.50.320-A.

**Figure 12.50.320-A:
Maximum Parking Zones Map**



- C. For Uses not specifically listed in Tables 12.50.320-1 through 12.50.320-5, the number of required vehicle parking spaces shall be determined by the Planning Director pursuant to Section 12.80.050.

- 1 D. In residential developments where garages are accessed by driveways, a single car garage and
 2 driveway shall be counted as a single parking space. A two-car garage and double-width
 3 driveway shall be counted as two parking spaces.
- 4 E. Where several Uses occupy a single structure or lot, total required vehicle parking shall be the
 5 sum of the requirements of the several Uses computed separately, unless an adjustment for either
 6 shift or shared parking is approved pursuant to Section 12.80.156.
- 7 F. Existing parking spaces shall not be removed if removal would result in the provision of fewer
 8 spaces than required.
- 9 G. Required parking shall be provided off-street and on-site unless located on-street in compliance
 10 with Section 12.50.340 or off-site in compliance with Subsection 12.80.156.D.6.
- 11 H. The Review Authority may require additional parking in a development project in excess of the
 12 minimum required in Tables 12.50.320-1 through 12.50.320-5 if the Review Authority finds that
 13 such additional parking is necessary to mitigate impacts of a use on the street system.
- 14 I. In applying Table 12.50.320-1, multi-family dwelling units with four or more bedrooms shall
 15 provide twice the number of parking spaces per unit shown in the table.

16 **Table 12.50.320-1:**
 17 **Required Vehicle Parking Spaces for Residential Uses**
 18 **(required spaces are per dwelling unit unless specified otherwise)**
 19 **(see Section 12.50.335 for exceptions in the SCC-DT zone)**

Use Type	Minimum	Maximum*	
		Zone A	Zone B
Household Living			
Detached Single Family Dwelling (includes residential homes)	1	1 per bedroom	None
Secondary Dwelling	1	1	2
Two-Dwelling Townhouse or Duplex	1	1 per bedroom	None
Three Dwelling (or more) Townhouse	1	2	None
Multiple Dwelling Structure	1.5	2	None
Manufactured Dwelling	1	2	None
Live-Work Dwelling	1.0	.9 per bedroom	None
Group Living			
Group Living *(includes student housing)	0.5/resident	1.0/resident	1.0/resident
Residential Services			
Independent Living Units (senior)	0.25	1	2
Other Residential Services Facilities (includes assisted living and convalescent care)	0.25 per resident +1 per staff	0.50 per resident +1/staff	0.50/resident +1/staff

Use Type	Minimum	Maximum*	
		Zone A	Zone B
Residential Business (calculated for residential portion only)			
Residential Business (includes Live-Work)	1	2	None

1 * Parking above maximum may be required by Review Authority approval.

2 **Table 12.50.320-2:**
3 **Required Vehicle Parking Spaces for Commercial Uses**
4 **(required spaces are per 1000 sq. ft. Net Floor Area (NFA) unless otherwise specified)**
5 **(See Section 12.50.335 for exceptions in the SCC-DT zone)**

Use Type	Minimum	Maximum	
		Zone A	Zone B
Commercial Lodging			
All Uses	0.5/room	1/room	None
Commercial Recreation			
Indoor facilities	3	5	6
Court sports	2/court	5/court	6/court
Outdoor facilities (with bleachers)	1/4 ft. of bench length	None	None
Outdoor facilities (without bleachers)	20/field	40/field	None
Durable Goods Sales			
All Uses	2	3	4
Eating and Drinking Establishments			
Fast food	5	10	None
Casual dining	6	12	None
Fine dining	8	15	None
Educational Services			
All Uses (parking calculated per FTE student or employee)	0.15	0.30	None
Office			
General office	2	4	4
Medical office	4	5	6
Retail Products and Services			
Minor Assembly Facilities	2	5	6
All other Uses	4	5	6

Use Type	Minimum	Maximum	
		Zone A	Zone B
Self-Service Storage			
All Uses	1/5000 sq. ft. up to 20,000 sq. ft.; 1/20,000 sq. ft. thereafter	1/4000 sq. ft. up to 20,000 sq. ft.; 1/20,000 sq. ft. thereafter	None
Vehicle Service and Repair			
All types	3	4	None

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**Table 12.50.320-3:
Required Vehicle Parking Spaces for Industrial Uses
(required spaces are per 1000 sq. ft. Net Floor Area (NFA)
or per student/employee on the largest shift, unless otherwise specified)**

Use Type	Minimum	Maximum	
		Zone A	Zone B
Industrial Services			
All Uses	2	None	None
Manufacturing and Production			
All Uses	1.6	2.5	None
Solid Waste Treatment and Recycling			
All Uses	2	None	None
Vehicle Storage			
All Uses	0.5/employee	1.0/employee	None
Warehouse and Freight Movement			
All Uses	0.3	0.4	0.5
Wholesale sales			
All Uses	3	3	None

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**Table 12.50.320-4:
Required Vehicle Parking Spaces for Institutional Uses
(required spaces are per 1000 sq. ft. sq. ft. Net Floor Area (NFA)
or per student/employee on the largest shift, unless otherwise specified)**

Use Type	Minimum	Maximum	
		Zone A	Zone B
Colleges and Universities (measured per FTE student and employee)			
All Uses	0.15	0.3	0.3
Community Services			
All Uses	2	4	5

Use Type	Minimum	Maximum	
		Zone A	Zone B
Detention Facilities (measured per bed)			
All Uses	0.2	0.4	None
Hospitals (measured per bed)			
All Uses	2	3	None
Assembly Facilities (measured by seating type / maximum occupancy* in largest assembly room)			
Per fixed seat where provided	1/4 seats	1/3 seats	1/2 seats
Per foot of bench / pew length where provided	0.25	0.5	0.8
Per person where fixed seating not provided	0.3	0.6	1.0
Schools (measured either per classroom or per student and employee)			
Elementary school (grades K-5)	2/classroom	4/classroom	None
Middle school (grades (6-8)	1/classroom	2/classroom	2/classroom
High School (grades 9-12)	0.2/student and FTE employee	0.2/student and FTE employee	0.2/student and FTE employee

1 * As determined by the Building Official.

2 **Table 12.50.320-5:**
3 **Required Vehicle Parking Spaces for Infrastructure and Utilities Facilities Uses**
4 **(required spaces are per 1000 sq. ft. Net Floor Area (NFA)**
5 **or per employee on the largest shift, unless otherwise specified)**

Use Type	Minimum	Maximum	
		Zone A	Zone B
Aviation Facilities			
Hangers (measured per aircraft space)	1	2	None
All other Uses	per commercial or industrial requirements		
Parks and Open Areas			
Indoor facilities	3	5	6
Court sports	2/court	5/court	6/court
Outdoor facilities (with bleachers)	1/4 ft. of bench length	None	None
Outdoor facilities (without bleachers)	20/field	40/field	None
Playgrounds	To be determined during land use approval process.		
Nature parks; natural open space	To be determined during land use approval process.		
Public Safety Facilities (measured per FTE employee)			
All Uses	1	2	2

Use Type	Minimum	Maximum	
		Zone A	Zone B
Surface Alternative Transportation Facilities			
Maintenance yards	Per either vehicle service and repair or vehicle storage requirements		
All other Uses	None	None	None
Telecommunication Facilities			
All Uses	None		
Utility Facilities (measured per FTE employee if facility has personnel; otherwise none)			
All Uses	0.55		

1 **12.50.330 Exempt Parking.** The following types of parking are exempt from the maximum
2 requirements specified in Tables 12.50.320-1 through 12.50.320-5:

- 3 A. Employee car/vanpool parking spaces. As used in this section, a "carpool" is 2 or more
4 commuters, including the driver, who share the ride to and from the destination. A "vanpool" is
5 5 or more commuters, including the driver, who share the ride to and from the destination on a
6 regular basis;
- 7 B. Dedicated valet parking spaces;
- 8 C. Fleet parking;
- 9 D. Commercial parking;
- 10 E. Parking for vehicles for sale, lease or rent;
- 11 F. Parking spaces in structures located outside Zone A; and
- 12 G. Parking spaces reserved for customer vehicles before or after servicing, provided such spaces
13 meet the following standards:
 - 14 1. The spaces are not designated for carpool, vanpool or handicapped parking; and
 - 15 2. The number of service spaces is not more than 25% of the total number of spaces on-site.

16 **12.50.335 Downtown Exceptions to Required Parking Standards.** In the SCC-DT zone, there is
17 no minimum number of parking spaces required for commercial development. The minimum number of
18 parking spaces required for residential development, or for the residential component of Mixed-Use
19 development, is .75 spaces per dwelling unit.

20 **12.50.340 Credit for On-Street Parking.**

- 21 A. If a development includes construction or reconstruction of public streets to provide additional
22 on-street parking, off-street parking may be reduced by one off-street space for each constructed
23 on-street space if the new on-street parking is configured consistent with existing on-street
24 parking. Angled parking may be allowed where permitted by City, County and/or ODOT
25 standards.

- 1 B. To qualify for the credit in Subsection A above, parallel on-street parking spaces must have at
2 least 24 feet of uninterrupted curb adjacent to the lot containing the use. New parallel on-street
3 parking cannot obstruct a required sight distance area or violate any applicable on-street parking
4 standard.
- 5 C. On-street spaces constructed with a specific development may not be used exclusively by that
6 development, but are available for general public use at all times. Except for those placed by the
7 City, signs, other markings, or actions limiting general public use of on-street parking spaces are
8 Not Permitted.

9 **12.50.350 Vehicle Parking and Loading: Location.**

10 A. Parking Location: General Provisions.

- 11 1. Except as may be allowed within specific Plan Districts, off-street parking for residential
12 Uses in all zones shall be located on the same lot with the residential use.
- 13 2. Except as may be allowed within specific Plan Districts, required parking for non-residential
14 Uses in standard zones may be located off-site, not farther than 500 feet from the use it
15 serves. Required parking for non-residential Uses in light rail, Mixed-Use or urban center
16 zones may be located off-site, not farther than 800 feet from the use it serves.
- 17 3. If required parking is provided off-site, the distance from the parking to the Use shall be
18 measured from the nearest parking space to the building entrance on a sidewalk or other
19 pedestrian route. The location and terms of the off-site parking shall be specified in a written
20 deed, lease or contract, signed and notarized by all affected property owners and filed with
21 the Planning Department.

22 B. Loading Location: General Provisions.

- 23 1. Schools and Child Care Facilities. Access drives designed for continuous forward flow of
24 passenger vehicles shall be provided at any school or child care facility with a capacity of 25
25 or more students.
- 26 2. Merchandise, Materials, or Supplies. Off-street truck loading docks proposed for new non-
27 residential development shall be sited and maintained to accommodate anticipated truck
28 sizes, numbers and movement on-site, without blocking public streets. Required off-street
29 parking may be used for loading and unloading operations only during off-peak hours.

30 C. Off-Street Surface Parking Location in Standard Zones.

- 31 1. Except on single-family residential, two-unit townhouse or duplex residential lots, required
32 parking spaces shall not be located in a required setback.
- 33 2. In development projects adjacent to major pedestrian routes or transit trunk routes, the
34 location of surface parking relative to the building(s) it serves shall comply with the building
35 orientation and pedestrian connection requirements of Section 12.50.400.
- 36 3. If buildings, required parking, required landscaping and Usable Open Space do not occupy
37 an entire site, the required parking shall be sited to meet the following standards:
- 38 a. The location of the required parking permits additional development on the site; and
39 b. The required parking does not abut a significant natural resource area.

1 D. Off-Street Surface Parking Location in Light Rail Zones.

- 2 1. Parking for free-standing residential structures in the SCC-DT zone shall be incorporated
3 within the structure.
- 4 2. Surface parking, loading docks or maneuvering areas shall not be temporarily or permanently
5 located adjacent to, cater-cornered from, or across the street from an HCT station site. Tri-
6 Met park-and-ride lots and joint-use parking lots are exempt from this standard.
- 7 3. Except in the SCC-MM, SCBP, SCI, or SCFI zones as provided in Subsection 4 below, non-
8 residential surface parking or loading shall not be located between a front building plane (or
9 a line extended there from) and a major pedestrian route or transit street unless one of the
10 following two standards is met:
- 11 a. The surface parking or loading is at least 50 feet from the major pedestrian route or
12 transit street; or
- 13 b. The surface parking or loading is located within or behind the front plane of the building
14 and is screened from pedestrian view by walls with decorative features such as grates,
15 artwork, tiles, or similar elements. Windows and display area are not required on walls
16 surrounding service docks and loading areas.
- 17 4. In the SCC-MM, SCBP, SCI, or SCFI zones, surface parking or loading may be located
18 between a front building plane and a major pedestrian route or transit street if the following
19 six standards are met:
- 20 a. The parking or loading cannot be practicably located to the side or rear of the building or
21 more than 50 feet from the major pedestrian route or transit street;
- 22 b. The parking and loading is located as far as practicable from the major pedestrian route
23 or transit street, at least far enough that sidewalks will not be partially blocked by parked
24 or loading vehicles;
- 25 c. The parking and loading consists of not more than one two-way circulation aisle with
26 double-loaded parking and internal landscaped islands compliant with Section 12.50.360;
- 27 d. Site access is provided either from a side street or an alley, or from only one 24-foot wide
28 driveway per 150 feet of frontage on the major pedestrian route or transit street;
- 29 e. A direct pedestrian connection is provided from the major pedestrian route or transit
30 street to the main building entrance, compliant with Section 12.50.400; and
- 31 f. A landscaped buffer at least 10 feet wide is installed between the parking or loading and
32 the major pedestrian route or transit street. This landscaped buffer shall include the
33 following improvements:
- 34 i. Trees spaced and sized, in conjunction with the trees in the planter strip, to form a
35 continuous canopy over the public sidewalk; and
- 36 ii. Additional landscaping and/or pedestrian amenities in compliance with Section
37 12.50.360 to visually mitigate the adjacent parking and loading area.
- 38

5. If a site is adjacent on two or more sides to a major pedestrian route, transit street or significant natural resource area, off-street parking between the building and the route, street or resource area shall be located in the order of preference shown in Table 12.50.350-1. Where these circumstances apply, the provisions of Subsections 3 and 4 above may be waived to allow additional parking depth between the building and the route, street, or resource area on not more than two sides of the building.

**Table 12.50.350-1:
Preferred Siting for Off-Street Parking in SCPA Zones**

Order of Preference	Location
First or Most Preferred	Behind or behind the building(s), not adjacent to a significant natural resource area
Second	Between the building(s) and the significant natural resource area
Third	Between the building(s) and a non-transit public or Private street
Fourth	Between the building(s) and the transit street
Fifth or Least Preferred	Between the building(s) and the major pedestrian route, especially leading to an HCT station

E. Off-Street Surface Parking and Loading in Mixed-Use Zones.

1. In Mixed-Use zones where a maximum setback is required, no surface parking or maneuvering area shall be located between the front building plane (as illustrated in Section 12.01.500) and a street. Loading areas may be located between a building and a street when an anchor tenant requires the use of delivery vehicles with an overall length of 40 feet or longer and where the service docks and loading areas comply with the provisions contained in Subsection 2 below.
2. Service docks, maneuvering and loading areas shall be located interior to the site wherever practicable. Where location of these facilities adjacent to a street, driveway, or pedestrian route cannot be practicably avoided, screening walls for such facilities shall be constructed with elements such as artwork or decorative grates or tiles. Screening walls surrounding service docks and loading areas shall be at least 12 feet in height. Windows and display area are not required on screening walls surrounding service docks and loading areas.
3. On Mixed-Use zone sites abutting major pedestrian routes, transit streets or significant natural resources areas on two or more sides, off-street parking between the building and the route, street or resource area shall be located in the preferred order shown in Table 12.50.350-1.

F. Parking Structures and Structured Parking: Location.

1. Parking structures or structured parking may be sited adjacent to a High Capacity Transit (HCT) station, a major pedestrian route or a transit street only if one or more of the following three standards are met:
 - a. The parking structure is constructed to accommodate ground floor retail goods and service Uses, educational service Uses, or office or community service Uses; or
 - b. The parking structure is located behind buildings fronting on such streets or station; or

- c. The structured parking is built wholly or partially below grade. To meet this standard, the top deck of the structured parking within 50 feet of such streets or station shall not be more than 3½ feet above the adjoining sidewalk and must be functionally incorporated into the streetscape.
- 2. Where a proposed parking structure is adjacent to an HCT station, transit street and/or major pedestrian route on two or more sides, vehicle access points shall be located in the order of preference shown in Table 12.50.350-2.

**Table 12.50.350-2:
Preferred Siting for Access Points to Parking Structures**

Order of Preference	Location
First or Most Preferred	On the non-transit street
Second	On the transit street
Third	On the major pedestrian route most directly leading to the HCT Station
Fourth or Least Preferred	On the street leading to the HCT station

3. Parking structures are subject to the design standards in Section 12.50.360.

G. Carpool and Vanpool Parking. Carpool and vanpool parking is encouraged within new commercial, industrial and institutional developments with 50 or more required parking spaces. Where provided, carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

12.50.360 Vehicle Parking and Loading: Design and Improvements.

A. Applicability.

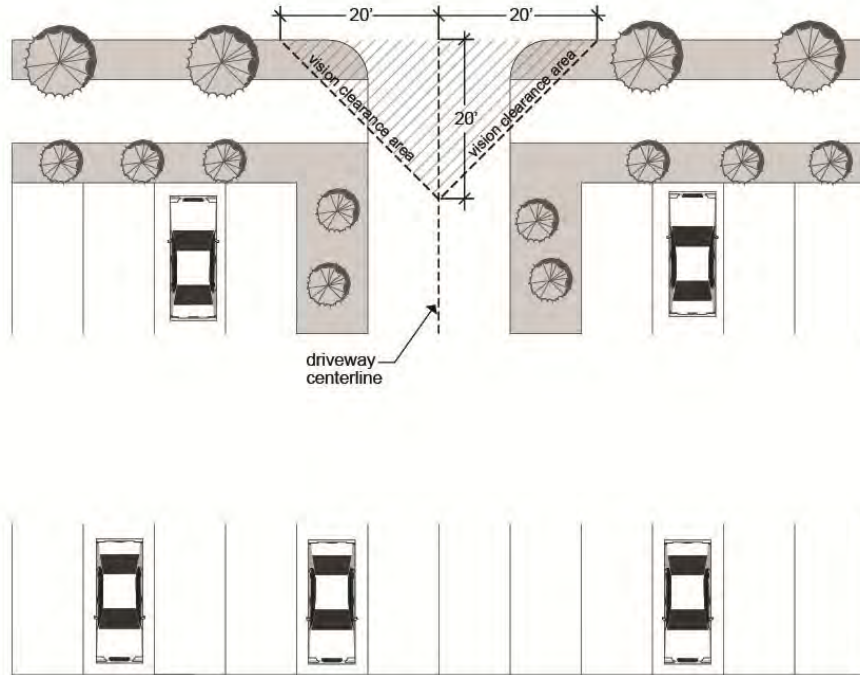
- 1. The standards in this section shall apply to all new multi-family residential, commercial, industrial, and institutional development subject to Development Review under Section 12.80.040. The standards shall also apply in detached or attached single family residential developments where parking is provided in common parking areas.
- 2. Parking in detached or attached single family residential development, provided per dwelling in garages, carports, or spaces adjacent to individual units, is subject only to the standards of Section 12.50.360.C regarding parking space dimensions.

B. Off-Street Vehicle Surface Parking Design in General.

- 1. Parking shall be located and designed not only to facilitate its major function but also to complement and encourage easy and safe pedestrian movement to, through and around the facility.

- 1 2. Driveway Locations and Access Aisles. Driveways and access aisles shall be designed and
 2 located to maintain traffic flow on public streets and alleys, pedestrian safety and efficient
 3 on-site vehicle circulation. Sight distance / vision clearance areas shall be provided in
 4 compliance with Section 12.50.260 at the intersections cited in that Section. At all other
 5 driveways, sight distance / vision clearance areas shall be provided in compliance with
 6 Figure 12.50.360-A.

7 **Figure 12.50.360-A:**
 8 **Driveway Sight Distance / Vision Clearance Requirements**

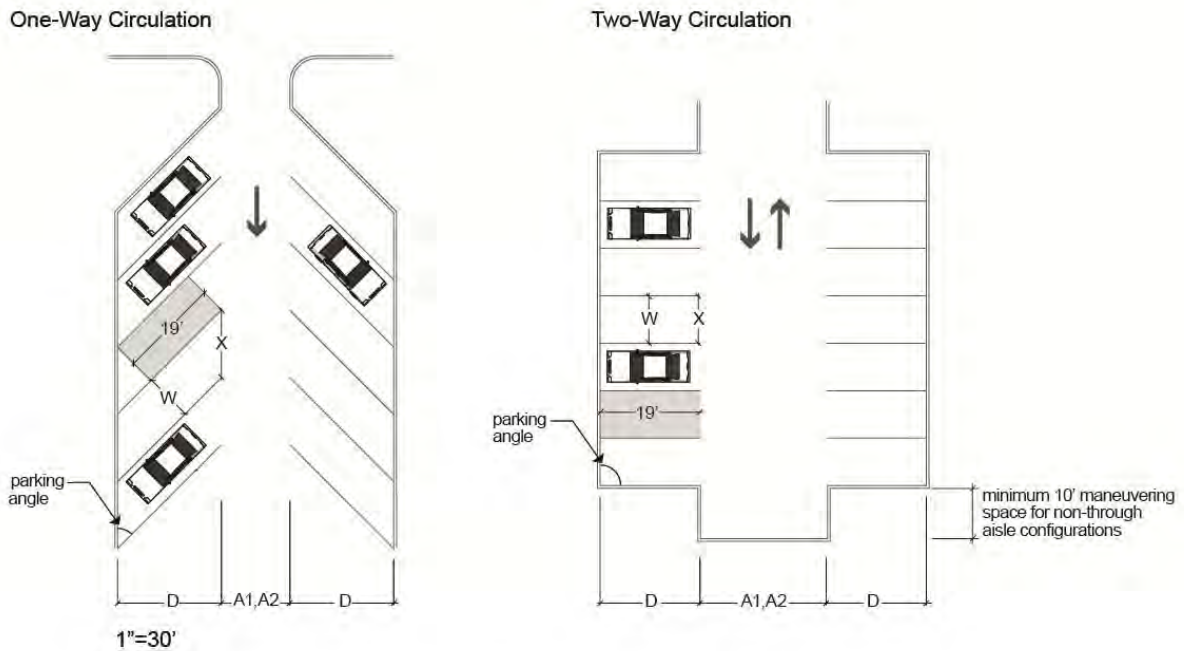


- 9
- 10 3. Backing Movements onto a Street Not Permitted. Parking lots larger than 4 spaces shall use
 11 an access driveway to prevent backing movements or other maneuvering on a street.
 12 Backing movements from larger parking lots are permitted on alleys.
- 13 4. Alley Improvements. If a parking area would directly access an alley, the developer shall be
 14 responsible for any necessary improvements to the alley as required by Subsection
 15 12.50.530.B.11 and the Public Works Design and Construction Standards. Required
 16 improvements shall be constructed and completed prior to issuance of final certificates of
 17 occupancy.
- 18 5. Driveway Consolidation and Parking Area Connection. To reduce congestion on public
 19 streets, consolidation of curb cuts and/or connection of parking fields in new non-residential
 20 developments on adjacent sites may be required. To meet this standard, provision of
 21 reciprocal easements may be a condition of development approval.
- 22

C. Dimensional Requirements for Parking Spaces, Access Aisles and Maneuvering Areas.

1. Parking areas shall conform to the Americans with Disabilities Act (ADA) standards and guidelines for parking spaces (dimensions, van accessible parking spaces, vertical clearances in parking structures, etc.).
2. Except as provided in Subsections 3-5 below, minimum dimensions and configurations for parking spaces, access aisles and maneuvering areas are shown in Figure 12.50.360-B.

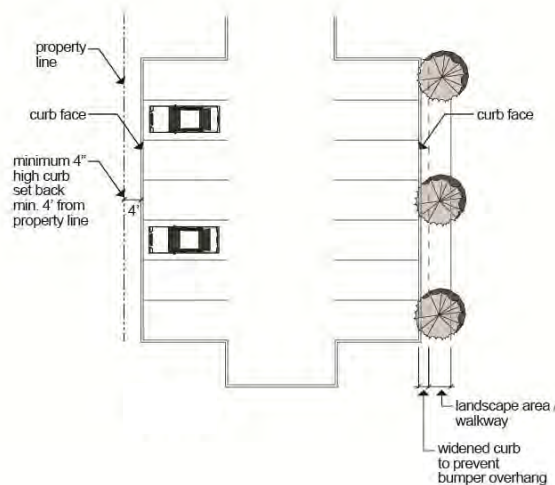
**Figure 12.50.360-B:
Minimum Dimensions for Parking Spaces, Access Aisles and Maneuvering Areas**



Parking Angle	W (stall width)	D (stall depth)	A1 (aisle width one-way)	A2 (aisle width two-way)	X (stall width at aisle)
30°	9'0"	17'4"	11'0"	24'0"	18'0"
	9'6"	17'9"	11'0"	24'0"	19'0"
	10'0"	18'2"	11'0"	24'0"	20'0"
45°	9'0"	19'9"	13'0"	24'0"	12'9"
	9'6"	20'2"	13'0"	24'0"	13'5"
	10'0"	20'6"	13'0"	24'0"	14'1"
60°	9'0"	21'0"	18'0"	24'0"	10'5"
	9'6"	21'3"	18'0"	24'0"	11'0"
	10'0"	21'6"	18'0"	24'0"	11'6"
90°	9'0"	19'0"	24'0"	24'0"	9'0"
	9'6"	19'0"	24'0"	24'0"	9'6"
	10'0"	19'0"	24'0"	24'0"	10'0"

- 1 3. Up to 30% of the required minimum number of off-street vehicle parking spaces may be
2 constructed as compact spaces, with minimum dimensions of 16 feet depth and 8 feet width.
3 Compact parking space depths may be reduced not more than 1½ feet adjacent to landscaped
4 strips and pedestrian walkways.
- 5 4. As an alternative to the parking space dimensions in Figure 12.50.260-B, the Review
6 Authority may approve universal parking space dimensions. Minimum dimensions for
7 universal parking spaces shall be 17 feet, 6 inches in depth and 8 feet, 9 inches in width, with
8 a minimum 25-foot wide clear access aisle width. If universal parking space dimensions are
9 approved, compact parking spaces as described in Subsection 3 above shall not be included
10 as required parking unless approved by the Review Authority to accommodate physical or
11 structural site limitations. Universal parking space depths may be reduced not more than 1½
12 feet adjacent to landscaped strips and pedestrian walkways.
- 13 5. As an alternative to the drive aisle widths in Figure 12.50.260-B, the Review Authority may
14 approve 24-foot drive aisle widths in parking structures.
- 15 6. Wheel Stop Requirements. To prevent vehicle overhang from angled or perpendicular
16 parking onto adjacent landscaping or walkways, or across a property line, one or more of the
17 following improvements shall be installed at the perimeter of a parking lot as shown on
18 Figure 12.50.360-C:
 - 19 a. Wheel stops within each parking space, at least 4 inches high and 8 feet long, located 18
20 inches from the landscaped area or walkway and placed perpendicular to the length of the
21 space; or
 - 22 b. A continuous bumper rail, wall or fence at the end of the parking spaces adjacent to the
23 walkway or landscaped area; or
 - 24 c. An additional 18 inches of walkway width adjacent to the parking spaces, to maintain a
25 clear 5 feet of unobstructed walkway adjacent to the parking spaces.

26 **Figure 12.50.360-C:**
27 **Wheel Stop Locations at Parking Lot Perimeters**



1 D. Parking Structure Design in MU-C Zones. For development projects which include structured
2 parking to increase maximum building footprint (pursuant to Subsection 12.24.250.B) or to
3 increase building height (pursuant to Subsection 12.24.250.C and Subsection 12.50.140.E.4), the
4 structured parking shall include the following Uses:

- 5 1. For projects with street frontage on Arterial or Collector streets, the structured parking shall
6 include ground floor residential, commercial or institutional Uses facing the street.
- 7 2. For projects with frontage on local or neighborhood route streets, the structured parking shall
8 be include residential Uses on the ground floor facing the street, or public open space areas,
9 such as small plazas with seating areas, between the building and the street.
- 10 3. If there are multiple parking floors within the parking structure, the upper floors shall be
11 wrapped with office and/or residential Uses or two-story eating and drinking establishments.
12 The area of the roof of the structured parking not occupied by buildings shall provide usable
13 courtyard space, terraces, green roofs and/or community garden plots, which are accessible
14 by the office and residential Uses and/or eating and drinking establishments.
- 15 4. Parking structure entrances shall be constructed at the minimum practicable size and shall be
16 visually integrated into the building elevation by continuing architectural elements such as a
17 frieze, cornice, canopy, overhang, trellis, or decorative grilles from the adjacent façade.

18 E. Parking Lot Surface Improvements.

- 19 1. All required parking areas, including parking spaces, access aisles and driveways shall have a
20 durable, dust-free surfacing. Alternatives for surfacing materials include the following,
21 subject to approval by the Review Authority:
 - 22 a. Asphaltic Concrete;
 - 23 b. Portland Cement; or
 - 24 c. Other materials subject to approval by the City Engineer.
- 25 2. Parking fields shall be graded toward the site interior, to prevent storm water drainage across
26 or over public sidewalks or onto any abutting public or private property.
- 27 3. Where site conditions are favorable, use of pervious surfacing and other low impact
28 development approaches (LIDA) techniques and practices as described in Section 12.64.750
29 are encouraged.

30 F. Parking Lot Screening and Landscaping.

- 31 1. In addition to the standards of this section, parking lot landscaping is also subject to the
32 general landscaping requirements of Subsection 12.50.220.B.
- 33 2. General Parking Lot Landscaping Standards.
 - 34 a. Coverage. A minimum of 70% of all required parking lot landscaped areas, including
35 required planting strips and planting bays, shall be planted with trees or shrubs and
36 continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen
37 ground cover. The percentage measurement in this standard shall be calculated at plant
38 maturity.
 - 39 b. Plant Sizes. The minimum planting size for all required trees, shrubs and ground covers
40 in parking lot landscaping shall comply with the standards in Table 12.50.220-1.

- 1 i. Planting Islands. At least one 2½” caliper street tree shall be planted in protected
2 islands at the end of each parking row, and at intervals 100 feet or less within the
3 parking rows. Planting islands shall be at least 5 feet wide, with a minimum area of
4 190 sq. ft. in a double loaded parking row or 95 sq. ft. in a single loaded parking row.
5 The remaining area of each island shall be landscaped consistently with the general
6 standards in Subsection 2 above.
- 7 ii. All Other Areas. Interior landscaping consistent with the general standards in
8 Subsection 2 above shall be installed wherever parking spaces, access aisles,
9 driveways, or pedestrian movements would not be impeded by landscaping.
- 10 b. Maximum Landscaping Percentage Allowed. If compliance with the standard of this
11 section would require that the area of interior parking lot landscaping exceed 10% of the
12 total area of the surface parking lot, the area of required landscaping shall be limited to
13 10% unless otherwise requested by the applicant.
- 14 c. Applicable to Other Requirements. All landscaping required under the provisions of this
15 subsection may be applied towards compliance with other applicable landscaping
16 requirements.

17 **G. Parking Lot Construction: Timing and Deferral.**

- 18 1. Completion Time for Parking Lot Construction. Except as provided under Subsection 2
19 below, parking lot improvements, including required landscaping and paving, shall be
20 completed and the area available for use prior to issuance of final Certificate(s) of
21 Occupancy.
- 22 2. Postponement of Parking Lot Construction. A temporary Certificate of Occupancy may be
23 granted by the Building Official if the developer posts a performance bond or equivalent
24 equal to the cost to complete the improvements as estimated by the Building Official.
25 Postponement of parking lot construction under a temporary Certificate of Occupancy shall
26 not exceed six months duration. No extensions of the six month postponement shall be
27 approved.
- 28

1 **12.50.400 Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity.** Bicycle
2 parking and bicycle and pedestrian circulation and connectivity include the following sections:

- 3 12.50.410 Bicycle Parking
- 4 12.50.420 On-Site Pedestrian and Bicycle Circulation
- 5 12.50.430 Off-Site Pedestrian and Bicycle Connectivity
- 6 12.50.440 Connectivity and Design Standards at or near Minor Transit Stops
- 7 12.50.450 Connectivity and Design Standards at or near Major Transit Stops

8 **12.50.410 Bicycle Parking.**

- 9 A. Purpose. Standards for bicycle parking encourage bicycle use, help to reduce principal reliance
10 on the automobile, and increase bicyclists' safety and security.
- 11 B. Applicability. Bicycle parking shall be provided in conjunction with all new developments,
12 expansions of existing development or changes of use, except those exempt Housing Types and
13 Uses listed in Subsection C below.
- 14 C. Exemptions.
 - 15 1. The following Housing Types are exempt from bicycle parking requirements:
 - 16 a. Detached single family dwellings, including manufactured dwellings, with individual
17 assigned and enclosed garage or carport spaces or storage spaces 80 sq. ft. or larger;
 - 18 b. Secondary dwelling units; and
 - 19 c. Live-work dwellings or any other housing units constructed with individual assigned and
20 enclosed garage or carport spaces or storage spaces 80 sq. ft. or larger.
 - 21 2. The following Uses are exempt from bicycle parking requirements:
 - 22 a. Home Occupations;
 - 23 b. Mobile and/or temporary businesses as defined in Municipal Code Section 5.08; and
 - 24 c. Expansions of pre-existing commercial, industrial or institutional Uses which are less
25 than 50% of the existing net floor area or 3,000 sq. ft., whichever is less.
- 26 D. Number of Bicycle Parking Spaces Required.
 - 27 1. Except as listed in Subsection C above, all new development or expansions of existing
28 development shall provide the minimum number of bicycle parking spaces specified in
29 Tables 12.50.410-1 through 12.50.410-5. New free-standing commercial, industrial or
30 institutional Uses requiring vehicle parking shall provide at least two bicycle parking spaces.
31 Multiple tenant buildings or developments may consolidate bicycle parking based on the
32 aggregated net square footage, pursuant to Subsection 12.50.410.G.8.
 - 33 2. For expansions of existing commercial, industrial or institutional Uses larger than 50% of the
34 current net floor area or 3,000 sq. ft. (whichever is less), bicycle parking shall be calculated
35 based on total net square footage rather than the expansion area.
 - 36 3. Bicycle parking for changes in use shall be calculated based upon the requirements for the
37 new Use.

1 4. For any use not specifically mentioned in Tables 12.50.410-1 through 12.50.410-5, bicycle
 2 parking requirements shall be the same as for the use which is most similar to the use not
 3 specifically mentioned, as determined by the Planning Director pursuant to Section
 4 12.80.050.

5 E. Adjustments to Number of Bicycle Parking Spaces. The Review Authority may adjust minimum
 6 bicycle parking provided for changes of Use or expansions of an existing Use under Section
 7 12.80.156.D.8.

8 **Table 12.50.410-1:**
 9 **Required Bicycle Parking Spaces for Housing Types or Residential Uses**
 10 **(spaces are per dwelling unit unless otherwise specified)**

Use Category	Number of spaces required
Household Living	
Detached Single Family Dwelling (includes residential homes)	None if exempt under Subsection 12.50.410.C.1; otherwise 1
Secondary Dwelling	
Two Dwelling Townhouse or Duplex	
Three Dwelling (or more) Townhouse	
Multiple Dwelling Structure	None if exempt under Subsection 12.50.410.C.1; otherwise 0.25
Manufactured Dwelling	None if exempt under Subsection 12.50.410.C.1; otherwise 1
Live-Work Dwelling	
Group Living	0.25/resident
Residential Services	None
Residential Business (for residential portion only)	1 in Zone A; none in Zone B

11

1
2
3

**Table 12.50.410-2:
Required Bicycle Parking Spaces for Commercial Uses
(required spaces are per 1000 sq. ft. Net Floor Area unless otherwise specified)**

Use Type	Number of spaces required
Commercial Lodging	
All Uses	0.125/room
Commercial Parking	
Surface Parking Lots	None
Structured Parking	1/20 vehicle spaces provided
Commercial Recreation	
Indoor facilities	1.5
Court sports	1/15 vehicle spaces provided
Outdoor facilities (with bleachers)	1/15 vehicle spaces provided
Outdoor facilities (without bleachers)	1/20 vehicle spaces provided
Durable Goods Sales	
All Uses	1/40 vehicle spaces provided
Eating and Drinking Establishments	
Fast food	2
Casual dining	0.25
Fine dining	0.125
Educational Services (parking calculated per FTE student or employee)	
All Uses	1/25 vehicle spaces provided
Office	
General office	1/20 vehicle spaces provided
Medical office	1/20 vehicle spaces provided
Retail Products and Services	
Minor Assembly Facilities	1/20 vehicle spaces provided
All other Uses	1/2500 sq. ft. up to 50,000 sq. ft.; plus 1/5000 sq. ft. thereafter
Self-Service Storage	
All Uses	None
Vehicle Service and Repair	
All Uses	1/40 vehicle spaces provided

4 Note: minimum 2 spaces required for all free-standing Uses: See Subsection 12.50.410.D.1.

1 **Table 12.50.410-3:**
 2 **Required Bicycle Parking Spaces for Industrial Uses**
 3 **(spaces are per vehicle spaces provided unless otherwise specified)**

Use Type	Number of spaces required
Industrial Services	
All Uses	1/20
Manufacturing and Production	
All Uses	1/20
Solid Waste Treatment and Recycling	
All Uses	1/40
Vehicle Storage	
All Uses	1/40
Warehouse and Freight Movement	
All Uses	1/40
Wholesale sales	
All Uses	1/40

4 Note: minimum 2 spaces required for all free-standing Uses: See Subsection 12.50.410.D.1.

5 **Table 12.50.410-4:**
 6 **Required Bicycle Parking Spaces for Institutional Uses**
 7 **(spaces are per vehicle spaces provided unless otherwise specified)**

Use Type	Number of spaces required
Colleges and Universities (measured per classroom)	
All Uses	4
Community Services	
All Uses	1/10
Detention Facilities (measured per bed)	
All Uses	1/40
Hospitals	
All Uses	1/20
Assembly Facilities	
All Uses	1/20
Schools (measured per classroom)	
Elementary school (grades K-5)	3
Middle school (grades 6-8)	2
High School (grades 9-12)	2

8 Note: minimum 2 spaces required for all free-standing Uses: See Subsection 12.50.410.D.1.

**Table 12.50.410-5:
Required Bicycle Parking Spaces for Infrastructure and Utility Facilities Uses
(required spaces are in a ratio to vehicle spaces provided)**

Use Category	Number of spaces required
Aviation Facilities	
Hangars (measured per aircraft space)	None
All other Uses	1/20
Parks and Open Areas	
Indoor facilities	1.5
Court sports	1/15
Outdoor facilities (with bleachers)	1/15
Outdoor facilities (without bleachers)	1/20
Playgrounds	1/10
Nature parks; natural open space	
Public Safety Facilities (measured per FTE employee)	
All Uses	
Surface Alternative Transportation Facilities	
Park and Ride Facilities	1/20
Maintenance yards	None
All other Uses	None
Telecommunication Facilities	
All Uses	None
Utility Facilities	
All Uses	None

F. Bicycle Parking Location.

1. Bicycle parking shall be located on-site in convenient, secure and accessible locations near a main building entrance.
2. Outdoor bicycle parking shall be visible from on-site buildings or the street. Indoor bicycle parking for non-residential Uses shall be located on the first floor. Indoor bicycle parking may be allowed on second stories and above in multi-story residential structures.
3. If required, bicycle parking location(s) shall be shown on the off-street vehicle parking and loading plans submitted to the Review Authority.

G. Bicycle Parking: Improvements.

1. Space Size. Spaces shall be at least 6 feet long and 2 ½ feet wide. An access aisle at least 5 feet wide shall be provided and maintained beside or between each row of parking. Each required space shall be accessible without moving another bicycle.

- 1 2. Security. Secure parking shall be provided as either a lockable storage enclosure or a
2 stationary rack to which bicycles can be locked. All racks, lockers or other facilities shall be
3 securely anchored to the ground or to a structure. Racks shall be designed so that every
4 bicycle can be locked by the frame and secured to prevent falling or wheel damage.
- 5 3. Separation Required. Bicycle parking shall be separated from motor vehicle parking and
6 maneuvering areas by a barrier or a distance of at least 5 feet.
- 7 4. Connectivity Required. Outside bicycle parking shall be connected to main building
8 entrances by pedestrian accessible walkways. Outside bicycle parking also shall have direct
9 hard-surfaced connections to public rights-of-way and to existing and proposed
10 pedestrian/bicycle accessways.
- 11 5. Signage. Required parking shall be clearly signed and reserved for bicycle parking only. If a
12 bicycle parking area is not plainly visible from the main building entrance, a directional sign
13 shall be posted at the building entrance indicating the location of the bicycle parking area.
- 14 6. Sidewalk Obstruction Not Permitted. Bicycle parking shall not obstruct required minimum
15 widths of sidewalks or pedestrian connections. The Review Authority may allow bicycle
16 parking on the public sidewalk only in locations where it would not obstruct required
17 minimum widths or conflict with access to doorways.
- 18 7. Landscaping or Usable Open Space Occupancy Not Permitted. Bicycle parking shall not
19 occupy curbside landscape strips, landscape buffers or required Usable Open Space.
- 20 8. Distribution between Buildings. Bicycle parking may be distributed as the Review Authority
21 determines appropriate to serve multiple buildings in a development. If a building has two or
22 more main building entrances, the Review Authority may require bicycle parking to be
23 located to serve all main building entrances.
- 24 9. Coverage Required/Encouraged. Coverage or shelter is encouraged for all required bicycle
25 parking. If more than 20 bicycle parking spaces are required, at least 25% of the spaces shall
26 be covered or enclosed. If covered, the overhead clearance shall be at least 7 feet. Coverage
27 can be provided through roof extensions, overhangs, awnings, arcades, carports or enclosures
28 or other similar means. Covered parking can also be provided within a parking structure,
29 garage, or bicycle locker, under a separate roof, or in a designated area within a building or
30 residential complex. For new developments, if outdoor bicycle parking is not covered, the
31 area shall be designed to allow coverage to be added in the future.
- 32 10. Security at Transit Stations. At transit transfer stations and park-and-ride lots, at least 20%
33 of the required spaces shall be lockers and at least 50% of the remaining required spaces shall
34 be covered or enclosed.

35 **12.50.420 On-Site Pedestrian and Bicycle Circulation.**

- 36 A. Purpose. On-site pedestrian and bicycle circulation standards are intended to provide safe and
37 convenient connections, which minimize out-of-direction travel, between buildings and existing
38 public rights-of-way, pedestrian/bicycle accessways and other on-site pedestrian facilities.
- 39 B. Applicability. Except as provided in Subsection C below, the standards of this section shall
40 apply to all Type II and Type III development projects.

1 C. Exceptions and Exemptions.

2 1. Certain Land Use Applications Exempt. The following land use applications are exempt
3 from the requirements of this section:

- 4 a. Minor Partitions;
- 5 b. Floodplain Activities;
- 6 c. Significant Natural Resource Permits; and
- 7 d. Cultural Resource Alterations.

8 2. Certain Land Uses Exempt. The following land Uses are exempt from the requirements of
9 this section:

- 10 a. Car washes
- 11 b. Commercial parking facilities, except commercial parking structures within 400 feet of a
12 proposed or existing transit station
- 13 c. Golf courses
- 14 d. Greenhouses
- 15 e. Heavy equipment sales
- 16 f. Manufactured home sales
- 17 g. Vehicle service and repair Uses without associated convenience stores, except retail or
18 wholesale Uses selling parts and accessories without on-site installation
- 19 h. Vehicle sales, leasing, rental or storage
- 20 i. Solid waste transfer stations
- 21 j. Truck stops

22 D. Standards.

23 1. Connections Required. New development shall provide on-site pedestrian and bicycle
24 circulation systems as follows:

- 25 a. Connecting the new development and adjacent and nearby residential or neighborhood
26 activity centers, especially with existing accessways in adjacent developments;
- 27 b. Connecting to adjacent and nearby outdoor activity areas such as parking lots, transit
28 stops, recreational or play areas and plazas;
- 29 c. Connecting main building entrances to the nearest public sidewalk or walkway leading to
30 a public sidewalk; and
- 31 d. Stubbing accessways to adjacent vacant land or to developed land without
32 pedestrian/bicycle connections where practicable, based on site topography and future
33 development or redevelopment potential of the adjacent land.

34 2. Direct Routing. Pedestrian and bicycle accessways shall be sited to minimize out-of-
35 direction travel.

- 1 3. Clustering. Where practicable, new commercial, Mixed-Use and office developments shall
2 facilitate on-site pedestrian circulation by clustering buildings and creating separate
3 accessways through the site and parking areas.
- 4 4. ADA Access. On-site pedestrian circulation systems shall include accessways and facilities
5 for handicapped persons, consistent with applicable federal and state requirements, and with
6 emphasis wherever practicable on providing continuous, uninterrupted routes.
- 7 5. Improvements. On-site accessways shall be improved to the following standards:
 - 8 a. Accessways shall be hard surfaced, well-drained, and at least five (5) feet in unobstructed
9 width, except as provided in Subsection b, below.
 - 10 b. Accessway width shall be increased to seven (7) feet if the walkway abuts perpendicular
11 or angled parking spaces unless the spaces are equipped with tire stops pursuant to
12 Subsection 12.50.360.C.3.
 - 13 c. Accessway surface material shall contrast visually with adjoining surfaces.
 - 14 d. Where technically feasible and appropriate, the City may approve the use of pervious
15 surfacing techniques and other habitat friendly development techniques and practices as
16 described in Section 12.50.930.
 - 17 e. Where accessways are parallel and adjacent to an access aisle, the accessway shall be
18 raised or separated from the access aisle by a raised curb, bollards, landscaping or other
19 physical barriers.
 - 20 f. Where raised accessways are used, the ends shall be equipped with curb ramps.
- 21 6. On-site pedestrian and bicycle circulation shall be designed concurrently with on-site
22 vehicular circulation and shall minimize pedestrian/vehicle conflicts through any or all of the
23 following measures or their equivalents:
 - 24 a. Separating pedestrian accessways through the site and parking areas;
 - 25 b. Minimizing accessway crossings of driveways; or
 - 26 c. Marking pedestrian crossings with changes in elevation, paving texture, color, or
27 material. Crossing markings shall contrast and clearly delineate the crossing or walkway
28 at any time of day or night and shall be improved consistent with ADA and the Oregon
29 Structural Specialty Code.
- 30 7. On-site pedestrian and bicycle circulation systems shall connect to on-site Usable Open
31 Space improvements as described in Section 12.50.210, and should be defined by design
32 features such as towers, arcades, porticos, pedestrian light fixtures, and planter walls.
- 33 8. Design of on-site pedestrian and bicycle circulation should complement the surrounding
34 streetscape.

1 **12.50.430 Off-Site Pedestrian and Bicycle Connectivity.**

2 A. Purpose. The City intends that wherever possible, connectivity within and from new
3 developments to nearby residential areas, transit stops, neighborhood activity centers and other
4 accessways will be provided by public streets pursuant to Section 12.50.520. Where public
5 street connections are unavailable, impracticable or inappropriate, pedestrian/bicycle accessways
6 provide safe and convenient connections within and from new developments to nearby
7 residential areas, transit stops, neighborhood activity centers and other accessways.
8 Pedestrian/bicycle accessways are intended to accommodate both pedestrians, and bicyclists, but
9 should only be used in areas where public street options are either unavailable or where the
10 absence of street connectivity necessitates inconvenient or out of direction travel for pedestrians
11 or bicycles.

12 B. Applicability. The standards of this section shall apply to all Type II and Type III land use
13 applications for new development projects which would meet the following locational
14 thresholds:

- 15 1. Where public street connections are not possible;
- 16 2. Where street rights-of-way are discontinuous, or through mid-block locations where blocks
17 are longer than 1000 feet;
- 18 3. To provide reasonably direct access from residential developments to nearby neighborhood
19 activity centers, transit trunk routes and other transit facilities;
- 20 4. To provide reasonably direct access to adjacent developments and to adjacent undeveloped
21 property likely to be developed in the future;
- 22 5. To provide reasonably direct connections from cul-de-sacs and internal Private streets to the
23 nearest available street or neighborhood activity center;
- 24 6. To provide reasonably direct connections from cul-de-sacs or Local streets to Arterial or
25 Collector streets;
- 26 7. To provide connection between the project and an existing accessway or a future accessway
27 included in an adopted master plan;
- 28 8. To provide connection between the on-site pedestrian/bicycle circulation system to existing
29 or proposed streets, accessways, and driveways that abut the site; or
- 30 9. To provide connection between the on-site pedestrian/bicycle circulation system and
31 accessways, parks, or open spaces, or to any of those facilities identified in an adopted local,
32 regional, or state parks master plan, which abut the site.

33 C. Exception. Off-site pedestrian circulation and connection of accessways shall not be required
34 between adjacent industrial developments, or to vacant industrially zoned land.

35 D. Standards. All accessways shall meet the standards listed below. Accessways used as secondary
36 fire access or utility corridors shall also meet the additional standards in Subsection E, below.

- 37 1. Accessways shall be created within public rights-of-way, public tracts, or private tracts with
38 public access easements. Such rights-of-way, tracts, or easements shall be at least 15 feet
39 wide.

2. Accessway entry points shall align wherever practicable with pedestrian crossing points on adjacent streets and with adjacent street intersections.
 3. Accessways shall not exceed 300 feet in length between streets except where approved by the Review Authority.
 4. Accessways shall be sufficiently straight that both end points are visible from any point on the accessway.
 5. Accessways shall have no horizontal obstructions and a 9 foot, 6 inch high vertical clearance. Additional clearance shall be provided on secondary fire accessways as required in Subsection E below.
 6. Accessway surface improvements shall be at least 10 feet in width. Improvements shall be impervious pavement (asphalt or concrete), unless pervious pavement has been approved by the Review Authority and the City Engineer based on usage and site conditions.
 7. Accessway surfaces shall drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways are subject to approval by the City Engineer and the Planning Director.
 8. Accessways shall be lighted as required in Section 12.50.240. Lighting shall be installed at both end points and may also be required at intermediate points as determined by the City Engineer. Lighting on accessways shall be shielded to minimize glare and unnecessary diffusion into the sky and onto neighboring properties, especially into significant natural resource areas.
 9. Wherever practicable, accessways shall have a slope of 5% or less. Use of stairways shall be avoided unless no practicable route is available.
 10. Accessways shall be fenced and screened along adjacent property with one or both of the following improvements:
 - a. A minimum 5 foot high fence. To meet this standard, wooden fences must be built of pressure-treated structural members with a pressure treated cap rail; and/or
 - b. A thick vegetation screen of evergreen shrubs or climbers planted either adjacent to a new fence meeting the standard in Subsection a, above, or to an existing private fence on the adjacent property. To meet this standard, evergreen plant species must be low maintenance varieties, capable of 42 inches height within 3 years of planting without irrigation. Native species are encouraged; nuisance species are Not Permitted. Evergreen species with mature heights taller than 4 feet shall be avoided. Plant species and spacing are subject to approval by the Review Authority.
 11. To prohibit access by motorized vehicles (except motorized wheelchairs) accessways shall be constructed with gates, removable lockable posts, bollards or barriers as approved by the Fire Department.
- E. Additional Standards for Accessways used as Secondary Fire Access or Utility Corridor. In addition to the standards in Subsection D, above, accessways that also serve as secondary emergency vehicle accesses or utility corridors shall meet the following additional standards:
1. The accessway shall have at least 13 feet 6 inches (13'6") vertical clearance or other clearance as approved by the Fire Marshal.

2. The accessway shall have a minimum 20 foot paved surface within a 20 foot wide right-of-way, tract, or easement. Reduced width secondary fire access accessways may be proposed subject to approval by the City Engineer and the Fire Marshal.
3. Pervious pavement may be permitted by the Review Authority, subject to approval by the City Engineer and the Fire Marshal.

F. Ownership, Liability and Maintenance of Accessways. To ensure accessway maintenance over time, the Review Authority shall require one of the following two provisions:

1. Dedication of the accessway tracts as public rights-of-way prior to final approval of the development; or
2. If the accessway tract remains in private ownership, recordation of a maintenance agreement specifically requiring present and future property owners to provide for liability and maintenance of the accessway to city standards.

12.50.440 Connectivity and Design Standards at or Near Minor Transit Stops.

A. Purpose. Minor Transit Stop is defined in Section 12.01.500. Pedestrian improvements at minor transit stops encourage use of transit, which reduces carbon emissions, improves traffic efficiency on public streets, and provides transportation options for transportation disadvantaged persons as defined in Comprehensive Plan Section 13 III.

B. Applicability. In this section “at a minor transit stop” means a property line of the building site is not more than 200 feet from the minor transit stop. “Near a minor transit stop” means a property line of the building site is on an intersecting street not more than 300 feet from the minor transit stop. Both distances in this section are measured as walked by a pedestrian. The standards of this section shall apply to new development projects meeting the following thresholds:

1. Are located at or near a minor transit stop and along a transit street; and
2. Likely to generate relatively high levels of transit ridership; and
3. Which meet one or more of the following criteria:
 - a. Serves more than neighborhood needs, or
 - b. Has traffic impacts on more than the immediate neighborhood, or
 - c. Is larger than average in size for developments of the type within the city.

C. Standards.

1. Development projects as identified in Subsection B above shall provide either a transit stop on-site or a pedestrian connection from the development to the nearest transit stop along the transit street if such a transit stop or connection is requested by the Transit Agency and required by the Review Authority.
2. The scale of the transit stop or pedestrian connection shall have a clear nexus with, and be proportional to, the development’s scale, intensity and level of transit ridership to be generated.

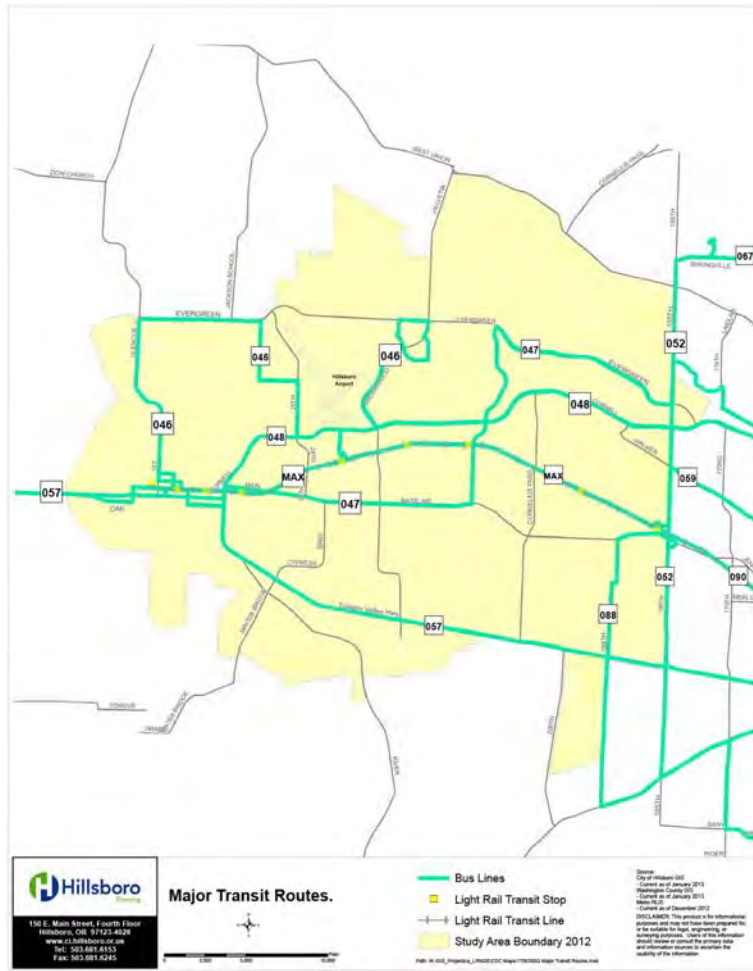
- 1 3. Transit stop improvements requested and required in Subsection 1, above, may include, but
2 are not limited to, the following:
- 3 a. A dedicated area within the public right-of-way, or an easement within the site, for a
4 passenger shelter if requested by the Transit Agency;
 - 5 b. An accessible passenger area, compliant with Chapter 11 of the Oregon Structural
6 Specialty Code as adopted by the City;
 - 7 c. Lighting; and/or
 - 8 d. Passenger seating or a passenger shelter as approved by the Transit Agency.
- 9 4. Required transit stop or connection improvements shall be installed concurrent with
10 development construction.
- 11 5. To meet the requirement in Subsection 1, above, the pedestrian connection must be a
12 continuous, unobstructed, reasonably-direct route between the two points that is intended and
13 suitable for pedestrian use. On developed parcels, pedestrian connections shall be hard-
14 surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways.

15 **12.50.450 Connectivity and Design Standards at or Near Major Transit Stops.**

- 16 A. Purpose. The standards of this section are intended to promote pedestrian and transit travel to
17 office, retail commercial or institutional facilities, and to create safe and convenient pedestrian
18 access to major transit stops from retail commercial, office or institutional buildings. In this
19 section, a Major Transit Stop is an existing transit stop, or one shown on an adopted city plan,
20 located on one of the following streets:
- 21 a. Evergreen Parkway
 - 22 b. 1st Avenue / Glencoe Road
 - 23 c. Cornell Road
 - 24 d. Main Street
 - 25 e. Baseline Street / Road
 - 26 f. Oak Street
 - 27 g. 229th / 231st Avenue/Century Boulevard
 - 28 h. Washington Street
 - 29 i. 185th Avenue
 - 30 j. Tualatin Valley Highway
 - 31 k. Existing and planned High Capacity Transit rights-of-way shown in adopted City plans
- 32

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**Figure 12.50.450-A:
Streets with Major Transit Stops**



3

B. Applicability. In this section the phrase “at a major transit stop” means a property line of the building site is not more than 200 feet from the major transit stop. “Near a major transit stop” means a property line of the building site is on an intersecting street not more than 300 feet from the major transit stop. Both distances in this section are measured as walked by a pedestrian. Except for exempt Uses listed in Subsection C below, the standards of this section apply to development of one or more retail commercial, office or institutional buildings meeting any of the following thresholds:

1. The development is new construction on a previously undeveloped property;
2. The development involves the complete demolition and reconstruction of existing buildings;
3. The development involves a complete change of use of an existing building or buildings from one use category to another (i.e., from residential to commercial or commercial to institutional);
4. The development involves remodeling an existing building, and the total value of the remodeling equals or exceeds 50% of the most recent assessed value of the building as established by Washington County Assessment and Taxation; or

16
17
18

1 5. If located within a light rail zone, the development includes one or more multi-family
2 residential structures containing four or more units.

3 C. Exceptions. The following land Uses are exempt from the standards of this Section:

- 4 1. Detached single dwellings, two-dwelling attached townhouses and duplexes unless approved
5 under a subdivision or PUD process;
- 6 2. Car washes;
- 7 3. Commercial parking facilities, excluding commercial parking structures within 400 feet of a
8 transit station;
- 9 4. Golf courses;
- 10 5. Greenhouses;
- 11 6. Durable goods sales;
- 12 7. Vehicle service and repair, excluding associated convenience stores and vehicle parts and
13 accessories sales without on-site installation;
- 14 8. Vehicle storage;
- 15 9. Solid waste transfer stations;
- 16 10. Truck stops; and
- 17 11. Any other use located at or near a major transit stop, where access to the major stop would
18 require crossing a Collector street or an Arterial street and a safe pedestrian crossing is not
19 available.

20 D. Standards.

- 21 1. Main building entrances for new retail commercial, office and institutional buildings located
22 at or near a major transit stop shall be oriented towards the transit street or the street
23 intersecting the transit street. A building meets this standard if the entrance directly faces the
24 transit street or the intersecting street, or if the entrance is linked to the transit street or the
25 intersecting street by an on-site pedestrian connection.
 - 26 a. If the site fronts on more than one transit street, or on both a transit street and an
27 intersecting street, the building shall have a main entrance oriented to either:
 - 28 i. One of the transit streets;
 - 29 ii. The intersecting street; or
 - 30 iii. The corner where the two transit streets or the transit and the non-transit street
31 intersect.
 - 32 b. If the building façade length on the transit street is 300 feet or more, the building shall
33 have two or more building entrances facing the transit street. The Review Authority may
34 approve a Type II or Type III adjustment to this standard under Subsection
35 12.80.156.D.11.
 - 36 c. Building entries shall conform to accessibility standards in the Oregon Structural
37 Specialty Code as adopted by the City.

- 1 2. Building entrances at or near a major transit stop or facing on a plaza shall have weather
2 protection features to protect pedestrians, including but not limited to arcades, roofs, porches,
3 alcoves, porticos and/or awnings. The use of continuous, on-site weather protection features
4 or structures between building entrances and adjacent transit streets, streets intersecting
5 transit streets, or transit stops is encouraged.
- 6 3. New retail, commercial or office buildings located within 30 feet of a transit street, a street
7 intersecting a transit street, or a major transit stop, shall include changes in relief on thirty
8 five percent (35%) of their façades facing such a street or transit stop. Such changes in relief
9 may include windows, lobbies, covered pedestrian entrances, display windows, cornices,
10 bases, fluted masonry, combinations of such treatments, or other pedestrian-friendly
11 treatments.
- 12 4. New retail, commercial, office or institutional buildings located at a major transit stop shall
13 provide the following transit-supportive improvements:
 - 14 a. A plaza at either the major transit stop or at the intersection of the adjacent transit street
15 and an intersecting street; or
 - 16 b. Locate buildings within 20 feet of the front property line closest to the major transit stop,
17 the transit street or a street intersecting the transit street; and
 - 18 c. A reasonably direct pedestrian connection between the transit stop and the building
19 entrances on the site; and
 - 20 d. An accessible passenger area, compliant with Chapter 11 of the Oregon Structural
21 Specialty Code as adopted by the City; and
 - 22 e. A dedicated area within the public right-of-way, or an easement within the site, for a
23 passenger shelter if requested by the transit agency, to the degree which the requested
24 easement has a clear nexus with and is proportional to the scale, intensity and reasonably
25 expected level of transit ridership generated from the building; and
 - 26 f. Passenger seating or a passenger shelter as approved by the Transit Agency; and
 - 27 g. Lighting at the transit stop.
- 28 5. To meet the requirement in Subsection 4.c, above, the pedestrian connection must be a
29 continuous, unobstructed, reasonably-direct route between the two points that is intended and
30 suitable for pedestrian use. On developed parcels, pedestrian connections shall be hard-
31 surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways.
- 32 6. Pursuant to Subsection 4.b, above, if a building is set within 20 feet of the front property line,
33 no off-street parking will be allowed in the front setback. A single vehicle circulation lane
34 may be permitted in the front setback only if no practicable alternative is available and if
35 driveway crossings are provided for pedestrian safety consistent with Subsection
36 12.50.420.D 5.
- 37 7. Vehicle parking on corner lots at or near a major transit stop shall not be located adjacent to
38 street intersections.

1 E. Redevelopment of Excess Parking. Applications for development at or near major transit stops
2 which include surface parking fields larger than 50 spaces, with more than 10 spaces exceeding
3 the minimum requirements in Section 12.50.320, shall include a conceptual redevelopment plan
4 indicating how the excess spaces could be redeveloped in the future. Omission of specific
5 redevelopment plans for the excess parking spaces shall not be the basis for denying the
6 application.

7

1 **12.50.500 Access and Street Standards.** Access and street standards include the following
2 sections:

- 3 12.50.510 Purpose, Applicability and Exceptions
- 4 12.50.520 Street Connectivity and Access
- 5 12.50.530 Public Streets and Alleys Design and Improvement
- 6 12.50.540 Common Driveways and Private Street Design and Improvement
- 7 12.50.550 Sidewalk Widths; Design and Location
- 8 12.50.560 Street Trees

9 **12.50.510 Purpose, Applicability and Exceptions.**

10 A. Purpose. Comprehensive Plan Section 13 Transportation calls for development of a city street
11 system that meets several goals: safety; multi-modality; trip reduction; congestion management;
12 efficient freight movement; livability; and accessibility. The standards in this section are
13 intended to implement these goals by establishing requirements for street improvements in and
14 adjacent to land use developments which will generate the users of and demand for this street
15 system.

16 B. Applicability.

- 17 1. These standards apply to all Type II and Type III land use applications on sites adjacent to
18 existing public streets and/or developments which are required to provide new public or
19 Private streets, alleys or common driveways. In addition to these standards, the City has also
20 adopted Public Works Design and Construction Standards (D & C Standards) that apply to
21 public improvement constructed within the City. The D & C Standards provide detailed
22 construction requirements consistent with this Code.
- 23 2. These standards may require any or all of the following:
 - 24 a. Dedication of right-of-way adequate to meet the requirements of the Transportation
25 System Plan (TSP); the D & C Standards; or the requirements of Subchapters 12.60
26 through 12.64 in certain Plan Districts;
 - 27 b. Street improvements on interior street systems and adjacent existing streets, adequate to
28 meet the requirements of the TSP; the D & C Standards; or the requirements of
29 Subchapters 12.60 through 12.64 in certain Plan Districts;
 - 30 c. Payment of a fee-in-lieu of construction pursuant to the D & C Standards, at the direction
31 of the City Engineer; and/or
 - 32 d. Execution of acceptable financial guarantees for improvements deferred at the direction
33 of the City Engineer; and/or
 - 34 e. Execution of waivers of remonstrance against improvements deferred at the direction of
35 the City Engineer. Required waivers of remonstrance shall be recorded by the City, and
36 shall be effective for 10 years following the date of execution.

37 C. Exceptions.

- 38 1. On County roads or State highways, the road standards of those jurisdictions supersede these
39 requirements.

- 1 2. Where the D & C Standards are more specific than the standards in this section, those
2 standards apply.
- 3 3. The standards of this section shall not be enforced as a condition of approval on new
4 applications for detached single family residential building permits unless a previous
5 applicable land use approval provides otherwise.
- 6 4. The standards of this section may be modified by the City Engineer upon finding that the
7 otherwise required right-of-way dedications and/or street improvements would not meet
8 applicable legal requirements with respect to the scale or scope of the approved land use
9 development.

10 **12.50.520 Street Connectivity and Access.**

11 A. General Standards.

- 12 1. Connectivity Analysis Required. Land use applications on sites with proposed internal street
13 systems shall include a connectivity analysis describing how the proposed internal street,
14 pedestrian and bicycle network provides safe and convenient access to the following:
 - 15 a. Adjacent residential developments and transit stops;
 - 16 b. Adjacent undeveloped property likely to be developed in the future; and
 - 17 c. Neighborhood activity centers, major transit routes and other transit facilities within one-
18 half mile of the site.
- 19 2. Where Connections Not Proposed.
 - 20 a. If a through street system is not provided, the land use application shall include
21 documentation from the applicant explaining why through street connections between
22 neighborhoods are not feasible.
 - 23 b. Where cul-de-sac streets and/or closed street systems are permitted by the Review
24 Authority and the City Engineer, their use shall be consistent with the pedestrian and
25 bicycle connectivity standards in Section 12.50.430.
- 26 3. The following factors shall be considered in establishing location, grade and width of new
27 internal streets:
 - 28 a. Connections to existing streets as required in Subsection B below;
 - 29 b. Topographical conditions and natural resource corridors;
 - 30 c. Public convenience and safety for all modes of travel;
 - 31 d. Existing and identified future transit routes and pedestrian/bicycle accessways; and
 - 32 e. The proposed use of land to be served by the streets.
- 33 4. Intersection angles, grades, tangents and curves proposed for the internal street system shall
34 be consistent with the D & C Standards.

35 B. Street Connectivity and Block Length Requirements in Standard Zones.

- 36 1. New internal streets within a development shall connect to all existing or planned stubbed
37 streets that abut the site.

- 1 2. Block length, width and shape shall consider all of the following factors:
 - 2 a. Adequate building site size;
 - 3 b. Safe and convenient vehicle, pedestrian, bicycle and transit access;
 - 4 c. Traffic control and circulation; and
 - 5 d. Limitations imposed by topography or other natural features.
- 6 3. Unless exempted under Subsection 4 below, full street connections spaced not more than 530
7 feet apart shall be provided in all contiguous vacant and/or underdeveloped sites 5.0 gross
8 acres or larger planned or zoned for residential or mixed-use development.
- 9 4. Full street connections are not required where barriers prevent their construction or require
10 different street connection spacing. Such barriers include the following:
 - 11 a. Topography;
 - 12 b. Railroad right-of-way;
 - 13 c. Freeway right-of-way;
 - 14 d. Pre-existing development patterns;
 - 15 e. Streams, wetlands or waterways regulated under Metro UGM Functional Plan Title 3;
16 and/or
 - 17 f. Significant Natural Resources regulated under Section 12.27.200.
- 18 5. Except where precluded by the barriers listed in Subsection 4, above, maximum block
19 lengths between local and Collector streets shall be 1000 feet, and the maximum perimeter of
20 blocks formed by local and Collector streets shall be 2750 feet.
- 21 6. Within 1/2 mile of existing neighborhood activity centers or transit stops, maximum block
22 lengths shall be 600 feet, and the maximum perimeter of blocks formed by local and
23 Collector streets shall be 1800 feet.
- 24 7. Where the connectivity analysis indicates that larger block lengths or perimeters within a
25 proposed development would deter safe and convenient pedestrian and bicycle travel, the
26 Review Authority may require construction of additional pedestrian accessways within such
27 blocks where appropriate.

28 C. Street Connectivity and Block Length Requirements in SCPA and Mixed-Use Zones.

- 29 1. On sites meeting either of the following criteria, new internal streets and alleys shall be
30 configured in a grid connecting to existing or planned streets:
 - 31 a. Vacant or underdeveloped sites 3.7 gross acres or larger; or
 - 32 b. Sites where existing or planned streets and alleys are stubbed to the perimeter property
33 line.
- 34 2. Unless precluded by barriers as described in Subsection B.4, above, blocks in undeveloped
35 areas shall include alleys consistent with the proposed street grid to allow use of rear-loaded
36 garages and secondary dwelling units and to provide access for utility and garbage services.

- 1 3. The street grid system shall be reasonably straight and direct and shall avoid unnecessary
2 curves. Cul-de-sac streets are Not Permitted unless street continuation is precluded by
3 barriers as described in Subsection B.4, above.
- 4 4. In the vicinity of a transit station or major transit stop, streets and alleys shall be laid out to
5 provide direct and continuous routes to the transit station or stop, or to a street in an adjacent
6 development.
- 7 5. Maximum block perimeter lengths created by the street and alley pattern shall be 1600 feet.

8 **12.50.530 Public Streets and Alleys Design and Improvement.**

9 A. General Standards and Requirements.

- 10 1. The Review Authority shall condition approvals of land use applications adjacent to existing
11 public streets and/or required to provide new public streets or alleys to provide adequate
12 right-of-way and improvements to streets, sidewalks, bike routes and bikeways, consistent
13 with the TSP, the Public Works Development and Construction (D & C) Standards, and
14 Transportation Committee policy.
- 15 2. The Review Authority shall also consider future needs for street widening and other
16 transportation improvements in the vicinity of the proposed development that would mitigate
17 traffic impacts generated by the proposed development. The Review Authority may require
18 off-site improvements including but not limited to: lighting; signalization; turn lanes;
19 medians; on-street parking; traffic islands; paving; curbs and gutters; sidewalks; bikeways;
20 storm drainage systems; or facilities needed due to the anticipated vehicular and pedestrian
21 traffic generation from the proposed development.
- 22 3. Narrower designs for Local streets may be permitted with City Engineer approval. Reduced
23 width street designs shall comply with applicable D & C Standards.
- 24 4. Where site conditions are favorable to stormwater infiltration, “green street” designs are
25 encouraged and may be used. In these cases, deviation from the street standards in this Code
26 or in the D & C Standards may be approved by the City Engineer. Design elements and
27 facilities which require City Engineer approval for use in the public right-of-way include, but
28 are not limited to, the following:
 - 29 a. Increased numbers of street trees;
 - 30 b. Vegetated islands within street improvements;
 - 31 c. Reduced improvement widths at stream crossings; and/or
 - 32 d. Multi-functional open storm drainage in lieu of conventional curb-and-gutter systems.
- 33 5. Except as provided under Subsection 6 below, public utility easements (PUEs) for public and
34 private underground utilities (including gas, electric, telephone and cable communications
35 conduits or duct banks) shall be provided adjacent to all public rights-of-way. The width of
36 the PUEs shall be subject to approval by the City Engineer.
- 37 6. If private utilities cannot be located in a PUE due to setbacks, the City Engineer may permit
38 placement in the public right-of-way under the provisions of a City franchise agreement.

- 1 7. All street sections, curbs, gutters, sidewalks, street lights and street trees shall be constructed
2 and installed consistent with the D & C Standards unless alternative Plan District standards
3 are specified in Subchapters 12.60 through 12.64.

4 **B. Street Classifications and Improvements in Standard Zones.**

- 5 1. Consistency with TSPs. The street descriptions in this section reflect and implement the
6 street classifications on the TSP Functional Classification Map. Traffic capacity volumes
7 within each classification provide an order of magnitude distinction between classifications,
8 and are generally consistent with the Washington County Transportation Plan. Improvement
9 width” as specified in the classification description includes: required travel lanes and curb
10 and gutter components; additional median improvements (landscaped and/or left turn lane);
11 bicycle lanes; on-street parking spaces; and stormwater quality measures as permitted or
12 required in a land use approval.
- 13 2. Applicability to Public Streets. These standards apply to streets which are or will be
14 dedicated to the City. Developers may choose to construct Private streets at a lesser standard
15 pursuant to Section 12.50.540.
- 16 3. Functional Capacity Retained. The street standards contained in this section may be varied
17 with City Engineer approval, but the functional classification, projected volumes and bike
18 path plan must be accommodated in the variation. However, adjacent to properties
19 designated and/or zoned Mixed-Use, standards for street sections may be adjusted to provide
20 on-street parking, increased sidewalk width, or to substitute bicycle lanes and bicycle ways
21 on street sections with reduced traffic speeds.
- 22 4. Arterial Streets. Arterial streets are the primary routes for travel between Hillsboro and other
23 areas in the region, between major areas of urban activity, and to access the highway system.
24 Arterial streets vary in width from two lanes to seven lanes: Arterial street widths are shown
25 in the TSP.
- 26 a. If additional left and/or right turn lanes are required as a result of the Traffic Impact
27 Analysis pursuant to Section 12.70.220, additional right-of-way shall be required as a
28 condition of development approval.
- 29 b. On certain streets in Plan Districts as specified in Subchapters 12.60 through 12.64,
30 sidewalks shall be constructed to increased widths, such as 8 feet, 12 feet, or wider. If
31 approved by the City Engineer, additional right-of-way or sidewalk easements shall be
32 required on these streets to accommodate the additional sidewalk width.
- 33 c. Property access points to Arterial streets between intersections are subject to approval by
34 the Road Authority, and may be conditioned to limitations such as right turn only
35 configuration, consolidation among adjacent properties, and minimum spacing standards
36 to reduce traffic conflicts on the Arterial street.
- 37 5. Collector Streets. Collector streets provide both circulation within and access to residential
38 and commercial/industrial areas. Although some Collector streets may carry the same traffic
39 levels as Arterial streets, Collectors may differ functionally from Arterials in several
40 respects: entering residential neighborhoods; distributing trips from neighborhood routes and
41 Local streets; providing a portion of city-wide circulation; and not having access controls as
42 strict as those for Arterials.

- 1 a. Certain Collector streets identified in the TSP shall be constructed to a larger capacity.
- 2 b. Left turn lanes in Collector streets shall be constructed at major intersections and may be
- 3 required if approved by the City Engineer at authorized property access points between
- 4 intersections.
- 5 6. Neighborhood Routes. Neighborhood routes provide connectivity between Local streets and
- 6 Collectors or Arterials, and are generally longer and carry more traffic than local residential
- 7 streets. To retain neighborhood character and livability, the Review Authority may condition
- 8 development approvals on neighborhood routes to require any of the following neighborhood
- 9 traffic management measures, as described in the Transportation System Plan:
- 10 a. Speed humps;
- 11 b. On-street parking;
- 12 c. Traffic circles;
- 13 d. Medians;
- 14 e. Landscaping;
- 15 f. Curb extensions (bulb-outs);
- 16 g. Narrower streets; and/or
- 17 h. Chokers (which narrow roadways at selected locations)
- 18 7. Local Residential Streets. Local residential streets serve abutting land only. Right-of-way
- 19 and improvement requirements vary with projected vehicles per day (VPD) as specified in
- 20 the D & C Standards.
- 21 a. Local residential streets should carry less than 1,500 vehicles per day. If projected VPD
- 22 is more than 1,500 vehicles, the Review Authority may require use of neighborhood
- 23 traffic management measures as listed in Subsection 6, above, on the street.
- 24 b. Narrower Local street rights-of-way may be permitted with City Engineer approval if
- 25 minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes
- 26 and sidewalk widths.
- 27 c. To improve public safety, reduce traffic hazards and promote safety for residents,
- 28 pedestrians, and bicyclists, and upon recommendation by the City Engineer, the Review
- 29 Authority may require that Local streets be constructed to discourage use by non-local
- 30 automobile traffic.
- 31 8. Cul-de-sac Streets. These streets shall serve not more than 25 dwelling units and should not
- 32 be longer than 200 feet except as specified under Subsection a, below.
- 33 a. With City Engineer approval, a cul-de-sac street may exceed 200 feet in length where the
- 34 barriers listed in Subsection 12.50.520.B.4 prevent street extension outside the site.
- 35 However, if the City Engineer finds there is potential for future connectivity to adjacent
- 36 vacant property, design and construction of the development and the cul-de-sac shall
- 37 meet the following standards:
- 38 i. The lotting pattern in the development shall be designed to not preclude future
- 39 extension of the street;

- 1 ii. Street improvements for the cul-de-sac shall not include a permanent turning area;
2 and
- 3 iii. Public right-of-way shall be dedicated from the current cul-de-sac terminus to the
4 edge of the development to allow future extension of the street.
- 5 b. Pursuant to Section 12.50.520 A 2, an applicant for a development including cul-de-sac
6 streets shall make a good faith effort to construct pedestrian and bicycle accessway
7 connections to neighboring properties from the end of the cul-de-sacs.
- 8 c. If construction of the accessways in Subsection b above is not technically or
9 economically feasible at the time of land use approval, the Review Authority may require
10 any or all of the following as a condition of the development approval if the City
11 Engineer finds that a pedestrian-bicycle connection may be feasible in the future:
- 12 i. Lotting patterns and siting of buildings which do not preclude possible future
13 connectivity;
- 14 ii. Provision of a public easement compliant with Subsection 12.50.430.D or
15 12.50.430.E as applicable, from the cul-de-sac to the property line of the adjacent lot;
16 and/or
- 17 iii. Construction or payment of fee in lieu for the segment of the connection within the
18 development.
- 19 9. Commercial and Industrial Streets. Commercial and industrial streets are intended to serve
20 primarily abutting non-residential land Uses and are not through routes. Due to the nature of
21 the adjacent land Uses, traffic will include larger trucks requiring wider travel lanes and
22 additional turning radii.
- 23 10. Mixed-Use Streets. Mixed-Use streets are located within or adjacent to neighborhoods
24 designated and/or zoned Mixed-Use on the Comprehensive Plan and Zoning Map. Such
25 neighborhoods include 28th and Main, Tanasbourne, Witch Hazel Village and AmberGlen,
26 but other Mixed-Use neighborhoods may be established elsewhere upon approval of Plan or
27 zone changes. Mixed-Use streets may be local residential or neighborhood streets,
28 Collectors, or Arterial streets within or adjacent to these neighborhoods. Mixed-Use
29 developments may be subject to additional base zone standards as listed in Section 12.24,
30 including variations to the street standards listed in the TSP. Where special Plan District
31 street standards are included in Subchapters 12.60 through 12.64, those standards supersede
32 both the TSP and the D & C Standards regarding street design and structural cross-sections.
- 33 a. To encourage pedestrian activity and access and increased density of development in
34 Mixed-Use neighborhoods, the Review Authority may modify Mixed-Use street sections
35 to provide on-street parking, increase sidewalk width, reduce travel lane width, and / or
36 add bicycle lanes or bicycle ways.
- 37 b. Modified Mixed-Use street configurations may be conditioned by the Review Authority
38 to encourage reduced traffic speeds.
- 39 11. Public Alleys. Alleys serve abutting properties only, and are intended primarily as secondary
40 access for parking and service Uses.

1 a. Development projects within the Plan Districts listed in Subchapters 12.60 through 12.64
2 shall improve existing adjacent existing alleys or dedicate and improve new alleys as
3 required by the Plan District standards.

4 b. Public alleys may be approved in development projects outside Plan Districts. Where
5 approved, the maximum service area and length shall meet D & C Standards.

6 C. Street Classifications and Improvements in Light Rail Zones. New streets shall be designed to
7 accommodate traffic volumes and characteristics of the surrounding land Uses, including
8 demand for on-street parking. Street cross-sections and right-of-way widths in light rail zones
9 may be varied from the D & C Standards with City Engineer approval if the specifications in
10 Subsections 1 and 2 below are met.

11 1. Local and Neighborhood Route Street Standards. Local and Neighborhood Route streets
12 shall be improved to the specifications in Table 12.50.530-1:

13 **Table 12.50.530-1:**
14 **Local and Neighborhood Route Street Specifications in Light Rail Zones**

Street design Component	Specification
Minimum Lane Width	10 feet
Maximum Lane Width	12 feet
Curb Return Radius	15 feet
Minimum 2-Lane Intersection Throat	24 feet
Minimum 3-Lane Intersection Throat	34 feet
Parking Lane or On-Street Bay Minimum Width	7 feet (see Subsection c below)
Minimum Curbside Landscape Strip	4 feet
Minimum Sidewalk Width	5 feet (see Subsection a below)
Bicycle Lane Width	6 feet (see Subsection b below)
Minimum Alley Improvement Width	16 feet surfaced travel lane within a 20-foot ROW

15 c. Bicycle Lanes. Bicycle lanes are required on both sides of a neighborhood route street,
16 but are not required on Local streets.

17 d. On-street Parking. On-street parking is required on at least one side of a street adjacent
18 to residential development unless additional visitor parking is provided within the
19 development. If on-street parking is not provided, the street adjacent to the site shall be
20 signed to prohibit parking.

21 2. Collector and Arterial Streets Standards. Collector and Arterial streets shall be improved to
22 the specifications shown in Table 12.50.130-1, with the following exceptions:

23 a. Collector streets shall have a 3-lane section: 2 travel lanes at least 10 feet wide and a
24 center median or left turn lane at least 11 feet wide. The length of the left turn lane shall
25 be based on the recommendation of a Traffic Impact Analysis (TIA) pursuant to Section
26 12.70.220, and shall be subject to approval by the City Engineer.

- 1 b. Collector and Arterial streets designated or planned as transit streets shall have wider
2 curbside lanes: at least 12 feet wide. The widths of other transit street components
3 within the right-of-way shall not be reduced to compensate for this increased width, and
4 the Review Authority may require additional right-of-way to accommodate the increased
5 width.
- 6 c. Collector and Arterial streets shall have on-street bicycle lanes in both travel directions.
- 7 d. The Review Authority may require traffic calming measures on any street within a light
8 rail zone, consistent with Subsection 12.50.530.B.6, and the recommendations of the
9 TIA.
- 10 e. Arterial street components shall be sized and constructed in compliance with the D & C
11 Standards and the TIA. If the Standards and the TIA conflict with specific provisions of
12 this Code, the provisions of this Code shall prevail.
- 13 f. Collector and Arterial street intersections controlled by traffic signals shall provide
14 additional sidewalk area at the intersection sufficient to meet AASHTO Urban Street
15 Pedestrian Queuing Area Level of Service “D” (7 sq. ft. / person). If the street is 3 or
16 more lanes, a center median pedestrian refuge area shall be included in the street design
17 and improvement, sufficient to meet AASHTO Urban Street Pedestrian Queuing Area
18 Level of Service “C” (10 sq. ft. / person). Queuing area size shall be determined based
19 on estimated pedestrian traffic from the TIA.
- 20 3. Street Lighting and Furniture. Except as provided under Subsection 5 below, street lighting
21 and furniture installed in the public right-of-way within 1,300 feet of an HCT station shall be
22 either the same as those installed under the original light rail transit project; or as approved
23 by the Review Authority. Street lighting and furniture subject to this standard include the
24 following:
- 25 a. Streetlight poles and fixtures
- 26 b. Bicycle racks
- 27 c. Benches
- 28 d. Street tree grates
- 29 e. Trash receptacles
- 30 f. Street and sidewalk surface patterns and materials
- 31 g. Street signage
- 32 4. Additional Lighting on Arterial and Collector Streets. The City Engineer may require street
33 lighting on Arterial and Collector streets to have higher illumination or different poles and
34 fixtures. The City Engineer may require ornamental street lighting to be supplemented by
35 the minimum necessary number of standard luminaires mounted on poles matching as closely
36 as practicable the ornamental streetlight poles.
- 37 5. Pedestrian Use Street Design in Light Rail Zones. In light rail residential zones and in the
38 SCC-SC zone, streets extending from light rail stations should be designed to allow use by
39 pedestrian-friendly retail and service Uses, recreation and social activities.

1 D. Street Improvements in Mixed-Use Zones. In addition to the standards in Subsections A and B,
2 above, developments in Mixed-Use zones adjacent to public streets shall install the following
3 improvements:

- 4 1. Ornamental street lights (as identified in the D & C Standards) with any required public
5 street improvement; and
- 6 2. Curb extensions (bulb-outs) at public street intersections with any required public street
7 improvement. The design of the bulb-outs shall be subject to approval by the Planning
8 Director and City Engineer.

9 **12.50.540 Flag Lot Driveways and Private Streets: Design and Improvement.**

10 A. Applicability. These standards apply to all land divisions and development projects which
11 include or will be required to provide Private streets, flag lot driveways, or common driveways
12 to multiple flag lots.

13 B. Common Driveway Specifications and Standards.

- 14 1. Driveway Specifications. Driveways for individual flag lots and common driveways for
15 multiple flag lots shall be designed, constructed and maintained to the specifications in Table
16 12.50.540-1 and the standards in Subsection 2 below.

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**Table 12.50.540-1:
Improvement Standards for Flag Lot and Common Driveways
(GVW = Gross Vehicle Weight)**

Dwelling Units served	Minimum pavement width	Minimum Driveway Easement Width	Pavement Section	Utility Improvements
1 single family	10 feet	12 feet	80,000 lb. GVW; 1 foot gravel shoulder on each side	<ul style="list-style-type: none"> • Water: individual lateral or single private line • Fire: no hydrants unless required by Review Authority • Storm Drainage: laterals only • Sidewalks: none required
2 single family	15 feet	17 feet	80,000 lb. GVW; 1 foot gravel shoulder on each side	<ul style="list-style-type: none"> • Water: individual laterals only • Fire: no hydrants unless required by Review Authority • Storm Drainage: public line in easement • Sidewalks: none required
3 single family	20 feet	22 feet	80,000 lb. GVW; 1 foot gravel shoulder on each side	<ul style="list-style-type: none"> • Water: individual laterals only • Fire: no hydrants unless required by Review Authority • Storm Drainage: public line in easement • Sidewalks: none unless required by Review Authority
2 townhouses	15 feet	17 feet	80,000 lb. GVW; 1 foot gravel shoulder on each side	<ul style="list-style-type: none"> • Water: individual laterals only • Fire: no hydrants unless required by Review Authority • Storm Drainage: public line in easement • Sidewalks: none required
1 duplex	15 feet	17 feet	80,000 lb. GVW; 1 foot gravel shoulder on each side	<ul style="list-style-type: none"> • Water: individual laterals or single private line • Fire: no hydrants unless required by Review Authority • Storm Drainage: public line in easement • Sidewalks: none required.

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Dwelling Units served	Minimum pavement width	Minimum Driveway Easement Width	Pavement Section	Utility Improvements
3 multi-family units	20 feet	26 feet	80,000 lb. GVW; Mountable curb on each side	<ul style="list-style-type: none"> • Water: single private line • Fire: no hydrants unless required by Review Authority • Storm Drainage: single private line • Sidewalks: none unless required by Review Authority
Commercial, industrial or institutional buildings	26 feet	26 feet	80,000 lb. GVW; Mountable curb on each side	<ul style="list-style-type: none"> • Water: single private line • Fire: no hydrants unless required by Review Authority • Storm Drainage: single private line • Sidewalks: none unless required by Review Authority

2. Flag Lot and Common Driveway Standards.

- a. Common driveways for residential Uses are limited to the following: 2 or 3 detached single family units; 2 attached townhouses; 1 duplex; or 3 multi-family units.
- b. Improvements specified in Table 12.50.540-1 above shall include a 1-foot gravel shoulder on each side for single family residential Uses, or a rolled curb on each side for multi-family or non-residential Uses.
- c. Where rolled curbs or sidewalks are required, such improvements shall be constructed to the specifications of the Public Works Design and Construction Standards.
- d. Turnaround configuration and dimensions for flag lot driveways and common driveways are subject to approval by City Engineer and Fire Marshal, based on Oregon Fire Code requirements.
- e. Sidewalks may be required by the Review Authority as specified in Table 12.50.540-1 above for flag lot development for three single family flag lots, multi-family residential or non-residential development.
- f. Parking is Not Permitted on flag lot driveways and common driveways in all development types.

C. Private Street Specifications and Standards.

1. Use of Private Streets Restricted. The City's preferred standard for access is a public street. Private through streets are Not Permitted under all circumstances. Private cul-de-sac streets may be approved only under the limited circumstances listed below:
 - a. Where barriers to connectivity, as listed in Section 12.50.540 B 4, prevent construction of public through streets; and
 - b. Where construction of a non-standard street cross-section (not consistent with the Public Works Design and Construction Standards) has been approved by the City Engineer; and

- c. Where both permanent ownership and maintenance of the Private street tract for a minimum of 40 years have been demonstrated to the satisfaction of the City Engineer and the City Attorney.
2. Private Cul de Sac Street Standards. If permitted, private cul-de-sac streets shall be constructed to the reduced width cul-de-sac standards in the Public Works Design and Construction Standards.

12.50.550 Sidewalk Widths; Design and Location.

A. Applicability. These standards apply to all Type II and III development projects adjacent to public and Private streets, which include or will be required to provide sidewalks.

B. General Sidewalk Standards.

1. The Review Authority shall condition approvals of land use applications adjacent to existing public streets, and/or required to provide new public or Private streets, to provide sidewalks consistent with the TSP and the D & C Standards, unless modified or alternative improvements are approved by the Review Authority.
2. Sidewalks are required on both sides of public streets and both sides of Private streets longer than 100 feet. The Review Authority may reduce sidewalk requirements on a public or Private street to one side of the frontage to reduce impacts in Significant Natural Resource Areas or Habitat Benefit Areas or where physical or topographic features encourage reduced width street improvements.
3. Except as provided in Subsection C below, sidewalk widths, design and location on public streets shall comply with the D & C Standards sidewalk widths. Sidewalk locations on Private streets shall comply with Table 12.50.540-2.
4. Sidewalks on public and Private streets shall be constructed to the D & C specifications.
5. Clear sidewalk widths shall not be reduced below 5 feet to accommodate sidewalk obstacles. If such an obstacle could reduce the clear sidewalk width to less than 5 feet, the obstacle shall be placed either in the landscape strip or on the property behind the back edge of the sidewalk, or the sidewalk shall be widened to maintain the minimum 5-foot clear width. As used in this section, sidewalk obstacles may include any of the following or similar objects:
 - a. Pedestrian benches
 - b. Trash or recycling receptacles
 - c. Street light poles
 - d. Fire hydrants
 - e. Traffic signals
 - f. Parking meters
 - g. Telephone booths
 - h. Newspaper boxes
 - i. Public utility vaults

- 1 j. Mailboxes
- 2 k. Vending stands or carts
- 3 l. Temporary signs
- 4 6. In light rail zones, if existing public right-of-way cannot accommodate required sidewalks
- 5 and landscape strips, additional right-of-way dedications or easements shall be provided to
- 6 the City prior to the issuance of building permits for the subject development, except as
- 7 provided under Subsection 7 below.
- 8 7. In light rail zones, where the façade of an existing building is less than 13 feet from the curb
- 9 face, and a proposed redevelopment or remodeling would not move the façade from its
- 10 current position, the dedication or easement required under Subsection 5, above, may be
- 11 reduced upon approval by the City Engineer and the Building Official to the minimum width
- 12 permitted under the Building Code.

13 C. Alternative Sidewalk Standards.

- 14 1. Alternative sidewalk widths, design and location standards in certain Plan Districts are
- 15 specified in Subchapters 12.60 through 12.64. Plan Districts with alternative sidewalk width,
- 16 design and location standards include the following:
 - 17 a. Downtown
 - 18 b. Fair Complex / Hawthorn Farm
 - 19 c. Orengo
 - 20 d. AmberGlen
- 21 2. The Review Authority may approve alternative sidewalk elements under a PUD application
- 22 process pursuant to Section 12.80.120. Alternative sidewalk elements shall also be subject to
- 23 approval by the City Engineer.

24 **12.50.560 Street Trees.**

- 25 A. Applicability. These standards apply to all Type II and III development applications adjacent to
- 26 public streets for which street and/or sidewalk improvements have been required under Section
- 27 12.50.550.
- 28 B. Standards. The following standards apply to street tree selection, installation and maintenance
- 29 unless alternative standards are specified in Subchapter 12.60.
 - 30 1. The Review Authority shall condition land use approvals, including requirements for street
 - 31 and/or sidewalk improvements in public rights-of-way, to select, install and maintain street
 - 32 trees and irrigation systems in compliance with the D & C Standards.
 - 33 2. As required by the D & C Standards, approval of land use applications including street tree
 - 34 installation shall be conditioned to require provision of acceptable financial assurances to
 - 35 ensure compliance with the applicable standards.
 - 36 3. Following the two-year establishment period, maintenance, pruning, and if necessary
 - 37 removal and replacement of street trees shall comply with the provisions of the D & C
 - 38 Standards.

1 **12.50.600 Public Utilities, Site Grading, and Storm Water Management.** Public utilities general
2 requirements, site grading, and storm water facilities site integration standards include the following
3 sections:

- 4 12.50.610 Purpose, Applicability and Exceptions
- 5 12.50.620 Public Utilities General Requirements
- 6 12.50.630 Site Grading
- 7 12.50.640 Storm Water Facilities Site Integration

8 **12.50.610 Purpose, Applicability and Exceptions.**

- 9 A. Purpose. Comprehensive Plan Section 12 Public Facilities and Services requires that
10 development is appropriately guided and supported by the provision of public facilities and
11 services in a timely, orderly and efficient manner. These standards set out a framework to assure
12 that proposed development provides for the design, construction and maintenance of the
13 necessary public facilities.
- 14 B. Applicability. Except as may be specified otherwise in this Section, these standards apply to all
15 Type II and III development projects requiring installation of public utilities on-site, adjacent, or
16 off-site to the project.

17 **12.50.620 Public Utilities General Requirements.**

- 18 A. General Standards.
 - 19 1. Adequate Utilities Required. The Review Authority shall condition land use application
20 approvals to require provision of public water, sanitary sewer and storm drainage service
21 adequate to serve the approved level of development. It is the applicant's burden of proof to
22 demonstrate that adequate facilities and services are presently available or will be made
23 available concurrent with development. The Review Authority may condition a development
24 approval to extend, modify or replace an existing off-site public water, sanitary sewer or
25 storm drainage facility or system to provide adequate public facilities or services to the
26 development site.
 - 27 2. Compliance with Other Standards. Construction of all public water, sanitary sewer, and
28 storm drainage facilities and services shall comply with the D & C Standards, CWS
29 standards or TVWD standards as applicable.
 - 30 3. Service Provider Letters Presumed Correct. Service providers shall be presumed correct in
31 the evidence which they submit relating to the adequacy and availability of facilities and
32 services to the development.
- 33 B. Public Utility Easements.
 - 34 1. Land divisions approved under Section 12.80.090 shall be conditioned to require public
35 utility easements (PUEs) for private utilities as approved by the City Engineer, consistent
36 with the D & C Standards.
 - 37 2. The Review Authority may condition approval of any Type II or Type III land use
38 application to provide PUEs as approved by the City Engineer, consistent with the D & C
39 Standards.

3. Public utility easements required under Subsections 1 and 2 above shall be provided to and accepted by the City upon recording of a final plat or prior to occupancy if a final plat is not required. Required easement widths specified in the D & C Standards may be reduced only with approval of the City Engineer, Building and Water Departments and all affected utilities.

C. Undergrounding Public Utilities.

1. Except where an Adjustment has been approved pursuant to Subsection 12.80.156, all public utility distribution and service connections to new development shall be underground. This standard does not apply to aerial power transmission lines.
2. The Review Authority may condition developments abutting streets or corridors with overhead utilities to install utility duct banks to facilitate future undergrounding of such utilities.
3. Public utility distribution and service connections shall be undergrounded in the locations listed in Table 12.50.620-1, subject to the approval of the City Engineer:

**Table 12.50.620-1:
Undergrounded Utilities Scenarios**

Applicable Situation	Location for Undergrounding
Development includes entire block faces	Under the sidewalk, in a PUE with vault locations as approved by the City Engineer and the utility
Applicable maximum front setback < 10 feet	Where no PUE exists, under the sidewalk with vault locations if approved by the City Engineer and the utility
Applicable maximum setback = 10 feet	Where no PUE exists, behind the sidewalk with vault locations if approved by the City Engineer and the utility

4. As an alternative to the locations listed in Table 12.50.620-1, the Review Authority may require utilities to be placed underground within an adjacent alley right-of-way if such right-of-way is available, with vault locations as approved by the City Engineer and the utility.

D. Maintaining Angle of Repose.

1. Preliminary applications for developments proposing front setbacks less than 10 feet shall include utility plans showing horizontal and vertical locations of public and private utilities to demonstrate adequate angles of repose.
2. To assure that structural footprints are sited to provide adequate area for installation and maintenance of public and private utilities in compliance with City standards, the Review Authority may condition land use approvals to require additional setbacks or easement widths to assure adequate separation of utilities before and after construction.
3. Where additional setbacks or easements cannot be provided or acquired without significantly affecting the project design or reducing the buildable area, the Building Official may allow modifications to a structural foundation footing to reduce the angle of repose influence on an adjacent public utility easement.

1 **12.50.630 Site Grading.**

2 A. Purpose. The standards of this section are intended to assure that grading prior to or during site
3 development, or independently from development, is planned and accomplished to avoid adverse
4 impacts to adjacent or abutting properties and significant natural resource areas, maintain
5 pedestrian and bicycle connectivity between properties were applicable, and maintain
6 accessibility to public and private utility lines and easements.

7 B. Applicability.

- 8 1. The on-site surface contour grading standards specified in this section are applicable to all
9 major and minor site alterations as defined in Section 12.01.500 where site fill or excavation,
10 mass grading or soil stockpiling is proposed.
- 11 2. Pursuant to the requirements of Public Works Design and Construction Standards Section
12 115.3, a site grading plan is required for any development that involves excavation or fill on
13 public or private property or in public right-of-way. Plans for grading proposed in
14 conjunction with a Type I, Type II or Type III land use application development shall be
15 submitted with the land use applications pursuant to Section 12.80 Applications.
- 16 3. The section does not supersede Section 12.27.100 Regulatory Floodplain Overlay or Section
17 12.27.200 Significant Natural Resource Overlay: where these standards conflict with those
18 sections, the requirements of those sections supersede.

19 C. Exemptions. The following site alterations are exempt from the standards in this section:

- 20 1. Public right-of-way road improvements including new streets, street widening, sidewalks,
21 and similar or related improvements;
- 22 2. Public utility improvements including new water, sanitary sewer, or storm drainage lines,
23 public storm water facilities, and similar or related improvements; and
- 24 3. Filling, excavating, and grading on private properties adjacent to public improvements listed
25 in Subsection 1 and/or 2 above, when such alterations are undertaken as part of and in
26 conjunction with the construction of the improvements.

27 D. Standards Applicable within and Adjacent to Single Family Residential Zones.

- 28 1. Except as provided in Subsection F below, when grading a site within 25 feet of a property
29 line within or abutting any property zoned single family residential (as listed in Section
30 12.21.010), on-site grading shall be finished to the surface contours shown in Table
31 12.50.630-1:

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**Table 12.50.630-1:
On-site Grading Grade Differential Requirements in and Adjacent to
Single Family Residential Zones**

Distance from Property Line	Difference from existing or finished elevation of abutting property as applicable
0.0 feet to 1.0 feet	No grade differential
1.0 feet to 5.0 feet	Maximum 2 feet grade differential
5.1 feet to 10.0 feet	Maximum 4 feet grade differential
10.1 feet to 15.0 feet	Maximum 6 feet grade differential
15.1 feet to 20.0 feet	Maximum 8 feet grade differential
Over 20.0 feet	Maximum 10 feet grade differential

2. Where an existing grade differential before site alteration exceeds one or more of the standards in Table 12.50.630-1 above, the grade differential after alteration shall not exceed the original.
3. The on-site grading differential standards in subsection 1 above apply only to perimeter property lines of a parent property, and not to internal property lines created by a land division process under Section 12.80.090.

E. Standards Applicable Adjacent to Significant Natural Resource Areas.

1. Notwithstanding the requirements of Subsections D and E above, grading within 25 feet of a Significant Natural Resource (SNR) boundary or Resource Impact Areas (IA) boundary, whether located on- or off-site, shall be finished to the following surface contours:
 - a. From 0.0 to 10.0 feet from the boundary: no change in pre-development ground elevation; and
 - b. From 10.1 feet to 25.0 feet from the boundary: a maximum 10% slope gradient difference from the pre-development ground elevation.
2. Based on the recommendation of a Qualified Natural Resources Professional as defined in Section 12.10.500, the Review Authority may require additional surface contouring or other grading measures to protect the SNR or IA area from grading or erosion impacts.

F. Land Use Approval Required for Mass Grading or Site Grading Not Associated with Development. If mass grading or stockpiling as defined in Section 12.01.500 is proposed on public or private property, the site grading plan required under D & C Standards Section 115.3 shall be submitted as a Type II Development Review application pursuant to Section 12.80.040.

1 **12.50.640 Storm Water Facilities Site Integration.**

2 A. Purpose. The standards of this section are intended to assure that aboveground stormwater
3 facilities are designed and constructed to meet applicable standards in the Public Works Design
4 and Construction Standards and in Clean Water Services (CWS) Construction Standards, and
5 that overall landscape design is integrated with such facilities.

6 B. Applicability. The standards specified in this section are applicable to any project which
7 includes aboveground stormwater facilities and meets the definition of “development” in Section
8 1.03.15 of the 2007 CWS Design and Construction Standards.

9 C. Exemptions. Activities exempted from the definition of “development” under Section 1.03.15 of
10 the 2007 CWS Design and Construction Standards are exempt from the provisions of this
11 section.

12 D. Standards.

13 1. Plans for aboveground stormwater facilities shall be submitted with landscaping plans for
14 land use applications under Section 12.80 Applications. Site improvements in the vicinity of
15 the stormwater facility shall be designed and installed to integrate the facility into the site design
16 through coordination of finished grade elevations and use of compatible landscaping species
17 consistent with Section 12.50.220.

18 2. The Review Authority may condition any Type II or Type III land use application approval
19 to require that the aboveground stormwater facility complies with the applicable provisions
20 of the 2007 CWS Design and Construction Standards Chapter 3 Sensitive Areas and
21 Vegetated Corridors and Chapter 4 Runoff Treatment and Control.

22

1 **12.50.700 Design Standards for Residential Development.** Design standards for residential
2 development include the following sections:

3 12.50.710 Detached Single Family, Duplex, and Two-Unit Townhouse Residential Design
4 Standards

5 12.50.720 Three or More Unit Townhouse and Multi-Family Residential Design Standards

6 **12.50.710 Detached Single Family, Duplex, and Two-Unit Townhouse Residential Design**
7 **Standards.**

8 A. Purpose. These standards are generally intended to work together with the standards in Sections
9 12.50.100 through 12.50.600 to create desirable residential areas by promoting aesthetically
10 pleasing environments, safety, privacy, energy conservation and recreational opportunities. The
11 architectural variation requirements of this section are intended to require a wider range of
12 structural design and housing choices within new development, and provide developers with
13 flexibility in response to varying site conditions. The design standards generally assure that new
14 development will be compatible with the City's character, while allowing for some flexibility for
15 new development. The design standards are also intended to insure integration of the separate
16 design elements to create more attractive developments with higher quality overall design. In
17 addition, the regulations provide certainty to property owners, developers and neighbors
18 regarding allowable design.

19 B. Applicability. These standards shall apply to all new detached single family subdivisions or
20 PUDs with eight (8) or more lots, and to all new duplexes and two-unit townhouse structures,
21 unless alternative standards have been approved through a discretionary process. The standards
22 do not apply to accessory structures, detached garages or carports.

23 C. Standards.

24 1. Main Entries. At least one main entrance to the dwelling shall meet both of the following
25 standards:

26 a. The entry shall be no further than 8 feet behind the longest street facing-wall of the
27 building, as illustrated in Figure 12.50.710-A; and

28 b. The entry shall either, face the street, be at an angle of no more than 45 degrees from the
29 street, or open to a porch. If the entry opens to a porch, the porch shall meet all of the
30 following standards:

31 i. Have a minimum area of 25 square feet, with a minimum depth of 5 feet;

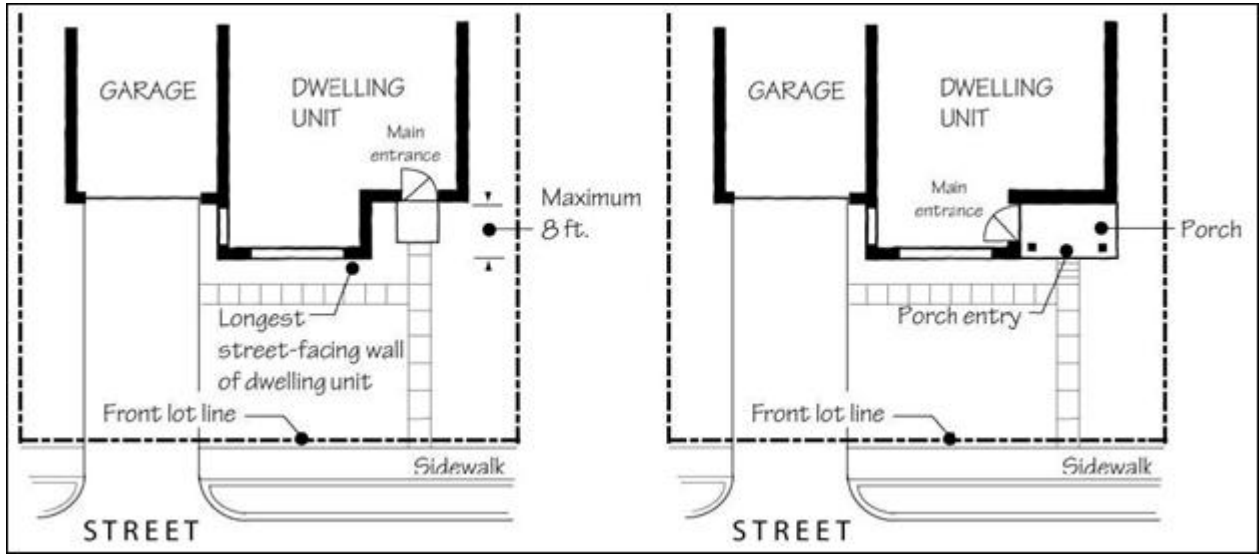
32 ii. Have at least one porch entry facing the street;

33 iii. Have a roof that is a maximum of 12 feet above the floor of the porch; and that covers
34 at least 30% of the porch area.

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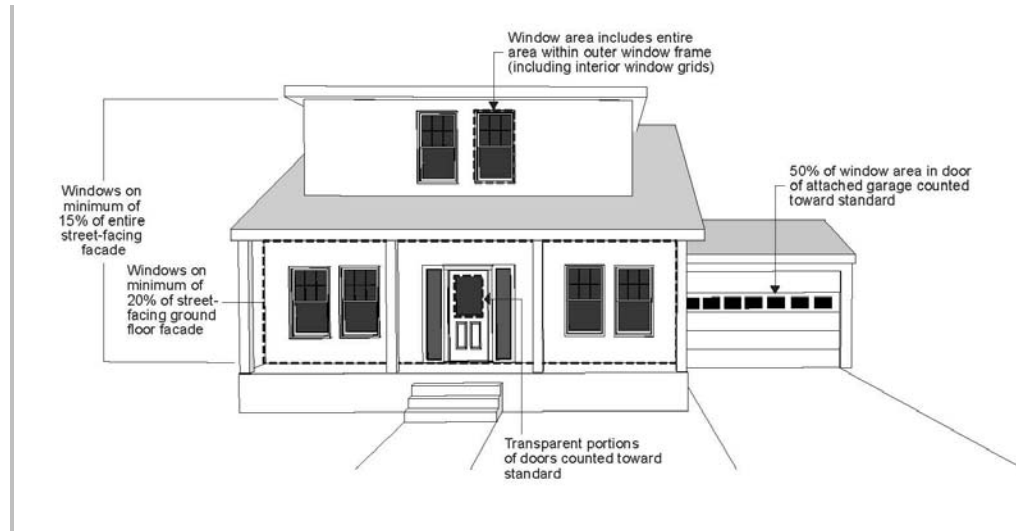
**Figure 12.50.710-A:
Main Entrances**



2. Windows. At least 15% of the area of each façade facing a street or commonly-accessible open space, and 20% of the ground floor facing those two features, shall be glazing or entry doors with glazing insets, as illustrated in Figure 12.50.710-B.
- Transparent windows allowing views from the dwelling to the street or public open space meet this standard. Up to 25% of the required area may also be met by privacy (translucent) windows, glass blocks, or entry doors with translucent glass.
 - Window area is considered the entire area within the outer window frame, including any interior window grid.
 - All of the window area of the street-facing wall(s) of an attached garage, and half of the total window area in the door(s) of an attached garage may be counted toward this standard.
 - Doors used to meet this standard contain glass and shall face the street or be at an angle of not more than 45 degrees from the street. Security viewing devices (“peepholes”) do not by themselves meet this standard.
 - Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

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**Figure 12.50.710-B:
Windows and Entry Doors**

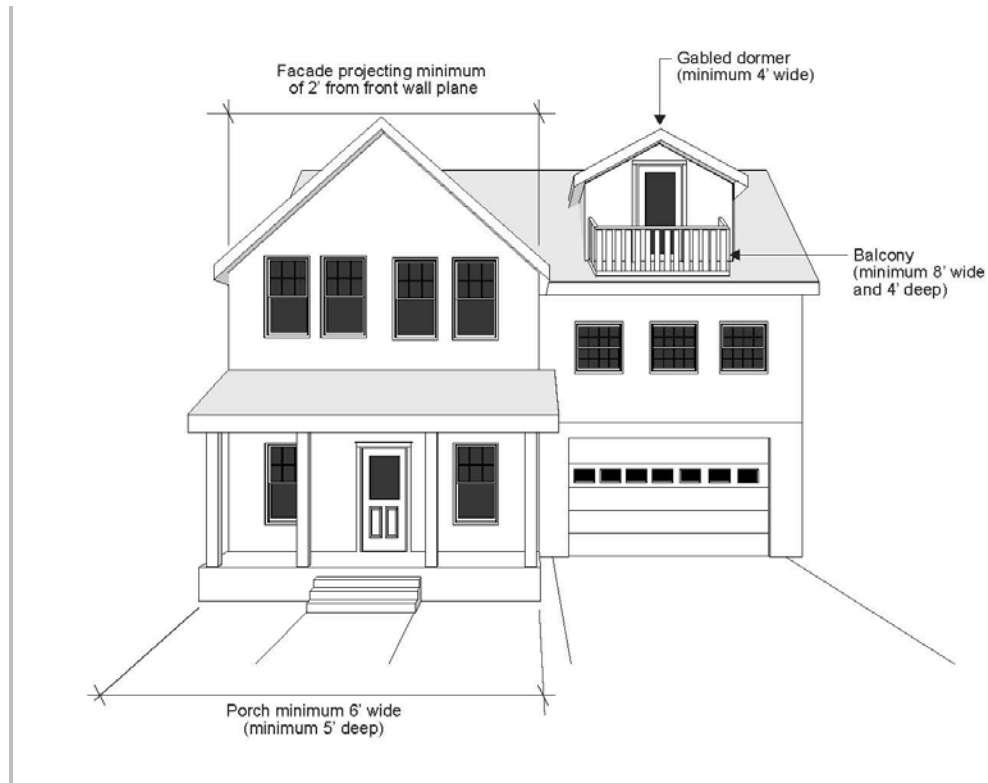


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- 5 3. Foundation Materials. Concrete or concrete block may be used as foundation material only if
6 the concrete or concrete block is not exposed above finished grade by more than 3 feet,
7 except that the Review Authority may approve exposure of additional concrete or concrete
8 block for foundations on slopes greater than 20%.
- 9 4. Articulation. Detached single family residential structures shall incorporate elements that
10 break up all façades facing streets or commonly-accessible open spaces into smaller planes
11 using four or more of the elements listed below, as illustrated in Figure 12.50.710-C. On
12 corner or multi-frontage lots, four or more elements shall be provided on each street- or open
13 space-facing façade. Examples of architectural features that meet the standards in this
14 section include the following or substantially similar features:
- 15 a. A covered porch at least 5 feet deep (measured horizontally from the face of the main
16 façade) and at least 6 feet wide;
 - 17 b. A balcony at least 4 feet deep and 8 feet wide, that is accessible from one interior room;
 - 18 c. A bay window at least 6 feet wide, bumped out by at least 2 feet; and extending from the
19 top of the foundation to the top of the main façade wall;
 - 20 d. A recessed building entry at least 2 feet deep, as measured horizontally from the face of
21 the main building façade, and at least 5 feet wide;
 - 22 e. A section of the façade, at least 6 feet in width, that is either recessed or bumped out by at
23 least 2 feet deep from the front wall plane;
 - 24 f. An offset on the building face of at least 16 inches from one exterior wall to the other;
 - 25 g. A gabled dormer at least 4 feet wide and integrated into the roof form;
 - 26 h. Roof line offset of at least 2 feet from the top surface of one roof to the top surface of the
27 other; or
 - 28 i. Other architectural features approved by the Review Authority.

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**Figure 12.50.710-C:
Single Family Dwelling Articulation Examples**



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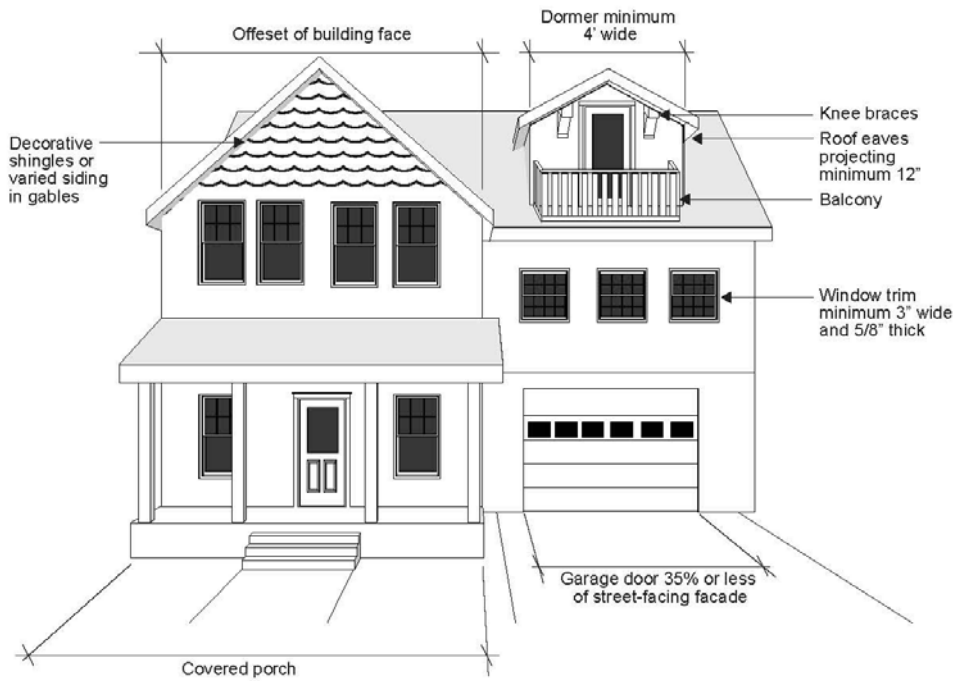
4 5. Detailed Design Elements. Detached single family residential structures shall provide at
5 least nine of the following elements, as illustrated in Figure 12.50.710-D, on any façade
6 facing a street or commonly-accessible open space. On all other façades, at least four of the
7 following elements shall be provided:

8

- 9 a. A recessed building entry at least 2 feet deep, as measured horizontally from the face of
the main building façade, and at least 5 feet wide;
- 10 b. Roof eaves on all elevations that project at least 12 inches from the intersection of the
11 roof and the exterior walls;
- 12 c. Knee- or eave-braces (if appropriate with the architectural style);
- 13 d. Roof line offset of at least 2 feet from the top surface of one roof to the top surface of the
14 other;
- 15 e. Hip or gambrel roof design;
- 16 f. Decorative shingles or varied siding in gables;
- 17 g. Tile or wood shingle roofs;
- 18 h. Wood or fiber-cement horizontal lap siding between 3 and 7 inches wide (the visible
19 portion once installed);
- 20 i. Brick, cedar or fiber-cement shingles, stucco, or other similar decorative materials
21 covering at least 40% of the street-facing façade;

- 1 j. Window trim around all windows at least 3 inches wide and 5/8 inches thick;
- 2 k. On any façade not facing a street or open space, minimum 15% of the area in glazing or
- 3 entry doors, consistent with Section 12.50.710 C 2 a-e;
- 4 l. Window recesses in all street frontage windows, of at least 3 inches as measured
- 5 horizontally from the face of the façade;
- 6 m. Attached garage width, as measured on the inside of the garage door frame, of 35% or
- 7 less of the length of the street-facing façade; and/or
- 8 n. Decorative railing systems for balconies and decks (if appropriate with the architectural
- 9 style);
- 10 o. Decorative eave or barge boards (if appropriate with architectural style);
- 11 p. Color palette including four colors; and/or
- 12 q. Other architectural features approved by the Review Authority.

**Figure 12.50.710-D:
Detailed Design Elements Examples**



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16

1 **12.50.720 Three or More Unit Townhouse and Multi-Family Residential Design Standards.**

2 A. Purpose. These standards are intended to work together with the standards in Sections 12.50.100
3 through 12.50.600 to create desirable residential areas by promoting aesthetically pleasing
4 environments, safety, privacy, energy conservation and recreational opportunities. The design
5 standards generally assure that new development will be compatible with the City’s character,
6 while allowing for some flexibility for new development. The design standards are also intended
7 to insure integration of the separate design elements to create more attractive developments with
8 higher quality overall design. In addition, the regulations provide certainty to property owners,
9 developers and neighbors regarding allowable design.

10 B. Applicability. The standards of this section shall apply to all new townhouse structures of three
11 or more units and multiple dwelling structures, unless alternative standards are approved through
12 a discretionary process. For purposes of this section, the term “primary structure(s)” includes all
13 structures containing dwelling units. The standards do not apply to accessory structures,
14 detached garages or carports.

15 C. Standards.

16 1. Main Entries. The main entry of each primary structure shall meet the following standards:

- 17 a. Common main entries for multiple dwelling structures shall face the front property line,
18 unless one of the following circumstances applies:
- 19 i. Buildings on corner lots may have the main entry facing either street or the
20 intersection of the streets.
 - 21 ii. Buildings with more than one main entry may have only one entry facing the front
22 property line.
 - 23 iii. Building entries that face a landscaped shared courtyard are exempt from this
24 requirement.
- 25 b. In light rail or Mixed-Use zones, common main entries to multiple dwelling structures
26 shall open directly to the building exterior at ground floor level. The main entry may be
27 elevated above finished grade on a porch, stoop, portico, antechamber, wheelchair ramp
28 or similar architectural feature.
- 29 c. In light rail or Mixed-Use zones, ground floor and upper story residential units in a
30 multiple dwelling structure fronting on a major pedestrian route may share one or more
31 entries accessible directly to the route.
- 32 d. In Mixed-Use zones, multiple dwelling structures shall have at least one main building
33 entry for each 150 feet length of the front elevation.
- 34 e. In light rail or Mixed-Use zones, townhouses fronting on a major pedestrian route shall
35 have separate entries directly to the route.
- 36 f. Except as provided under Subsection g, below, all residential main entries facing the
37 street shall have a front porch, either roofed or recessed within the building plane. To
38 meet this standard, porches shall meet the following specifications as applicable:
- 39

- 1 i. Porches for townhouses shall be at least 6 feet wide and 4 feet deep; or
- 2 ii. Porches over common entries for multi-family structures shall be at least 9 feet wide
- 3 and 7 feet deep; and
- 4 iii. Openings more than 1 foot in area between the porch floor and finished grade shall be
- 5 covered by a solid material or lattice.
- 6 g. Townhouses may substitute a covered balcony for a front porch. To meet this standard,
- 7 covered balconies shall meet all the following specifications:
- 8 i. The balcony shall be on the same façade as the main entry;
- 9 ii. The balcony shall accessible from the interior of the house;
- 10 iii. The area covered by the balcony shall be at least 48 sq. ft. in area and at least 8 feet
- 11 wide; and
- 12 iv. The floor of the balcony is no more than 15 feet above finished grade.
- 13 2. Windows. At least 15% of the area of each façade facing a street or commonly-accessible
- 14 open space, and at least 20% of the ground floor facing either of those two features, shall be
- 15 glazing or entry doors with glazing inserts, as illustrated in Figure 12.50.720-B.
- 16 a. Transparent windows allowing views from the dwelling to the street or open space meet
- 17 this standard. Up to 25% of the required area may also be met by privacy (translucent)
- 18 windows, glass blocks, or entry doors with translucent glass.
- 19 b. Window area is considered the entire area within the outer window frame, including any
- 20 interior window grid.
- 21 c. All of the window area of the street-facing wall(s) of an attached garage, and half of the
- 22 total window area in the door(s) of an attached garage may be counted toward this
- 23 standard.
- 24 d. Doors used to meet this standard shall face the street or be at an angle of not more than
- 25 45 degrees from the street. Security viewing devices (“peepholes”) do not by themselves
- 26 meet this standard.
- 27 e. Door area is considered the portion of the door that moves. Door frames do not count
- 28 toward this standard.

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Figure 12.50.720-E: Windows and Entry Doors



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3. Roofs. Roofs on the primary structure(s) shall meet the following standards:

4

a. Eaves. Roof eaves shall project from the building wall at least 12 inches on all elevations. Buildings with cornices meeting the standards of Subsection c, below, are exempt from this standard.

5

6

7

b. Pitch. Roof pitch on sloped roofs shall be no flatter than 4/12 and no steeper than 12/12 unless approved under Subsections c or d, below.

8

9

c. Reduced Pitch Permitted. Roofs with less than a 4/12 pitch may be approved subject to either of the following standards:

10

11

i. The roof top is usable as a deck or balcony accessible from an interior room, and has a maximum area of 150 sq. ft.; or

12

13

ii. The roof has a two-part cornice, the upper portion of which projects at least 6 inches from the building face and at least 2 inches farther from the building face than the lower portion, and the overall height of which is based on the height of the building as shown in Table 12.50.710-1.

14

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Table 12.50.710-1:

18

Minimum Cornice Heights Applicable with Reduced Roof Pitch

Overall Building Height	Minimum Cornice Height
15 feet or less	12 inches
Greater than 15 feet and less than 30 feet	18 inches
Greater than 30 feet	24 inches

19

- 1 d. Alternative Pitches Permitted. Alternative roof pitches may be approved if the roof
2 structure includes either:
- 3 i. Extended eaves with a minimum projection of 2 feet on all elevations;
 - 4 ii. Hips; or
 - 5 iii. Clerestory windows on the front elevation.
- 6 e. Roof-Mounted Equipment. All roof-mounted equipment, including heating, ventilation,
7 air-conditioning, satellite dishes and other communication equipment, but excluding solar
8 and wind energy systems, shall be screened visually and acoustically in compliance with
9 one of the following standards:
- 10 i. The equipment is placed behind a parapet as tall as the tallest part of the equipment;
 - 11 ii. A screen is installed around the equipment, as tall as the tallest part of the equipment;
 - 12 iii. The equipment is set back from the street-facing perimeters of the building as far as
13 practicable; or
 - 14 iv. Other equivalent means of screening are provided as approved by the Review
15 Authority.
- 16 4. Foundation Materials. Concrete or concrete block may be used as foundation material only if
17 the concrete or concrete block is not exposed above finished grade by more than 3 feet,
18 except that the Review Authority may approve exposure of additional concrete or
19 foundations on slopes greater than 20%.
- 20 5. Articulation. Except as provided under subsection j below, three or more unit townhouse
21 structures and multiple dwelling structures shall incorporate elements that break up all
22 façades facing public streets or commonly-accessible open spaces into smaller plans using
23 four or more of the elements listed below. On corner or multi-frontage lots, four or more
24 elements shall be provided on each street- of open space-facing façade. Examples of
25 architectural features that meet the standards of this section include the following of
26 substantially similar features:
- 27 a. A covered porch at least 5 feet deep (measured horizontally from the face of the main
28 façade) and at least 6 feet wide;
 - 29 b. A balcony at least 4 feet deep and 8 feet wide, that is accessible from one interior room;
 - 30 c. A bay window at least 6 feet wide, bumped out by at least 2 feet; and extending from the
31 top of the foundation to the top of the main façade wall;
 - 32 d. A recessed building entry at least 2 feet deep, as measured horizontally from the face of
33 the main building façade, and at least 5 feet wide;
 - 34 e. A section of the façade, at least 6 feet in width, that is either recessed or bumped out by at
35 least 2 feet deep from the front wall plane;
 - 36 f. An offset on the building face of at least 16 inches from one exterior wall to the other;
 - 37 g. A gabled dormer at least 4 feet wide and integrated into the roof form;
 - 38 h. Roof line offset of at least 2 feet from the top surface of one roof to the top surface of the
39 other; or

- 1 i. Other architectural features approved by the Review Authority;
- 2 j. Exceptions to this standard may be approved for structures reflecting modern,
3 modernistic, or international architectural styles.
- 4 6. Detailed Design Elements. Except as provided under subsection r below, three or more unit
5 townhouse structures and multiple dwelling structures shall provide at least 10 of the
6 following elements as illustrated in Figure 12.50.710-D, on any façade facing a public street
7 or commonly accessible open space. On all other façades, at least 7 of the following features
8 shall be provided:
- 9 a. A recessed building entry at least 2 feet deep, as measured horizontally from the face of
10 the main building façade, and at least 5 feet wide;
- 11 b. Roof eaves on all elevations that project at least 12 inches from the intersection of the
12 roof and the exterior walls;
- 13 c. Knee braces for roof eaves (if appropriate with the architectural style);
- 14 d. Roof line offset of at least 2 feet from the top surface of one roof to the top surface of the
15 other;
- 16 e. Hip roof, or gambrel roof design;
- 17 f. Decorative shingles or varied siding in gables;
- 18 g. Tile or wood shingle roofs;
- 19 h. Wood or fiber-cement horizontal lap siding between 3 and 7 inches wide (the visible
20 portion once installed);
- 21 i. Brick, cedar or fiber-cement shingles, stucco, or other similar decorative materials
22 covering at least 40% of the street-facing façade;
- 23 j. Window trim around all windows at least 3 inches wide and 5/8 inches thick;
- 24 k. On any façade not facing a street or open space, minimum 15% of the area in glazing or
25 entry doors, consistent with Section 12.50.710 C 2 a-e;
- 26 l. Window recesses in all street frontage windows, of at least 3 inches as measured
27 horizontally from the face of the façade;
- 28 m. Attached garage width, as measured on the inside of the garage door frame, of 35% or
29 less of the length of the street-facing façade; and/or
- 30 n. Decorative railing systems for balconies and decks (if appropriate with the architectural
31 style);
- 32 o. Decorative eave or barge boards (if appropriate with architectural style);
- 33 p. Color palette including four colors; and/or
- 34 q. Other architectural features approved by the Review Authority;
- 35 r. Exceptions to this standard may be approved for structures reflecting modern,
36 modernistic, or international architectural styles.
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7. Exterior Finish Materials. The standards of this subsection shall be met on all building façades:
 - a. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes covering no more than 10 percent of the surface area of each façade.
 - b. Composite boards manufactured from wood or other products, such as mineral-fiber cement siding, may be used when the board product is less than 6 inches wide.
 - c. Where wood products are used for siding, the siding shall be shingles or horizontal siding, not shakes.
 8. Waste and Recycling Facilities. Except as provided in subsection c below, the standards of Section 12.80.860 shall apply to the following types of development:
 - a. Construction of new 5-dwelling or more townhouses and multiple dwelling structures containing 5 or more units; and
 - b. Any expansion of existing townhouse or multi-family residential development which meets the threshold of the Development Review process as described in Section 12.80.040 B subsections 5 or 6;
 - c. Curbside collection of solid waste and recyclables from individual dwelling units in single family attached buildings containing five or more units on a public or Private street or alley may be permitted with the consent of the applicable collective service.
 9. Shared Driveways. Driveways for townhouses may be shared or consolidated. If proposed, shared driveways shall meet the following standards:
 - a. The maximum width for a shared driveway curb cut shall be 18 feet; and
 - b. Curb cuts for single or paired driveways shall be at least 18 feet apart.

1 **12.50.800 Design Standards for Non-Residential and Mixed-Use Development.** Design
2 standards for non-residential and Mixed-Use development include the following sections:

- 3 12.50.810 Purpose and Applicability
- 4 12.50.820 Main Entries
- 5 12.50.830 Ground Floor Windows
- 6 12.50.840 Articulation and Detailed Design
- 7 12.50.845 Building Step-Back Requirements
- 8 12.50.850 Improvements and Activities between Streets and Buildings
- 9 12.50.860 Waste and Recycling Facilities
- 10 12.50.870 Sidewalk Dining and Displays in Light Rail Zones
- 11 12.50.875 Drive Through Facilities in Light Rail Zones
- 12 12.50.880 Outdoor Storage
- 13 12.50.890 Utilitarian Functions

14 **12.50.810 Purpose and Applicability.**

- 15 A. Purpose. These standards are generally intended to work together with the standards in Sections
16 12.50.100 through 12.50.600 to create attractive commercial, industrial, institutional and Mixed-
17 Use areas by promoting aesthetically pleasing environments, safety, privacy, energy
18 conservation and recreational opportunities. The design standards generally assure that new
19 development will be compatible with the City’s character, while allowing for some flexibility for
20 new development. In addition, the regulations provide certainty to property owners, developers
21 and neighbors regarding allowable design and the differences between designs which are and are
22 not permitted.
- 23 B. Applicability. Except where noted in each subsection, the standards of this section apply to all
24 non-residential and Mixed-Use development in light rail or Mixed-Use zones.

25 **12.50.820 Main Entries.** The following standards apply in all non-residential light rail zones and
26 in the MU-C zone.

- 27 A. Entry Orientation. All ground-floor tenant spaces with at least 25 feet of frontage facing a public
28 or Private street shall have at least one building entry oriented to the street. This entry shall open
29 directly to the building exterior, at the ground floor level, but may be elevated above finished
30 grade if a stoop, porch, portico or similar architectural feature is included in the design.
- 31 B. Entry Orientation on Corner Lots. On corner lots a main building entry may be oriented to either
32 of the streets or to the corner where the two streets intersect.
- 33 C. Multiple Entries Required on Longer Façades:
 - 34 1. In the MU-C zone, where a single tenant occupies 200 feet or more of a building façade, one
35 additional entry shall be provided for each 200 feet of street façade.
 - 36 2. In SC commercial zones, building façades over 300 feet in length shall provide at least two
37 main building entries.
 - 38 3. In SC industrial and institutional zones, building façades over 400 feet in length shall provide
39 at least two main building entries.

1 D. Sidewalk Connections to Entries. Unless exempt under Subsection G below, a pedestrian
2 sidewalk or pathway shall be provided directly to the building entrance from all street sidewalks.

3 E. Standards for Main Building Entries.

- 4 1. All main entries shall comply with applicable accessibility standards.
- 5 2. Main entries shall be lighted to a minimum level of 32.5 lumens/square meter. Light sources
6 shall be 3 to 12 feet above finished grade and equipped with cut-off fixtures to minimize
7 glare.
- 8 3. Main entries to non-residential buildings fronting on transit streets shall remain open during
9 the business hours for the building.
- 10 4. Entries to Mixed-Use buildings containing dwelling units shall be clearly marked with a
11 physical feature incorporated into the building or an appropriately scaled element on the
12 façade.
- 13 5. Main entries shall be highlighted with at least three of the following architectural features:
14 recessed doorway(s); overhangs or canopies; transom windows; at least two ornamental light
15 fixtures flanking the entry; larger, transparent or more prominent doors; or pilasters or
16 columns that frame the doorway.

17 F. Additional Entries. Buildings may have more street-oriented main entries than required by this
18 Section, and may have secondary entrances oriented to off-street parking and loading areas.

19 G. Exceptions.

- 20 1. Freestanding banking institutions and restaurants in the MU-C zone may locate the main
21 entry on any façade of the building.
- 22 2. Direct sidewalk connections required under Subsection D above may be constructed in
23 alternate locations if the following site conditions are present:
 - 24 a. The grade slope between the building and the street is greater than 1:12 for more than 20
25 feet and a more accessible pedestrian route to the building is available on a different side;
26 or
 - 27 b. Natural resources or mature, healthy trees larger than 8 inch caliper are located between
28 the building and the street, which would be unavoidably and irreparably degraded by
29 constructing a reasonably direct pedestrian connection, and an alternative route without
30 such impacts is available.

31 **12.50.830 Ground Floor Windows.**

32 A. Purpose. Long blank façades facing streets or public areas create unattractive streetscapes and
33 reduce pedestrians' perception of safety. The standards of this subsection are intended to create
34 attractive street environments and to enhance street safety by providing surveillance
35 opportunities where buildings face streets and public areas. The standards also improve
36 commercial exposure by encouraging window displays, which also increases street activity and
37 pedestrian security.

1 B. Applicability. The following standards apply to all non-residential and Mixed-Use development
 2 in light rail or Mixed-Use zones, on any façade facing and adjacent to a public street, major
 3 pedestrian route, direct pedestrian way leading from a light rail station site, or facing onto a park,
 4 plaza or other public outdoor space.

5 C. Exceptions.

- 6 1. In the SCC-MM and SCFI zones these standards apply only on public street frontages and
 7 pedestrian ways leading from the street or transit station site to the building (s).
- 8 2. In the MU-C zone, these standards do not apply to buildings larger than 10,000 sq. ft. with
 9 on-site service docks and loading areas and leased to two individual tenants.
- 10 3. In the SCBP and SCI zones, these standards do not apply.

11 D. Standards for Residential Development in a Mixed-Use Zone.

- 12 1. Multi-family residential structures shall have windows or doorways on any exterior walls
 13 facing a public street, public open space, pedestrian walkway and/or transit station. The
 14 combined area of the windows, and doorways shall be at least fifty (50%) of the length and
 15 fifty percent (50%) of the area of the ground level wall (defined as the area up to the finished
 16 ceiling height of the fronting space or 15 feet above finished grade, whichever is less).
- 17 2. Attached single family residential structures shall have windows or doorways on any exterior
 18 walls facing a public street, public open space, pedestrian walkway and/or transit station.
 19 The combined area of the windows and doorways shall be at least twenty percent (20%) of
 20 the ground level wall area (defined as the area up to the finished ceiling height of the fronting
 21 space or 15 feet above finished grade, whichever is less).
- 22 3. In implementing this standard, the area of ground level wall shall exclude the area of any
 23 garage door facing the public street, public open space, pedestrian walkway and/or transit
 24 station.

25 E. Standards for Non-Residential Development.

- 26 1. All buildings shall have ground floor display windows or windows with views into the
 27 building interior. Such windows shall occupy the percentages of the ground level exterior
 28 wall area as shown on Table 12.50.830-1. Windows in entry doors also meet this standard.
 29 For purposes of this section, “ground level wall area” is defined as the area up to the finished
 30 ceiling height of the first floor or 15 feet above exterior grade, whichever is less.

31 **Table 12.50.830-1:**
 32 **Percentage of Ground Floor Windows Required on Ground Level Wall Areas**

Zone	Minimum Percentage of Windows
MU-C	50% of the length and 50% of the area
SCC-DT	See Plan Districts Subsection 12.61.400.F
SCC-SC	50% of the length and 25% of the area
SC-MM and, SCFI zones	20% of the area on any wall within 20 feet of a route or space described in Subsection B, where the windows would face and have unobstructed views of the route or space

2. Lower sills on required windows shall be 3 feet or less above exterior grade. If interior floor levels prohibit this sill height, the sill may be at least 2 feet above the finished first floor level, but not more than 5 feet above exterior grade.
3. Required windows shall not be darkly tinted or mirrored unless the wall is at least 50 feet from the sidewalk.

12.50.840 Articulation and Detailed Design.

- A. Applicability. These standards apply in light rail and Mixed-Use zones on any façade facing and adjacent to a public street, major pedestrian route, direct pedestrian way leading from a light rail station site, or facing onto a park, plaza or other public outdoor space.
- B. Architectural Features. Front building elevations shall avoid a flat appearance by including architectural features to provide variation and articulation. Architectural features meeting this standard include, but are not limited to, the features listed below or similar features. Window or entry cutouts on an otherwise flat façade do not meet this standard.
 1. Cornices;
 2. Bases;
 3. Pilasters;
 4. Belt courses;
 5. Ornamental masonry;
 6. Bays;
 7. Recesses;
 8. Arcades;
 9. Display windows;
 10. Recessed or detailed entries;
 11. Fenestration; and or
 12. Similar architectural features approved by the Review Authority.

12.50.845 Step-Back Requirements.

- A. Purpose. Step-back standards promote a more comfortable pedestrian environment by reducing visual impacts of taller building masses and providing light and air at the street level.
- B. Applicability. These standards apply in light rail commercial zones and in Mixed-Use zones.
- C. Standards.
 1. Step-back requirements shall be achieved, at the option of the applicant, by one of two methods:
 - a. Floors above the third floor shall be stepped back at least 10 feet but not more than 20 feet, with additional step-backs on higher floors provided at the option of the applicant;
 - or

- b. Floors above the third floor shall be stepped-back to maintain a maximum angle of 60 degrees between the top of the street-side façade and the back of the sidewalk on the opposite side of the street.
2. The Review Authority may waive this standard upon finding that:
 - a. Ground floor window treatments, entry placement, façade relief and other architectural treatments of the building provide visual interest, pedestrian-sensitive design, and human scale at street level;
 - b. The architectural features described in Subsection a, above, are extended to upper floors through variations in design, detail, and proportion, avoiding a monolithic façade; and
 - c. Building massing would not obstruct sunlight reaching the back of the sidewalk on the opposite side of the street for more than four daylight hours between March 21 and September 21.

12.50.850 Improvements and Activities between Streets and Buildings.

- A. Purpose. Where buildings are not constructed immediately adjacent to the public street, attractive improvement of front yard setbacks promotes and enhances pedestrian scale and orientation and encourages pedestrian use of the area.
- B. Applicability. These standards apply in all light rail commercial zones and in Mixed-Use zones.
- C. Standards.
 1. The front yard between the public sidewalk or right-of-way and any adjacent building shall be improved with irrigated landscaping or hardscaping. Where provided, landscaping shall comply with the applicable requirements of Section 12.50.220.
 2. Where hardscaping is used in lieu of landscaping in front yards, the hardscaped areas shall contain at least two (2) pedestrian-friendly amenities integrated into the overall site design. Examples of such amenities include but are not limited to the following:
 - a. Weather canopies or sunshades;
 - b. Benches or low walls with seating areas;
 - c. Drinking fountains and/or water features;
 - d. Free-standing planters and/or raised planting beds;
 - e. Street furniture
 - f. Public art or sculpture; or
 - g. Other design features as approved by the Review Authority.
 3. Subsection 2 above does not apply to paved pedestrian connections between the sidewalk and building entrances.

1 **12.50.860 Waste and Recycling Facilities.** Shared waste and recycling enclosures for non-
 2 residential developments shall meet the following standards:

- 3 A. Purpose. These standards are intended to assure that development incorporates functional and
 4 adequate space and access for on-site storage and efficient collection of mixed solid waste and
 5 recyclables prior to pick-up and removal.
- 6 B. Applicability. Except in the AmberGlen Plan District as specified in Section 12.64.290, these
 7 standards apply:
- 8 1. To all new construction of commercial, Mixed-Use, industrial or institutional development
 9 subject to a Type II or III review procedure; and
 - 10 2. To all expansions of existing commercial, Mixed-Use, industrial or institutional development
 11 which meets the threshold of the Development Review process as described in Section
 12 12.80.040 B subsections 5 or 6.
- 13 C. Standards.
- 14 1. Combined Storage Areas. Storage areas for townhouses, multiple dwelling structures, or
 15 multiple Uses on a single site or adjacent sites may be combined and shared. Storage area
 16 space requirements can be satisfied with a single location or multiple locations, and can
 17 combine both interior and exterior locations.
 - 18 2. Co-Location. To encourage its use, the storage area for recyclables shall be co-located with
 19 the storage area for residual mixed solid waste.
 - 20 3. Storage Area Size. Buildings shall provide the minimum storage areas shown in Table
 21 12.50.860-1 below. If a building has more than one of the Uses listed, the storage area
 22 requirement for the entire building shall be the sum of the requirements for the areas of each
 23 use. For purposes of this calculation, the floor area of the storage facility itself shall not be
 24 included in the Gross Floor Area (GFA).

25 **Table 12.50.860-1:**
 26 **Waste and Recycling Storage Area Size Requirements**

Type of Use	Minimum Storage Area
Residential: Townhouses or Multiple Dwelling Structures <ul style="list-style-type: none"> • 5-10 Dwelling Units • 11+ Dwelling Units 	100 sq. ft. 100 sq. ft. plus 5 sq. ft. per unit for each unit above 10
Commercial: <ul style="list-style-type: none"> • Retail Products and Services • Food Services Operations • All other Uses 	50 sq. ft. plus 5 sq. ft./1000 sq. ft. GFA 100 sq. ft. plus 10 sq. ft./1000 sq. ft. GFA 50 sq. ft. plus 5 sq. ft./1000 sq. ft. GFA
Industrial	50 sq. ft. plus 6 sq. ft./1000 sq. ft. GFA
Institutional	50 sq. ft. plus 4 sq. ft./1000 sq. ft. GFA
All other Uses	50 sq. ft. plus 4 sq. ft./1000 sq. ft. GFA

- 1 4. Storage Height. The specific areas in Subsection 3 above are based on a storage height of
2 four feet. Vertical storage higher than 4 feet but no higher than 7 feet may be used to
3 accommodate the same volume of storage in a smaller floor area. If vertical or stacked
4 storage is proposed, the site plan shall include drawings to illustrate the layout of the storage
5 area and dimensions of containers.

6 D. Location, Design and Access Standards for Storage Areas.

7 1. Location Standards.

- 8 a. Exterior storage areas shall be located in central and visible locations on the site to
9 enhance security for users.
- 10 b. Storage areas shall not obstruct on-site or off-site pedestrian or vehicle traffic
11 movement.
- 12 c. Storage areas shall be accessible to waste collection vehicles, on accessways compliant
13 with Subsection 3 below, without requiring backing movements onto a public or Private
14 street or alley.

15 2. Design Standards.

- 16 a. Exterior storage areas shall be contained within opaque enclosures and gates, built with
17 the same type of materials as the primary structure on the site. Storage areas shall be
18 screened and buffered from on-site or existing off-site residential living spaces.
- 19 b. Gate openings which allow access to users and haulers shall be provided on all storage
20 areas. Gate openings for haulers shall be a minimum of 12 feet wide and capable of
21 being secured in both closed and open positions.

22 3. Access Standards.

- 23 a. Storage areas shall be accessible to users at convenient times of the day, and to waste
24 collection service personnel on the day and approximate time collection service is
25 scheduled. However, access to storage areas may be limited for security reasons.
- 26 b. Storage areas shall be designed and surfaced to be easily accessible to waste collection
27 trucks and equipment. Storage areas and vehicle approach drives shall be paved, and
28 the maximum slope on any approach drive shall be no greater than 3.0%.
- 29 c. The full length of the accessway to any enclosed or covered storage area shall provide
30 at least 12 feet horizontal clearance and 20 feet vertical clearance shall be provided to
31 accommodate collection trucks and containers.
- 32 d. If only a single access point is available to the storage area, adequate turning radius
33 shall be provided to allow collection vehicles to safely exit the site by driving forward.

- 34 E. Review by Sustainability Program Manager. Plans for waste and recycling facilities required
35 under this section shall be subject to review and approval by the Sustainability Program Manager
36 concerning the compliance of the proposed area, design, location and accessibility of the storage
37 facilities with the standards of this Section.

1 **12.50.870 Sidewalk Dining and Displays in Light Rail Zones.**

- 2 A. Purpose. These standards are intended to assure sidewalk dining and pedestrian-oriented
3 commercial displays and sales are consistent with the purposes of the underlying zones, will not
4 detract from streetscape appearance, and will not adversely impact adjacent properties.
- 5 B. Applicability. These standards apply to commercial development in all light rail zones. In the
6 SCC-MM zone these standards apply only on Arterial street frontages.
- 7 C. Standards.
- 8 1. Sidewalk seating for restaurants and display stands for pedestrian-oriented sales are
9 permitted between the curb and the back of the sidewalk in the SCR-V zone and in all SC
10 commercial zones. Such activities shall comply with the following standards:
- 11 a. The activity has received a Street Vendors License under Municipal Code Section 5.36;
12 b. The activity occurs only when the related business is open for business (unless otherwise
13 permitted by the Street Vendor License); and
14 c. The activity maintains at least 5 feet unimpeded sidewalk clearance for pedestrian
15 movement.
- 16 2. Except as specified in Subsection 1 above, permanent outdoor displays or by commercial
17 Uses is Not Permitted.

18 **12.50.875 Drive through Facilities in Light Rail Zones.**

- 19 A. Purpose. Drive-through facilities provide convenience for customers in automobiles, but may
20 impede traffic flow and conflict with pedestrian and bicycle safety. The standards in this section
21 are intended to allow drive-through facilities in appropriate locations with additional design
22 considerations to mitigate these negative impacts.
- 23 B. Applicability. These standards apply in all light rail or Mixed-Use zones in which drive-through
24 facilities Uses are allowed. In the SCC-MM zone these standards apply only on Arterial street
25 frontages.
- 26 C. Standards in Light Rail Zones.
- 27 1. Drive-through facilities are Not Permitted within 400 feet of an LRT station site; and
28 permitted farther than 400 feet from an LRT station site if the drive-through facility is not the
29 primary method of sale or service.
- 30 2. Access to a drive-through facility shall be limited to one driveway crossing unless the
31 Review Authority finds that the following standards are met:
- 32 a. Construction of a single two-way driveway access single joint use driveway is not
33 practicable due to site size, topography or other constraints; or
34 b. The single driveway would necessitate construction of a return drive lane parallel to and
35 within 15 feet of a major pedestrian route.
- 36 3. The number of service windows, bays or lanes in a drive-through facility is not limited if the
37 development meets the minimum floor area ratio of the zone.

- 1 4. The drive-through service window, bay or lane and all queuing lanes shall be located as far
2 as practicable from any transit street, major pedestrian route, or LRT station site.
- 3 5. Drive-through facilities within 50 feet of a major pedestrian route shall have landscaping
4 installed to screen the service windows, bays or lanes from view to the maximum extent
5 practicable.
- 6 6. Pedestrian circulation within any site with drive-through facilities shall be clearly marked for
7 both automobile and pedestrian traffic.

8 **D. Standards in Mixed-Use Zones.**

- 9 1. A maximum of two drive-through service lanes shall be permitted between a building façade
10 and a public street right-of-way.
- 11 2. Drive through lanes located between a building façade and a public right-of-way shall be
12 buffered by evergreen shrubs. The shrubs shall be not less than two feet (2') higher than
13 finished grade at the time of planting. Evergreen shrubs shall be of the types that grow to be
14 at least thirty-six inches (36") higher than finished grade.

15 **12.50.880 Outdoor Storage.**

- 16 A. Purpose. These standards are intended to assure outdoor storage areas in non-residential zones
17 are consistent with the purposes of the underlying zones, will not detract from streetscape
18 appearance, and will not adversely impact adjacent properties.
- 19 B. Applicability. These standards apply to all standard industrial zones, and to commercial,
20 industrial and institutional development in all light rail zones. In the SCC-MM zone these
21 standards apply only on Arterial street frontages.
- 22 C. Standards.
 - 23 1. In standard industrial zones, outdoor storage is permitted only behind an opaque fence at
24 least 6 feet in height.
 - 25 2. Except as otherwise specified in Section 12.50.870, commercial Uses in light rail zones shall
26 not have permanent outdoor displays or storage of materials or equipment. The term
27 "equipment" as used in this subsection does not apply to motor vehicles licensed for street
28 use and regularly used in the conduct of business.
 - 29 3. Within the light rail industrial zones, outdoor storage of inventory or equipment may be
30 permitted adjacent to a transit street, major pedestrian route, or light rail station site if the
31 following standards are met:
 - 32 a. The Planning Director finds that there is no other practicable location for the storage on-
33 site;
 - 34 b. The storage area is surrounded by dense screening material or landscaping, compliant
35 with Subsection c below, which completely obscures visibility from the public right-of-
36 way; and
 - 37 c. Any screening material is constructed of decorative or architectural materials consistent
38 with the materials in the primary structure. Chain link fences, plain concrete walls or
39 wooden fences are not considered to meet this standard.

1 **12.50.890 Utilitarian Functions.**

2 A. Purpose. The standards in this section are intended to create more attractive streetscapes by
3 reducing utilitarian features adjacent to the street. Except where the word “shall” is used, the
4 standards are not to be construed as mandatory approval standards subject to review and
5 approval.

6 B. Applicability. These standards apply in light rail and Mixed-Use zones on any façade facing and
7 adjacent to a public street, major pedestrian route, direct pedestrian way leading from a light rail
8 station site, or facing onto a park, plaza or other public outdoor space.

9 C. Standards.

- 10 1. To reduce their visual and audible impacts in Mixed-Use and commercial zones, roof-
11 mounted equipment, vent and chimneys shall be placed behind parapets, architecturally
12 compatible screens, roof-top landscaping or other equivalent measures as approved by the
13 Review Authority.
- 14 2. Loading docks, HVAC equipment, trash compaction and collection, and other utility and
15 service functions shall be located either within, beside or behind the building rather than on
16 the street-side façade.
- 17 3. Wall- or ground-mounted mechanical, electrical and communications equipment shall be
18 screened from streets and adjacent properties. Such screens shall be architecturally
19 compatible with the building and landscaping.

20

1 **12.50.900 Public Benefit Standards.** Public benefit standards include the following sections:

- 2 12.50.910 Purpose and Applicability
- 3 12.50.920 Building and Site Design Guidelines
- 4 12.50.930 Sustainable Development Practices
- 5 12.50.940 Crime Prevention through Environmental Design

6 **12.50.910 Purpose and Applicability.**

- 7 A. Purpose. In some cases, proposed development may not be able to achieve the standards or
8 requirements of this Code, due to the nature of the proposed use, site constraints, or other
9 concerns. To offset or mitigate requested adjustments from the standards, applicants may
10 include development amenities, some of which provide benefit beyond the boundaries of the
11 development site. This section is intended to provide measurable standards for such public
12 benefits, which are consistent with the goals and policies of the Comprehensive Plan. However,
13 the city explicitly encourages applicants to apply these standards in all developments, regardless
14 of whether discretionary approval is required.
- 15 B. Applicability. These standards may be applied by the Review Authority in any discretionary
16 land use application process in which an applicant has requested an adjustment or variance from
17 the standards of this Code, unless such standard specifically allows an adjustment without
18 discretionary review.

19 **12.50.920 Building and Site Design Guidelines.**

- 20 A. Public assembly and civic buildings such as theaters, hotels, cultural centers, schools, churches,
21 and government buildings should include appropriately-scaled landmark features, such as towers,
22 cupolas or pediments.
- 23 B. Edges of development projects should be designed to harmonize with and enhance adjoining
24 public and Private streets. Edges adjacent to transit streets and major pedestrian routes should
25 include street furniture such as seating, shelters, ornamental pedestrian scale lighting and an
26 inside row of canopy trees to complement those in the curbside landscape strip.
- 27 C. Projects containing residential Uses should include a range of Housing Types and styles to suit a
28 variety of lifestyles and incomes, both on an ownership and rental basis.
- 29 D. Building design should be site specific, fit into the context of the area, preserve important view
30 corridors, complement the natural setting and other nearby buildings, and relate to adjacent
31 public and Private streets.
- 32 E. Building façades should balance features which make them more prominent while retaining
33 pedestrian scaled detailing. Diversity of architectural styles is encouraged. Building architecture
34 is particularly important at intersections, where special corner architectural features should be
35 incorporated.
- 36 F. Sloped roofs should be compatible with roof lines and slope of adjacent buildings, add interest to
37 and reduce the scale of large buildings, and complement the character of buildings in adjacent
38 developments.

- 1 G. Exterior building materials and colors should be harmonious and compatible with materials and
2 colors in adjacent developments. Soft lighting of the building exterior which complements the
3 architectural design is encouraged if the light source is not visible.
- 4 H. Where masonry is used for exterior finish, decorative patterns should be employed. These
5 decorative patterns may include multi-colored masonry units, such as brick, tile, stone or cast
6 stone, in a layered or geometric pattern, or multi-colored ceramic tile used in conjunction with
7 materials such as concrete or stucco.
- 8 I. Ornamental features such as molding, entablatures, pediments and friezes are encouraged at the
9 roofline. Linear features such as molding should be at least 8-inches wide.
- 10 J. Multi-family, Mixed-Use, and non-residential buildings less than 3 feet from any parallel
11 sidewalk or pedestrian accessway should install weather protection features over the sidewalk or
12 pedestrian way.
- 13 K. Traditional storefront elements are encouraged on any commercial building elevation facing a
14 major pedestrian route. These elements include:
- 15 1. Front and side building walls placed within 10 feet of abutting street right-of-way
16 boundaries.
- 17 2. Clearly delineated upper and lower façades.
- 18 3. Large display windows and recessed entry in the lower façade.
- 19 4. Smaller, regularly spaced windows in upper stories.
- 20 5. Decorative trim such as window hoods around upper floor windows.
- 21 6. Decorative cornices near the top of the façade.
- 22 7. Piers or pilasters, typically masonry.
- 23 L. Upper stories should be articulated with features such as bays and balconies.
- 24 M. To balance horizontal features on longer facades, vertical building elements should be
25 emphasized.
- 26 N. Windows allowing views into interior activity areas or displays in non-residential buildings are
27 encouraged. At the pedestrian level, glass curtain walls, reflective glass and painted or darkly
28 tinted glass, smooth faced concrete block, concrete panels, steel panels, and non-durable
29 materials are discouraged unless privacy issues are involved.
- 30 O. Building entrances should include clearly recognizable features such as: canopies, porticoes,
31 recessions, projections, arcades, and raised cornice parapets. Pedestrian spaces at entrances
32 incorporating landscaping and eating amenities are encouraged.

33

1 **12.50.930 Sustainable Development Practices.**

2 A. Habitat Friendly Development Practices. Use of habitat friendly development practices,
3 including Low Impact-Development (LID) techniques are a key element of the adopted Tualatin
4 Basin Fish & Wildlife Habitat Program. LID techniques are encouraged to reduce the
5 environmental impacts of new development, and to provide flexibility to encourage the
6 protection of qualified Habitat Benefit Areas. The following recommended habitat-friendly
7 development practices should be considered where technically feasible and appropriate.

8 1. Design and Construction Practices to Reduce Hydrologic Impacts.

- 9 a. Amending disturbed soils to original or higher levels of porosity to regain infiltration and
10 stormwater storage capacity.
- 11 b. Using pervious paving materials for residential driveways, parking lots, walkways, and
12 within centers of cul-de-sacs.
- 13 c. Incorporating stormwater management in street rights-of-ways, subject to the approval of
14 the City Engineer.
- 15 d. Landscaping with rain gardens to provide on-lot detention and filtering and groundwater
16 recharge.
- 17 e. Using green roofs to reduce runoff and energy costs, improve air quality, and enhance
18 aesthetics.
- 19 f. Disconnecting downspouts from roofs and direct rainwater to vegetated infiltration /
20 filtration areas.
- 21 g. Retaining rooftop runoff in rain barrels for future on-site irrigation.
- 22 h. Using multi-functional open drainage systems in lieu of conventional curb-and-gutter
23 systems.
- 24 i. Using bioretention cells in parking lot islands to reduce runoff volume and filter
25 pollutants.
- 26 j. Applying a site-specific combination of storm water systems (a “treatment train”) to
27 provide multiple opportunities for treatment and to reduce the possibility of system
28 failure.
- 29 k. Reducing sidewalk widths and slope grades to drain into front yards or retention areas.
- 30 l. Reducing impervious surface areas of residential driveways by narrowing widths or using
31 shared driveways.
- 32 m. Reducing widths of residential streets, depending on traffic and parking needs.
- 33 n. Reducing street length, primarily in residential areas, by encouraging clustering and using
34 curvilinear designs.
- 35 o. Reducing cul-de-sac radii and use pervious vegetated islands in center to minimize
36 impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce
37 need for wide loading areas on site.

- p. Eliminating redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
- q. Minimizing car spaces and stall dimensions, reducing parking ratios, and using shared parking facilities and structured parking.
- r. Minimizing the number of stream crossings and place crossings perpendicular to the stream channel if possible.
- s. Allowing narrower street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

2. Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage.

- a. Integrating fencing into site vegetation to guide animals toward crossings under, over, or around streets and roads.
- b. Using bridge crossings rather than culverts wherever possible.
- c. If culverts are utilized, installing slab, arch or box culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
- d. Designing stream crossings for fish passage and other design features to facilitate terrestrial wildlife passage, as illustrated in Figure 12.50.930-A.

**Figure 12.50.930-A:
Examples of Stream Crossings with Fish and Terrestrial Wildlife Passage Provided**



- e. Extending vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

3. Miscellaneous other Habitat-Friendly Design and Construction Practices.

- a. Using native plants throughout the development, not only in Habitat Benefit Areas.
- b. Locating required landscaping adjacent to Habitat Benefit Areas.
- c. Reducing light-spill off into Habitat Benefit Areas from development.
- d. Preserving and maintaining existing trees and tree canopy coverage, and plant trees where appropriate to increase future tree canopy coverage.

1 **B. Water Usage Efficiency and Reduction.**

- 2 1. Collecting and storing rainwater and/or graywater with sediment filtration and using for
3 irrigation, especially during summer. Where installed, above-ground cisterns for rainwater or
4 graywater collection must meet the following standards:
- 5 a. Individual cisterns or racks of cisterns larger than 80 gallon capacity may not be attached
6 to the front façade of the primary structure; and
- 7 b. Cisterns must either be painted to match the color of the adjacent building wall, the trim,
8 or the rain gutter; or be screened from the street by structures, plantings, or fences.
- 9 2. Using efficient irrigation including high efficiency drip irrigation.
- 10 3. Using native and drought-tolerant vegetation for landscaping; limit lawn to play and
11 recreational areas.
- 12 4. Using water-conserving plumbing fixtures.
- 13 5. Installing water conserving or energy efficient appliances.

14 **C. Energy Usage Efficiency and Reduction.**

- 15 1. Designing and site buildings to maximize natural ventilation and solar access for heating and
16 lighting.
- 17 2. Installing operable windows with energy-efficient glazing.
- 18 3. Using energy-efficient outdoor lighting with low temperature ballasts; fixtures with
19 automatic controls; and solar lighting for walkways or outdoor areas.
- 20 4. Centrally locating heating/cooling systems to reduce the extent of the distribution system.
- 21 5. Increasing insulation to at least 10% above IBC requirements.
- 22 6. Flashing and sealing all penetration points for ducting, wiring, plumbing, lights and fans.
- 23 7. Using cool roofs wherever practicable.
- 24 8. Using alternative heating systems, such as ground-source heat pumps; radiant heating; on-
25 demand water heaters; solar heating or others.
- 26 9. Using alternative electric generation systems, such as solar photovoltaic or wind energy.
- 27 a. Where installed, solar electric systems must meet the following standards.
- 28 i. On a flat roof, the panels must be mounted flush or on racks. Panels or racks cannot
29 extend more than 5 feet above the top of the highest point of the roof, not including
30 the parapet wall, and must be set back at least 5 feet from the edge of the roof.
- 31 ii. On a pitched roof, the plane of the panels must be set back at least 3 feet from both
32 the eave and the ridgeline.
- 33 iii. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- 34 iv. Photovoltaic glazing may be integrated into windows or skylights.
- 35 b. Where installed, roof-mounted wind turbine systems must meet the following standards.

- i. Wind turbines may be proposed only on buildings meeting the minimum setbacks of the applicable zone.
- ii. The height of a roof-mounted wind turbine may exceed the base zone height by up to 50 percent, or 25 feet above the height of the building on which it is mounted, whichever is less.
- iii. Turbines must have an AWEA-rated sound level of 45dBA or less. The noise standards of the Hillsboro Municipal Code also apply to wind turbine operation.

D. Storm Water Management. The following methods should be used to reduce contaminants from hard surfaces, improve infiltration improvement, and reduce or eliminate water quality treatment or detention facilities.

1. Minimizing impervious surfaces at and above grade.
2. Using eco roofs and roof gardens wherever practicable.
3. Using pervious paving for parking areas and walkways.
4. Using infiltration or flow-through planters, bio-retention cells, and/or rain gardens.

E. Green Building Materials. The following methods should be used to improve indoor air quality.

1. Using recycled-content building materials where practicable.
2. Using locally made or harvested materials and products.
3. Using certified or recycled wood.
4. Using low- or no-VOC (Volatile Organic Compounds), low-toxic interior paint and water-based finishes and stains.
5. Using formaldehyde-free carpet, cabinets and insulation.
6. Using low-VOC, low-toxic, water-based, solvent-free adhesives, caulks, grouts, mortars, and sealants on building interiors.
7. Using longer life-cycle and/or recyclable exterior materials (roofing and siding).
8. Limiting use of carpet; use low pile or less allergen-attracting brands; and install by tacking (without glue).

F. Noise and Privacy. The following methods should be used to reduce external and internal noise and enhance privacy.

1. Using enhanced landscaping or water features to buffer or mask sound.
2. Providing internal streets and sidewalks to buffer activity and noise.
3. Locating bedrooms and quiet rooms away from noise sources.
4. Insulating activity rooms.
5. Providing sound-rated walls, floors and sound-absorbing materials on the building exterior.
6. Locating shared community and/or commercial spaces on the first floor.
7. Defining edges through building locations, elevations or changes in materials, vegetation, fencing, elevated entries or other features.

1 G. Accessibility and Visitability.

- 2 1. Providing “zero-rise” residential entries without steps or thresholds.
- 3 2. Providing paths of travel from the street, sidewalk or driveway which have no steps, are at
- 4 least 36-inches wide and are no steeper than 1:20 (5% grade) for walkways or 1:12 for
- 5 ramps.
- 6 3. Providing ground floor residential entries with 32-inch clear opening doorways and 36-inch
- 7 clear width hallways.
- 8 4. In dwellings, providing at least a half bath on the ground floor, with adequate dimensions to
- 9 allow a person in a wheelchair to enter and close the door.

10 H. Third Places.

- 11 1. Designing residential developments to include multi-purpose indoor or outdoor spaces.
- 12 Interior multi-purpose rooms should accommodate both passive and active assembly Uses
- 13 (such as community meetings and exercise classes). Outdoor multi-purpose spaces should
- 14 accommodate both passive Uses (such as wetland viewing areas) and active Uses (such as
- 15 sport courts or community gardens).
- 16 2. Designing Mixed-Use and non-residential developments to include outdoor hardscaped
- 17 plazas or courtyards which could accommodate both private Uses (such as sidewalk seating
- 18 for restaurants) and public Uses (such as farmers markets and street vendors).

19 **12.50.940 Crime Prevention through Environmental Design.**

- 20 A. Developments should use the following guidelines as appropriate for the specific project type.
- 21 Other design guidelines may be used if the applicant can demonstrate that the alternative design
- 22 equally or better meets the CPTED principles.
- 23 B. Development applications should demonstrate natural access control, natural surveillance, and
- 24 territorial reinforcement:
- 25 1. Natural access control is physical guidance of pedestrians and vehicles coming and going
- 26 from an area through placement of entrances, exits, signs, fencing, landscaping and lighting.
- 27 2. Natural surveillance is organization of physical features, activities, and people to maximize
- 28 visibility through clear sight lines and definition of spaces.
- 29 3. Territorial reinforcement is use of physical features expressing ownership (fences, pavement
- 30 treatments, art, signage, and landscaping) to create a public, semi-private, and private
- 31 hierarchy of spaces.
- 32 C. Site signage should provide information and orientation internally within the site and in
- 33 reference to adjacent landmarks.
- 34 D. In commercial and industrial areas, external building features such as windows, doors, lighting
- 35 and fencing should be designed and maintained to provide visibility to and from adjacent
- 36 properties and the public right-of-way.
- 37 E. Points of entry and exit for pedestrians and vehicles should be clearly identified, and designed in
- 38 a manner which encourages legitimate activity and discourages illegitimate activity.

- 1 F. Open spaces should be designed and maintained to maximize visibility and minimize areas of
2 entrapment or concealment. Narrow spaces with poor sight lines or expansive spaces with no
3 definition among Uses should be avoided.
- 4 G. Open spaces should be located within projects so that surrounding Uses provide natural
5 surveillance. If open spaces are behind buildings, open fences, not walls, should be used to
6 establish territory. Maximum natural surveillance should be provided in children’s play areas,
7 but incompatible areas such as basketball courts and tot lots should be separated by distance.
- 8 H. Any open space parking areas should be located near streets for easy observation, and internal
9 circulation systems for emergency vehicles should be designed into open spaces located away
10 from streets. Bicycle paths should be located near park activities or on streets.
- 11 I. Landscaping should be designed and maintained to minimize concealment or entrapment
12 opportunities, to eliminate potential for loitering or camping by transients, and to maintain clear
13 sight lines from public streets to activity areas wherever possible.
- 14 J. Vehicular spaces should be designed to minimize vehicular/pedestrian conflicts, and provide
15 safety features for pedestrians such as raised or separated sidewalks through parking areas and
16 along building frontages.
- 17 K. Commercial and industrial buildings should enhance security through use of “invisible”
18 measures such as shatter resistant glass, but should avoid “fortress” features such as scissor gates
19 and barbed wire.
- 20 L. Deep building entrances should be lighted and building numbers posted where clearly visible
21 from the street or sidewalk.
- 22 M. Safety should be enhanced behind buildings with adequate lighting, limited access, signage, rear
23 entrances for commercial activities, surveillance with windows or cameras. Areas behind
24 buildings, including storage and alleys, should be designed for visibility, security, and ease of
25 on-going maintenance.
- 26 N. Trash receptacles should be sited, designed and installed to facilitate on-going maintenance.
- 27 O. In residential developments, features such as front porches, back porches, and decks which
28 encourage clear sight lines and natural surveillance of front yards, streets and alleys, sidewalks,
29 and common open areas should be encouraged. Fences, hedges and walls that block street views
30 on Local streets and cul-de-sacs should be discouraged.
- 31 P. Sufficient lighting should be provided for both the sidewalk and the street, especially where
32 these elements are separated.
- 33 Q. Where appropriate, traffic calming measures such as on-street parking, gateway features,
34 chokers, medians, and chicanes should be used to discourage through traffic on Local streets.
- 35 R. Infill development should recognize the location of surrounding buildings and vehicular and
36 pedestrian access routes to avoid creation of left over or limited use areas which could encourage
37 concealment or entrapment.

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SUBCHAPTER 12.60
PLAN DISTRICTS GENERALLY

3 **12.60.010 Establishment**

4 **12.60.020 Scope**

5 **12.60.030 Hierarchy of Plan District standards**

6 **12.60.010 Establishment.** A Plan District is a geographic area for which special zoning regulations
7 have been created by the City, either through adoption of a community plan in the Hillsboro
8 Comprehensive Plan or by previously adopted provisions in Zoning Ordinance No. 1945. If the Plan
9 District applies to the area included in a Community Plan, the Plan District standards will implement the
10 Community Plan. Revision of Plan District standards or adoption of a new Plan District is a Type IV
11 process pursuant to Section 12.70.060.

12 **12.60.020 Scope.** Plan District standards are applied in conjunction with base zone standards
13 (Subchapters 12.21 through 12.26) and Development and Design Standards (Subchapter 12.50). Plan
14 District provisions may modify any regulations of the applicable base zone or of the general standards
15 unless the base zone or general standards specifically state otherwise. However, base zone and general
16 standards apply unless the plan district provides other regulations for the same specific topic.

17 **12.60.030 Hierarchy of Plan District Standards.** As specified in Subsection 12.50.020.C, Plan
18 District standards supersede base zone standards and general standards, but are subordinate to special
19 use standards and overlay zone standards.

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**SUBCHAPTER 12.61
DOWNTOWN PLAN DISTRICT**

- 3 **12.61.100 Purpose**
- 4 **12.61.200 Applicability**
- 5 **12.61.300 Standards Applicable to All Zones**
- 6 **12.61.400 Standards Specific to the SCC-DT Zone**
- 7 **12.61.500 Standards Specific to the SCR-HD Zone**
- 8 **12.61.600 Standards Specific to the SCR-MD Zone**
- 9 **12.61.700 Standards Specific to the SCR-DNC Zone**
- 10 **12.61.800 Architectural Conservation Standards**
- 11

1 **12.61.100 Purpose.**

2 A. The geographically-specific Downtown Plan District development and design standards reflect
3 the City's goals and objectives for the Downtown SCPA. These regulations and standards were
4 developed in two phases:

- 5 1. In 1997-2000 during the SCPA adoption process, as reflected in the Downtown Station
6 Community Plan and adopted Comprehensive Plan amendments; and
- 7 2. In 2008-2010 during the Downtown Community Plan and Urban Renewal process, as
8 reflected in the Downtown Framework Plan.

9 B. The purpose of the specific design standards in Section 12.61.700, applicable to the SCR-DNC
10 Station Community Residential - Downtown Neighborhood Conservation zone and portions of
11 the SCR-MD Station Community Residential - Medium Density and SCC-DT Station
12 Community Commercial - Downtown zones, is to conserve the historical and cultural
13 significance of residential neighborhoods and the adjacent commercial areas in Hillsboro's
14 original core by:

- 15 1. Preserving and restoring the historic architecture and character of certain neighborhoods
16 within the Downtown SCPA;
- 17 2. Preserving, restoring and enhancing the landscape features of the downtown neighborhoods,
18 particularly the mature street trees;
- 19 3. Requiring that new residential structures be of compatible character and architectural style
20 with existing structures built between 1890 and 1940, including but not limited to use of
21 architectural styles and features, materials, paint and finishes, consistent with this period as
22 described in this Subchapter;
- 23 4. Requiring that exterior remodeling or expansion of existing residential structures is
24 consistent with the architectural style, materials and colors of the existing structure;
- 25 5. Requiring that new commercial and institutional structures, including public buildings, be of
26 similar or compatible size, scale, architectural style and materials to those used in such
27 structures between 1890 and 1940; and
- 28 6. Requiring that exterior remodeling or expansion of existing commercial or institutional
29 structures, including public buildings, be consistent with the architectural style, materials,
30 and colors of the existing structure.

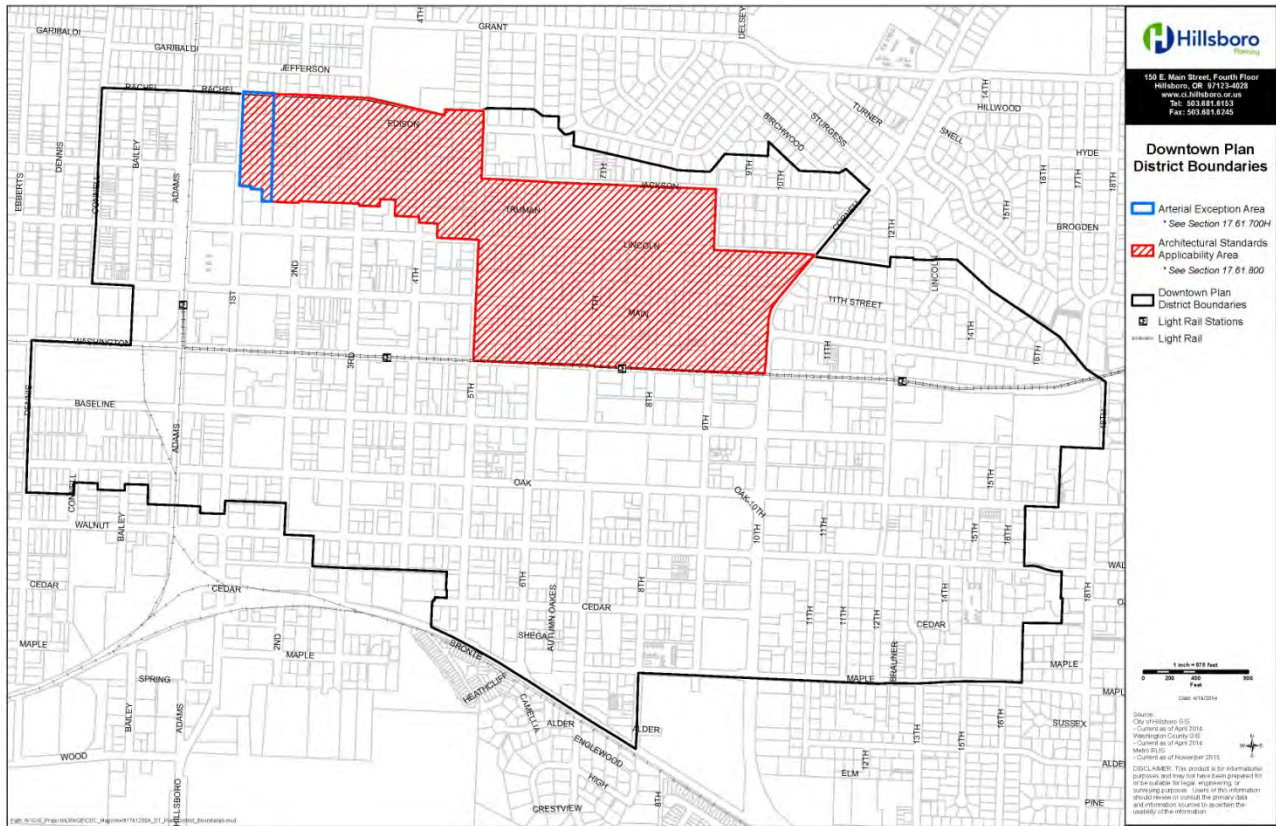
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1 **12.61.200 Applicability.**

2 A. The standards of this subchapter apply to properties within the Downtown Plan District
3 boundaries as shown on Figure 12.61.200-A. There are five zones applicable within the
4 Downtown Plan District:

- 5 • SCC-DT Station Community Commercial – Downtown
- 6 • SCR-HD Station Community Residential – High Density
- 7 • SCR-MD Station Community Residential – Medium Density
- 8 • SCR-LD Station Community Residential – Low Density
- 9 • SCR-DNC Station Community Residential – Downtown Neighborhood Conservation

10 **Figure 12.61.200-A:**
11 **Downtown Plan District Boundaries**



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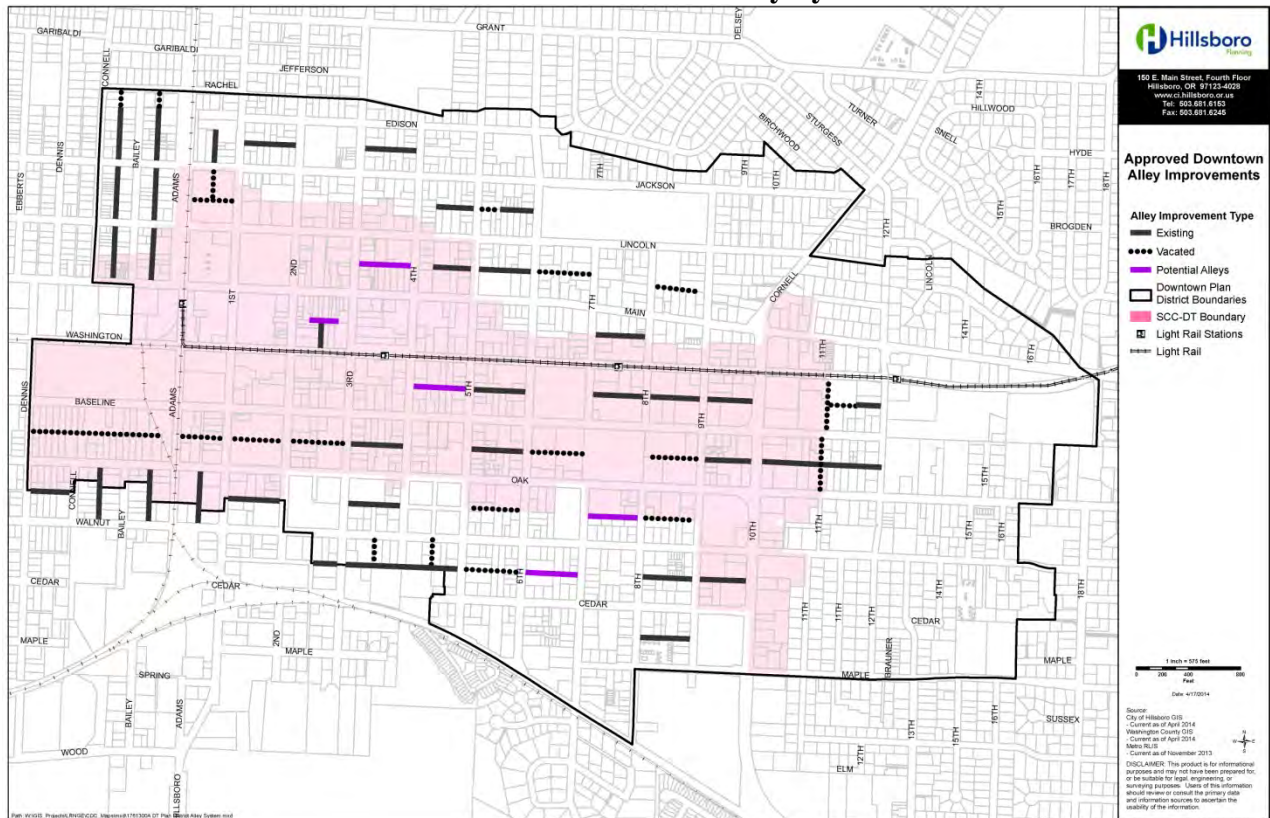
1 **12.61.300 Standards Applicable to All Zones.**

2 A. Exception to Minimum and Maximum Residential Densities. Minimum and maximum
3 residential densities established for the base zone shall apply. Where infill development includes
4 an existing residence, residential densities shall be calculated as follows:

- 5 1. Minimum and maximum residential densities for the parent parcel shall be calculated by
6 applying the base zone density standards to the undeveloped portion of the lot only as
7 described in Subsection 2 below;
- 8 2. The undeveloped portion of the property excludes the portion of the lot surrounding the
9 retained house, including minimum required side and rear yard setbacks from the structure;
10 and
- 11 3. The existing residence shall be included in the overall density calculation as a single dwelling
12 unit.

13 B. Alley Dedication and Improvement Requirements. The system of existing and previously
14 vacated alleys in the Downtown Plan District is shown in Figure 12.61.300-A. Unless exempted
15 under Subsections 4 or 5 below, new developments in the Downtown Plan District shall use
16 alleys wherever practicable to provide secondary access to block interiors, thereby encouraging
17 preservation of traditional downtown streetscapes.

18 **Figure 12.61.300-A:**
19 **Downtown Plan District Alley System**



- 1 1. The Review Authority shall condition approval of developments in the Downtown Plan
 2 District adjacent to any existing or vacated alleys shown on Figure 12.61.300-A to provide
 3 for future alley dedications or easements as shown in Table 12.61.300-1.

4 **Table 12.61.300-1:**
 5 **Alley Dedication or Easement Requirements**

Property location in relation to Existing or Vacated Alley	Dedication or Easement Requirement
Corner property at intersection of alley and street	Dedicate or rededicate sufficient to complete 20-foot ultimate right-of-way width
Interior property on alley; alley open at both ends (extends full depth of block)	Dedicate or rededicate sufficient to complete 20-foot ultimate right-of-way width
Interior property on alley; alley open at one end only (does not extend full depth of block)	Dedicate or rededicate sufficient to complete 20-foot ultimate right-of-way width
Interior property on alley; previous vacations have closed both ends (does not extend full depth of block)	Provide permanent easement to city sufficient to complete 20-foot ultimate right-of-way width

- 6 2. Unless exempt under Subsection 4 or 5 below, the Review Authority shall also condition
 7 approval of developments in the Downtown Plan District adjacent to any existing or vacated
 8 alleys shown on Figure 12.61.300-A to construct improvements to the widths specified in
 9 Table 12.61.300-2 below. The improvements shall be constructed to Public Works Design
 10 and Construction Standards in any alley right-of-way adjacent to the site where the full 20-
 11 foot ultimate right-of-way width is available.

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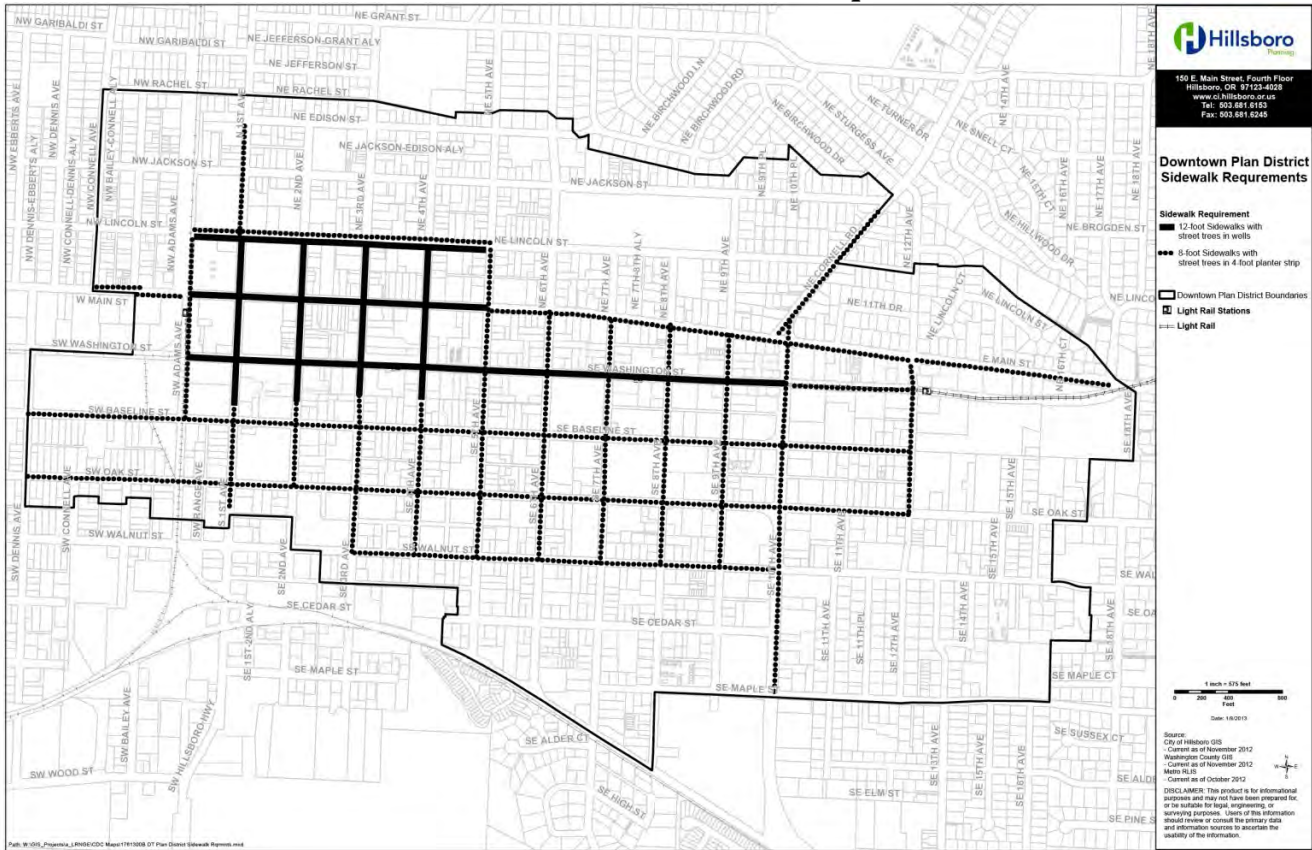
**Table 12.61.300-2:
Alley Improvement Requirements**

Property location in relation to existing or vacated Alley	Ultimate 20 foot Alley R-O-W Available?	Required Improvement
Corner property at intersection of alley and street	Yes	16-foot paved surface with drainage to PW D&C standards across full lot frontage
	No	No improvement required; development conditioned to provide payment of fee in lieu of construction
Interior property on alley; alley open at both ends (extends full depth of block)	Yes	16-foot paved surface with drainage to PW D&C standards across full lot frontage; interim gravel improvement to nearest street
	No	No improvement required; development conditioned to provide payment of fee in lieu of construction
Interior property on alley; alley open at one end only (does not extend full depth of block)	Yes	16-foot paved surface with drainage to PW D&C standards across full lot frontage; interim gravel improvement to nearest street
	No	No improvement required; development conditioned to provide payment of fee in lieu of construction
Interior property on alley; previous vacations have closed both ends (does not extend full depth of block)	Yes	No improvement required; development conditioned to provide payment of fee in lieu of construction
	No	No improvement required; development conditioned to provide payment of fee in lieu of construction

- 3 3. Plans for the gravel improvements required under Table 12.61.300-2 above shall be subject
4 to review and approval by the City Engineer. At a minimum, the interim gravel
5 improvement shall include storm drainage, a gravel surface sufficient to accommodate
6 emergency vehicles, and street lighting at the intersections of the ally and the street.
- 7 4. The Review Authority may approve an application for development approval adjacent to an
8 existing or vacated alley, which does not include alley dedication and construction under
9 Subsections 1 through 4 above, only if the applicant can demonstrate that alley construction
10 is not feasible. Economic hardship does meet this requirement. If the Review Authority
11 accepts the demonstration, the development must comply with all other applicable standards.
- 12 C. Sidewalks. On the street frontages shown on Figure 12.61.300-A, the Review Authority shall
13 condition development approvals on construction of sidewalk improvements, either 12-foot
14 minimum width, with street trees in wells (no planter strip); or 8 feet minimum width, with a 4
15 foot minimum width planter strip, on the street. On street frontage not specified on Figure
16 12.61.300-A, sidewalk improvements shall be constructed at a 5 foot minimum width, with a 4
17 foot minimum width planter strip. All sidewalk construction shall meet Public Works Design
18 and Construction (PW D&C) Standards.

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**Figure 12.61.300-A:
Downtown Plan District Sidewalk Requirements**



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D. Street Trees.

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1. Trees from the PW D&C Standards approved street tree list shall be required with all new development. In areas with planter strips, street trees shall be planted consistent with the PW D&C Standards. In areas with 12-foot sidewalks, street trees shall be planted within wells with a minimum planting area of 16 square feet and metal grates. Street trees shall be planted in compliance with PW D&C Standards except as provided under Subsection 2 below.

6

2. Street tree spacing may be varied with the approval of the City Engineer and the Planning Director where new development meets the site criteria listed below:

7

a. The site is in the SCC-DT zone, and has frontage on an existing street which is striped for parallel parking;

8

b. Buildings along the street are uniformly built with zero setback from the sidewalk; and

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c. The streetscape includes ornamental streetlights supplemented with additional decorations (hanging baskets, banners, holiday and festival lighting, etc., maintained on a year-round basis).

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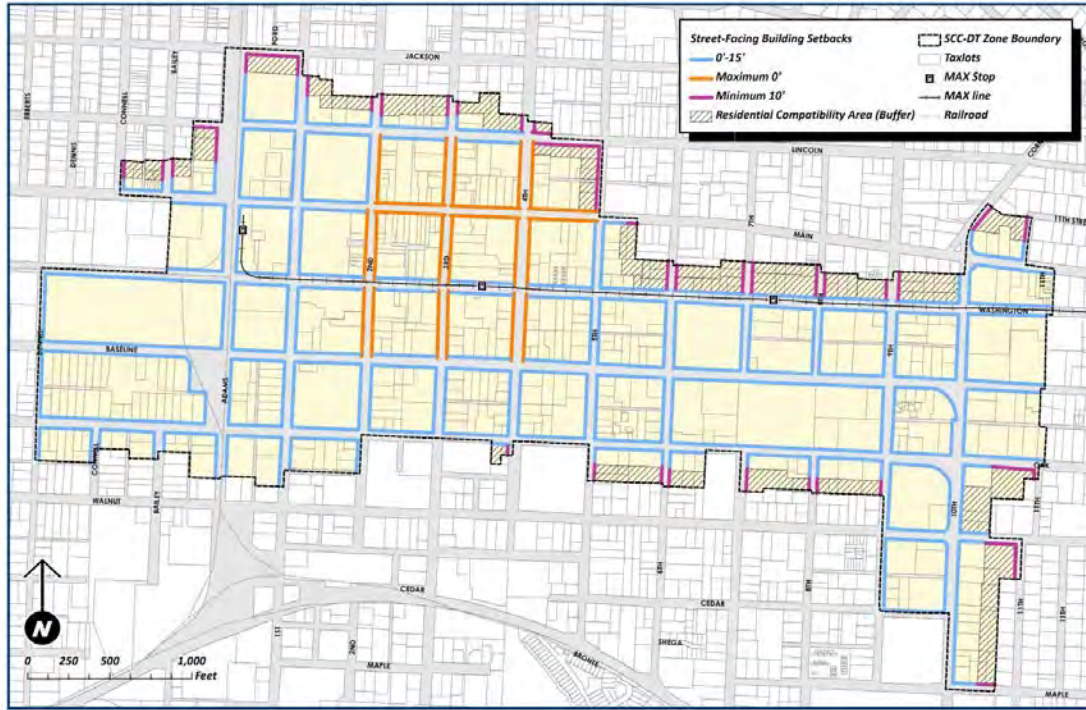
- 3. On streets meeting the criteria in Subsection 2 above, street trees may be spaced according to the following standards:
 - a. One tree every 44 feet or corresponding to the dividing line between every-other parking space; or
 - b. At greater or lesser intervals which would not obscure or interfere with the visibility of traffic signals or pre-existing marquees or projecting signs, provided the adjustment in spacing is the least necessary to avoid visual obstruction; or
 - c. At a greater or lesser intervals to coordinate with ornamental streetlights on the same block face. Regardless of spacing adjustments, provision shall be made for at least two trees, evenly spaced between every pair of streetlights on the same block face, and, where possible one street tree between each intersection and the streetlight nearest to the intersection.

1 **12.61.400 Standards Specific to the SCC-DT Zone.** The following standards apply in addition to,
 2 but supersede, the requirements of Section 12.23.300.

3 A. Setbacks to Streets and Alleys.

4 1. Setback requirements in the SCC-DT zone are shown on Figure 12.61.400-A.

5 **Figure 12.61.400-A:**
 6 **Front Yard Setbacks in the SCC-DT Zone**



7
 8 2. The setback requirement is met when, at a minimum, the percentage of street frontage
 9 occupied by the ground level façade of a building(s) meets the standards in Table 12.61.400-
 10 1 and Figure 12.61.400-B.

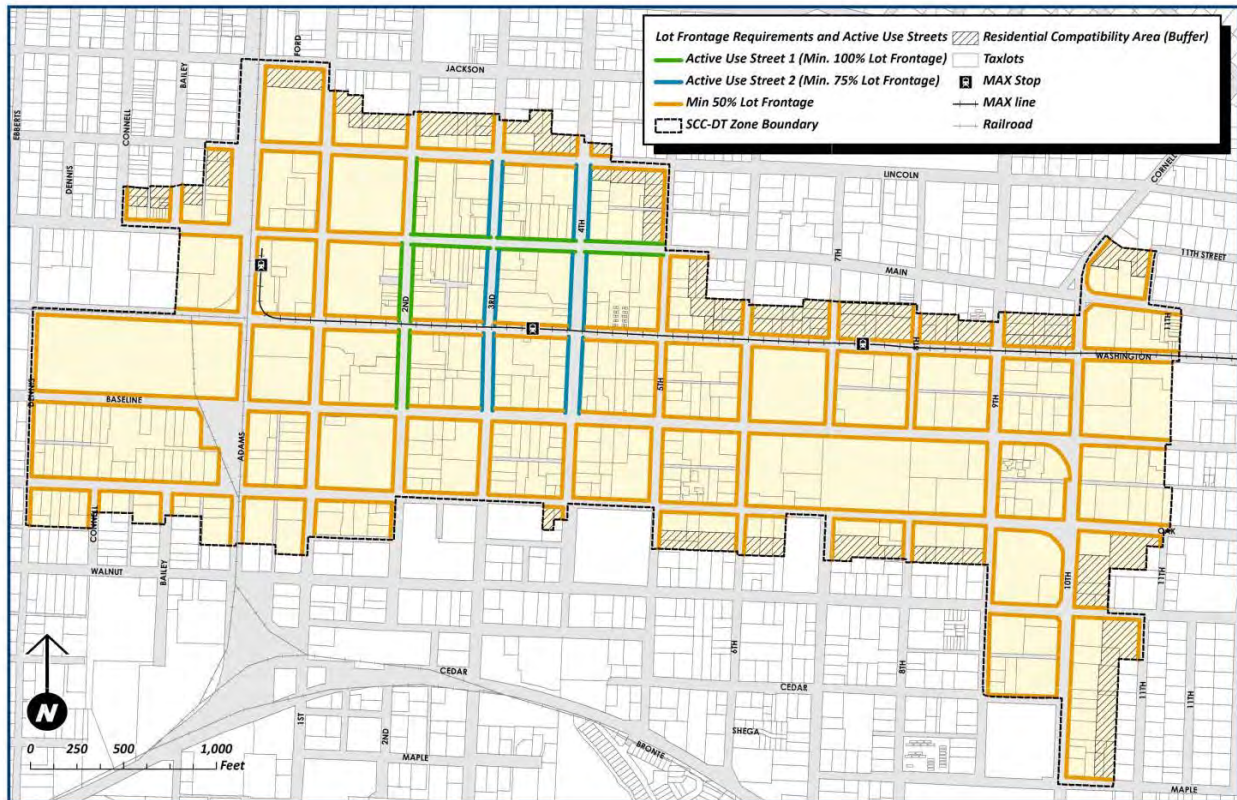
11 **Table 12.61.400-1:**
 12 **Minimum Building Width Required Along Street Frontages**

Property Location (from Figure 12.61.400-B)	Minimum Street Frontage*
Fronting on Active Use Street 1	100%
Fronting on Active Use Street 2	75%
All other properties	50%

13 * Minimum street frontage is the ratio (expressed as a percentage) of the length of the ground level façade to the lot width at
 14 the front property line.

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**Figure 12.61.400-B:
Lot Frontage Requirements and Active Use Streets in the SCC-DT Zone**



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4 3. Exceptions required for pedestrian and vehicular access, emergency services, and utility
 5 easements shall be granted in conjunction with a Development Review application upon
 6 determination that the exception is the minimum necessary to accommodate the required
 7 access, emergency services, or utility easements. In no case shall parking or vehicular
 8 circulation be located between the building and the street.

9 4. Exceptions to provide additional setback adjacent to a public street shall be granted in
 10 conjunction with a Development Review application upon determination that 100% of the
 11 additional setback would be used to provide enhanced pedestrian amenities such as plazas,
 12 arcades, courtyards, or other such usable pedestrian space as a feature of the development.

13 B. Interior Setbacks. New structures shall have a 10 foot minimum setback from any property line
 14 shared with lots zoned SCR-HD, SCR-MD, or SCR-DNC. The Review Authority may require
 15 the 10-foot setback to be landscaped with species selected for increased height and visual
 16 screening qualities. Landscaping materials may also be required to be planted at a density
 17 designed to achieve the earliest practicable screening of commercial Uses above the first floor.

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1 C. Floor Area Ratios. Floor area ratios for new construction may be reduced from the ultimate
2 standard for the first phase, as provided in Table 12.23.360-1, upon demonstration by the
3 applicant that the following criteria are met:

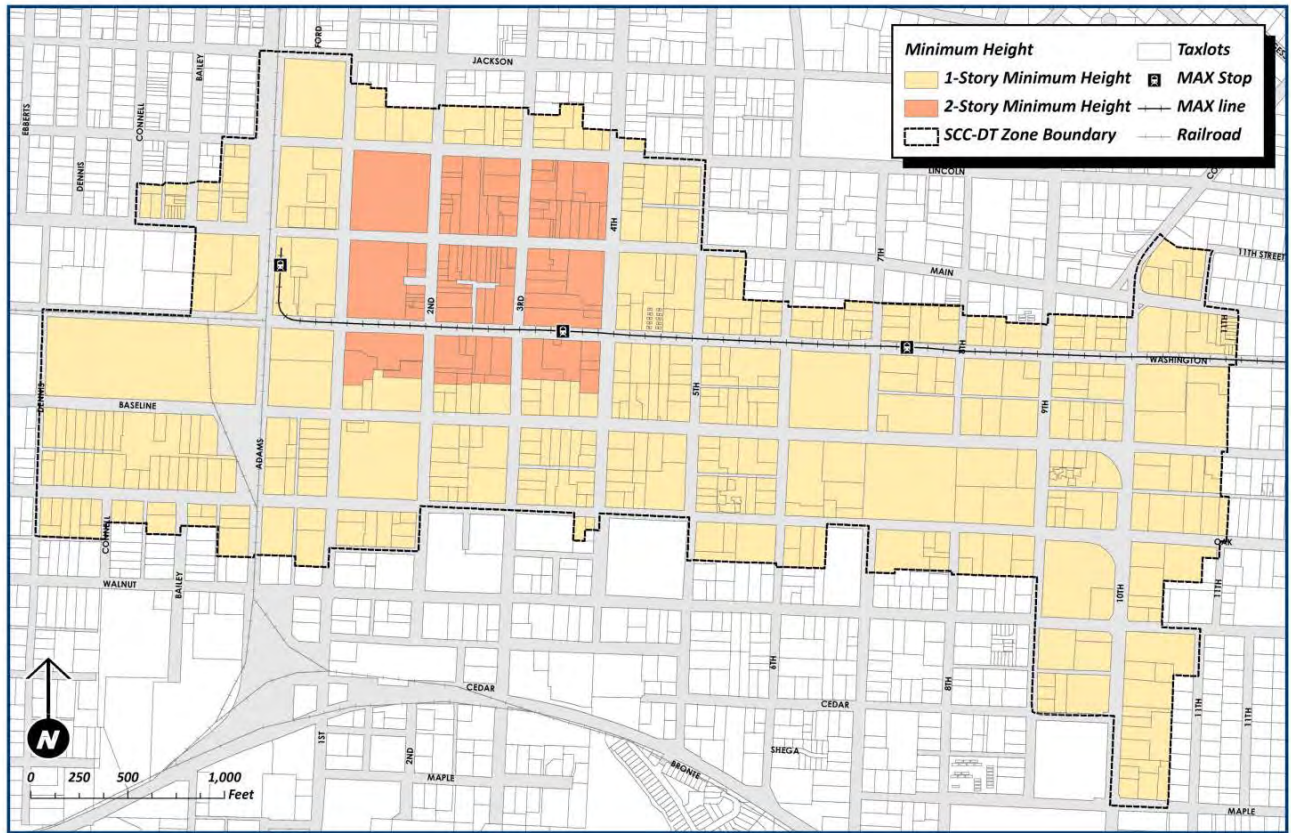
- 4 1. The structure built in the first phase can be expanded vertically and/or horizontally to achieve
5 the required minimum FAR. Demonstration of compliance shall include either construction
6 to specifications sufficient to support vertical expansion, or design of floor plans and parking
7 to accommodate horizontal expansion, as applicable; and
- 8 2. The structure built in the first phase complies with all applicable standards for maximum
9 setbacks, minimum building width, and minimum building height as shown in Figures
10 12.61.400-A, 12.61.400-B, and 12.61.400-C.

11 D. Building Height Requirements.

- 12 1. Minimum Building Height. The minimum height of new buildings shall meet the
13 requirements on Figure 12.61.400-C. Exceptions to the required two story minimum
14 building height may be granted through a Type III discretionary review upon determination
15 by the Planning Commission that a proposed single story building meets the applicable
16 purpose statements in Section 12.23.310 and all of the applicable design guidelines in
17 Sections 12.50.800 and 12.50.920.
- 18 2. Maximum Building Height. Except as described in Subsection 3 below, the maximum height
19 of new buildings shall meet the requirements on Figure 12.61.400-D. No exceptions shall be
20 granted to the maximum building height standard in the Residential Compatibility area as
21 shown on Figure 12.61.400-D.
- 22 3. Additional Building Height in Planned Unit Developments. Additional building height up to
23 a maximum of 100 feet may be approved as part of a Planned Unit Development or a
24 previous Concept Development Plan. Additional building height above the maximum
25 heights shown in Figure 12.61.400-D shall not be approved in Residential Compatibility
26 Zones.

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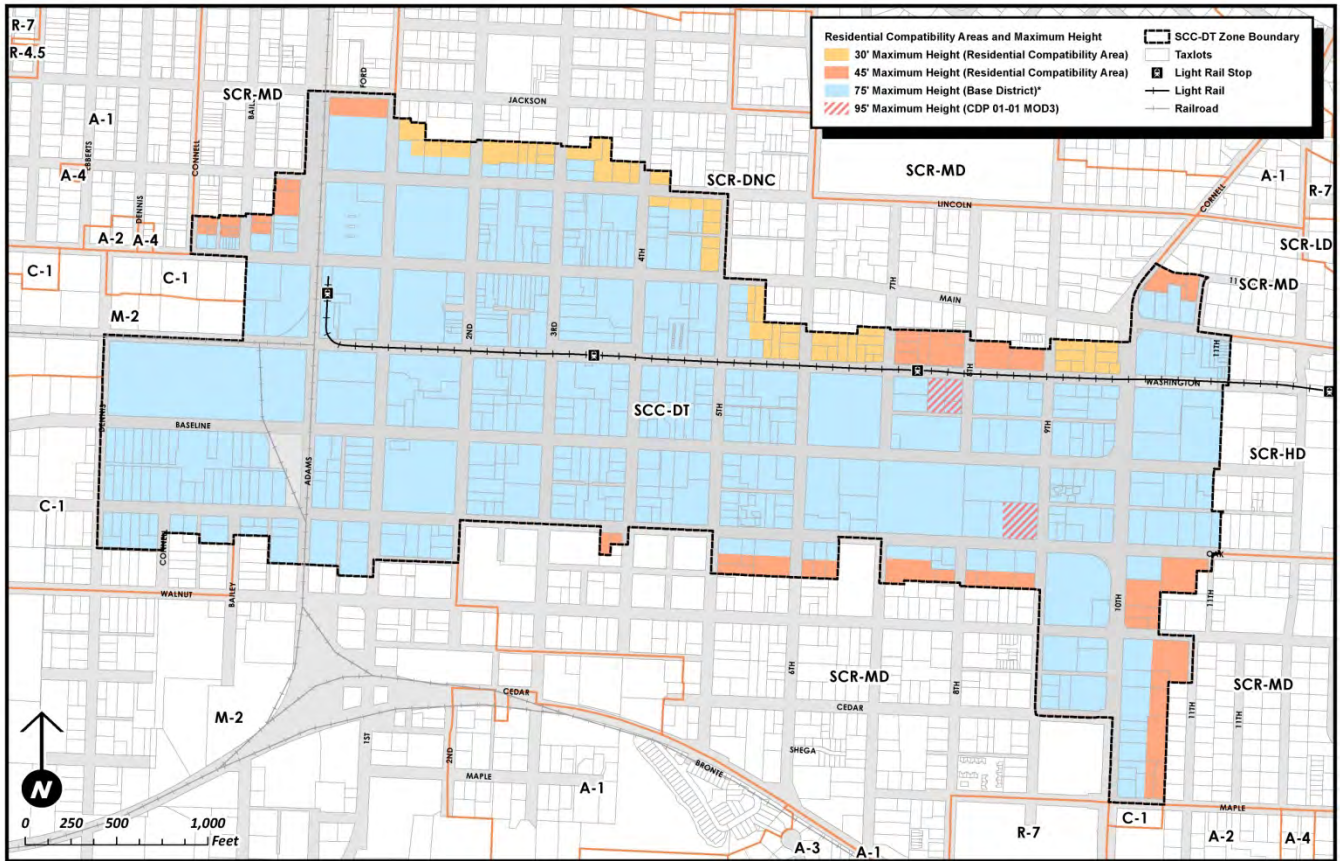
**Figure 12.61.400-C:
Minimum Building Height in the SCC-DT Zone**



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**Figure 12.61.400-D:
Maximum Building Height in the SCC-DT Zone**



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E. Minimum Usable Open Space Requirements.

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1. Non-residential development projects on less than ½ gross acre (21,780 sq. ft.) are not subject to the Usable Open Space requirements of the SCC-DT zone as specified in Section 12.50.210. However, if such a development project is or becomes a portion of a larger development; the area of the original project shall be combined with all other portions to calculate the required Usable Open Space for the larger development.
2. For purposes of this section, Mixed-Use projects with four (4) or fewer dwelling units are considered non-residential projects.
3. Non-residential projects ½ gross acre or larger, Mixed-Use projects with more than 4 dwelling units, and all residential projects shall provide minimum Usable Open Space equal to 5% of the project gross acreage.
4. Usable Open Space may include any combination of the following:
 - a. Private outdoor space accessible only to an individual resident or tenant (such as private porches, decks, balconies, patios, atriums, or other private outdoor areas);

- b. Shared private outdoor recreation space accessible to customers, employees or residents but not to the public (such as outdoor seating and dining areas, roof decks or gardens, play areas, outdoor recreation facilities, or similar space); or,
 - c. Public outdoor space (e.g., public parks, play areas, courtyards, landscaped pedestrian walkways, enhanced extensions to sidewalk depth, or similar space).
5. The Review Authority may approve alternative approaches to the provision of Usable Open Space and recreation facilities (e.g., indoor recreation rooms, fee-in-lieu contributions, etc.) under a Type III process pursuant to Section 12.70.050.

F. Building Entries and Orientation.

1. Development on Active Use Streets (Types 1 and 2) designated on Figure 12.61.400-B shall comply with the standards of Subsection 12.50.820 regarding building entry orientation.
2. Development on lots fronting an Active Use Street designated on Figure 12.61.400-B and a non-designated street shall provide either a main building entrance oriented to the Active Use Street or to the corner where the streets intersect. Development on lots fronting on two Active Use Streets designated on Figure 12.61.400-B shall have a main entrance at the street intersection or within 30 feet of the intersection.
3. Building facade s over 200 feet in length facing any street shall provide two or more main building entrances oriented toward the street.
4. Building entrances shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

G. Ground Floor Windows and Building Façades.

1. On building facade s facing an Active Use Street, all ground floor windows shall have a Visible Transmittance (VT) of 60% or higher, with the exception of medical / dental offices which may have tinted windows.
2. Building façades greater than 75 feet in length facing a public street shall include architectural elements such as bay windows, recessed entrances or other features so as to provide pedestrian scale. Within the Residential Compatibility Areas designated on Figure 12.61.400-D, this standard shall apply on building façades greater than 50 feet in length.
3. Building façades facing an Active Use Street shall have windows, display areas or doorways for at least 70% of the length and fifty percent 50% of the ground level wall area. In the SCC-DT zone, ground level wall area is the wall area above three feet (3') and below twelve feet (12') as measured from finished grade.
4. Building façades facing a street other than an Active Street, a public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least fifty percent (50%) of the length and twenty-five percent (25%) of the ground level wall area. In the SCC-DT zone, the ground level wall area is the wall area above three feet (3') and below twelve feet (12') as measured from finished grade.

- 1 5. On building façades facing an Active Use Street, weather protection for pedestrians may be
2 provided along the façade. Weather protection may be an awning, canopy, arcade,
3 colonnade, recessed entry, and/or some combination of these elements. Where provided,
4 weather protection shall meet the following standards:
- 5 a. Be constructed of glass, metal, exterior-grade fabric or a combination of these materials;
 - 6 b. Project at least 5 feet from the building façade;
 - 7 c. Have at least 10 feet clearance to the sidewalk;
 - 8 d. Match the width of the storefront or the window opening(s); and
 - 9 e. Not obscure any existing or proposed transom windows.

10 H. Step-Back Requirements. The standards of Section 12.50.850 do not apply in the SCC-DT zone.

11 I. Location and Design of Off-Street Parking.

- 12 1. On-site vehicular circulation (including surface parking, maneuvering areas, service docks
13 and loading areas) are allowed only beside or behind new buildings. If located on the side,
14 the on-site vehicular circulation area shall meet the following standards:
- 15 a. Vehicular circulation shall not occupy more than 50% of the site frontage; and
 - 16 b. The circulation area shall be screened by a planting strip at least 6 feet wide, behind the
17 sidewalk. Improvements shall be installed in the planting strip consistent with Section
18 12.50.360.
- 19 2. To accommodate transit-supportive development and provide adequate off-street parking for
20 Mixed-Use development, required parking may be located up to 800 feet from the
21 development. Such parking shall be designated and signed as assigned to the remote
22 development. Confirmation of the parking assignment shall be required prior to occupancy
23 of the development.
- 24 3. Off-street parking requirements for high-volume off-peak Uses such as movie theaters and
25 restaurants may be met in total or in part by assignment of off-site parking pursuant to
26 Subsection 2 above, in either surface lots or structured parking.

27 J. Streetscape Design Standards and Guidelines. The following standards apply to new multi-
28 family residential, commercial, Mixed-Use and institutional buildings.

- 29 1. The ground floor of all new buildings facing the street shall be distinguished through façade
30 design into a “base,” “middle,” and “top.” The “base” extends from the finished sidewalk to
31 the bottom of the window sill, and shall be defined by a masonry or concrete plinth and
32 projecting window sills. The “middle” shall be defined by storefront windows, transom
33 windows, canopies, and /or pilasters. The “top” shall be defined by a projecting cornice.
34
- 35 2. The front façade of all new buildings two stories or more in height shall have tripartite
36 façades, with distinct ground bases, middles, and tops. The ground floor base shall be
37 defined by plinths, projected windowsills, large display windows, and/or the use of masonry
38 or concrete. The middle shall be defined by vertically-oriented windows, changes in
39 materials, and/or horizontal bands (such as string courses or soldier courses). The top shall
40 be defined by detailed cornices and/or projecting parapets.

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3. The Review Authority may approve architectural features or materials in addition to those cited in Subsections 1 and 2 above where such features or materials also divide the façade into design into a base, middle, and top.

K. Architectural Standards on Washington Street. Development north of NE Washington Street from NE Fifth Avenue to NE Tenth Avenue shall be subject to the Architectural Conservation Standards in Section 12.61.800.

1 **12.61.500 Downtown Plan District Standards Specific to the SCR-HD Zone.** New structures
2 shall have a minimum setback of 10 feet from any shared property line with parcels zoned SCC-DT.
3 The Review Authority may require the 10-foot setback to be landscaped with species selected for
4 increased height and visual screening qualities. Landscaping materials may also be required to be
5 planted at a density designed to achieve the earliest practicable screening of commercial Uses above the
6 first floor.

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1 **12.61.600 Downtown Plan District Standards Specific to the SCR-MD Zone.**

2 A. Interior Setbacks. New structures shall have a minimum setback of 10 feet from any shared
3 property line with parcels zoned SCC-DT. The Review Authority may require the 10-foot
4 setback to be landscaped with species selected for increased height and visual screening
5 qualities. Landscaping materials may also be required to be planted at a density designed to
6 achieve the earliest practicable screening of commercial Uses above the first floor.

7 B. Residential Businesses. Residential Business Uses are permitted, subject to conditional use
8 approval pursuant to Section 12.80.020. In addition to the standards in Section 12.80.020,
9 Residential Businesses shall meet the following standards:

- 10 1. Structures occupied by a residential business shall include a dwelling unit occupied by the
11 business owner/operator or another residential tenant;
- 12 2. A Residential Business may occupy a maximum 2500 sq. ft. commercial floor area, with a
13 maximum ground floor commercial area of 1500 square feet;
- 14 3. A Residential Business shall have no more than 5 employees, excluding family members of
15 the business owner/operator or other residential tenant;
- 16 4. A Residential Businesses shall have not more than 10 off-street parking spaces, all of which
17 shall be located inside, beside or behind the occupied building. Residential Business parking
18 is Not Permitted between the building and the street; and
- 19 5. New structures proposed for occupancy by Residential Businesses shall comply with all
20 applicable design standards and all other fire and life safety occupancy standards applicable
21 to the business use.

22 C. Architectural Standards on Washington Street. Residential development between NE Sixth and
23 NE Ninth Avenues, south of NE Jackson Street shall be subject to the Architectural Conservation
24 Standards in Section 12.61.800.

25

1 **12.61.700 Downtown Plan District Standards Specific to the SCR-DNC Zone.**

- 2 A. Architectural Standards; Exterior Alteration or Demolition Review. All new development is
3 subject to the Architectural Conservation Standards in Section 12.61.800. All exterior alterations
4 or demolition of existing structures is subject to the requirements of Subsection I below.
- 5 B. Partitioning. Lots containing two existing or proposed detached dwelling units (including a
6 secondary dwelling unit) may be partitioned provided that both lots have full frontage on either a
7 public street or alley and that the partition does not require creation of a flag lot.
- 8 C. Maximum Dwelling Units per Structure. On lots smaller than 22,000 square feet, not more than
9 four townhouse or multi-family dwelling units are permitted in one structure.
- 10 D. Interior Setbacks. New structures shall have a minimum setback of 10 feet from any shared
11 property line with parcels zoned SCC-DT. The Review Authority may require the 10-foot
12 setback to be landscaped with species selected for increased height and visual screening
13 qualities. Landscaping materials may also be required to be planted at a density designed to
14 achieve the earliest practicable screening of commercial Uses above the first floor as permitted in
15 Subsection H below.
- 16 E. Average Setback Conformance. Where the average front yard setback of existing residences,
17 along the entire block face containing the project, exceeds the applicable front yard setback from
18 a public street standard of Table 12.21.860-1 by more than five feet, new construction shall
19 conform to the average setback of all the existing dwellings along that block face.
- 20 F. Home Occupations and Bed and Breakfast Inns. Pursuant to Section 12.40.130, Home
21 Occupations and Bed and Breakfast Inns are permitted outright. Bed and Breakfast Inns are
22 limited in size to not more than 5 bedroom units.
- 23 G. Residential Businesses. Residential Business Uses at certain locations are permitted with
24 conditional use approval pursuant to Section 12.80.080. In addition to the standards in Section
25 12.80.080, Residential Businesses shall meet the following standards:
- 26 1. Residential Businesses are limited to properties located west of NE Fifth Avenue and north
27 of NE Lincoln Street;
 - 28 2. Structures occupied by a residential business shall include a dwelling unit occupied by the
29 business owner/operator or another residential tenant;
 - 30 3. A residential business may occupy a maximum of 35% of the floor area of all structures on
31 the lot, or 1500 square feet, whichever is less;
 - 32 4. The maximum height for any structure occupied by a residential business use is two stories;
 - 33 5. Residential Businesses shall have no more than 3 employees, excluding family members of
34 the business owner/operator or other residential tenant;
 - 35 6. Residential Businesses shall have not more than 5 off-street parking spaces, all of which shall
36 be located inside, beside or behind the occupied building. Residential business parking is
37 Not Permitted between the building and the street; and
 - 38 7. New structures proposed for occupancy by residential businesses shall comply with all
39 applicable design standards.

1 H. Arterial Exception Area on First Avenue. Due to their location adjacent to an Arterial Street,
2 certain properties in the SCR-DNC zone are eligible for more intensive development, including
3 Mixed-Use buildings, increased residential density and structural heights. These properties
4 (known as the “Arterial Exception Area”) are shown on Figure 12.61.200-A. Approval of
5 Mixed-Use buildings, increased residential density and structural heights shall comply with the
6 following standards:

- 7 1. Building Heights. Within 100 feet of First Avenue, maximum structural height shall be 3
8 stories. Between 100 and 200 feet from First Avenue, maximum structural height shall be 2
9 stories.
- 10 2. Mixed-Use Building Heights. Mixed-Use buildings shall be at least 2 stories in height.
11 Commercial Uses shall be limited to the first and second stories; the uppermost story of a
12 Mixed-Use building shall be limited to residential use only. Commercial Uses are not
13 permitted above the second floor.
- 14 3. Residential Density. Maximum residential density in Mixed-Use buildings shall be 18
15 dwelling units per acre.
- 16 4. Side yard Setbacks. The side yard setbacks of the SCR-DNC zone shall apply to new 2-story
17 buildings 200 feet or more from First Avenue. For 3-story Mixed-Use buildings within 100
18 feet of First Avenue, a minimum 10 foot side yard setback shall apply at the boundary with
19 properties outside the Arterial Exception Area.
- 20 5. Landscaping. The Review Authority may require the 10-foot setback to be landscaped with
21 species selected for increased height and visual screening qualities. Landscaping materials
22 may also be required to be planted at a density designed to achieve the earliest practicable
23 screening of commercial Uses above the first floor.
- 24 6. Ground Floor Commercial Uses. Ground floor areas of commercial Uses are limited as
25 follows:
 - 26 a. Except as allowed under Subsection b, below, maximum ground floor occupancy for a
27 single commercial use shall be 2500 square feet.
 - 28 b. A single ground floor commercial use may occupy up to 4000 square feet in a single
29 building only if the use is less than 50% of the total ground floor area of the building and
30 the remaining ground floor is divided among separate Uses occupying less than 2500
31 square feet each. For purposes of this subsection, unenclosed pedestrian areas outside the
32 walls of the building are not included in the maximum square footage.
- 33 7. Commercial Uses on the second or third floors are not subject to the provisions of Subsection
34 6 above.
- 35 8. Commercial Uses permitted outright in Mixed-Use buildings are limited to those permitted in
36 the N-C Neighborhood Commercial zone, with the exception of the following Uses which are
37 not permitted:
 - 38 a. Eating and drinking establishments with a seating capacity of 50 or more;
 - 39 b. Minor and Major Assembly Facilities; or
 - 40 c. Vehicle Service and Repair Uses.

1 9. Commercial Uses other than those listed in Subsection 8 above are subject to conditional use
2 approval by the Planning and Zoning Hearings Board, pursuant to Section 12.80.020.

3 10. Development Review applications shall be reviewed by the Planning Commission, and shall
4 include a Traffic Impact Analysis pursuant to Section 12.72.100. The Planning Commission
5 may condition approval of a development review application to require street improvements
6 pursuant to Sections 12.50.510 B and 12.70.120.

7 I. Exterior Alteration or Demolition Review. Review of all applications for demolition or exterior
8 alteration of existing structures shall follow the process described below. For purposes of this
9 subsection, “exterior alteration” is defined to include any addition to, removal from, and/or
10 change in the external appearance of a structure. The definition includes changes in site
11 landscaping if the landscaping is comparable in age to the structure, but excludes maintenance
12 and repair of exterior features which do not affect the feature’s appearance.

13 1. Development Review approval for exterior alterations or demolitions shall include findings
14 documenting the applicability of the Architectural Conservation standards in Section
15 12.61.800 to the subject structure(s). The findings shall indicate whether the proposed
16 alteration or demolition is consistent with, inconsistent with, or exempt from the
17 Architectural Conservation Standards, based on the following factors:

- 18 a. If the application meets the standards of Section 12.61.800, it shall be found consistent
19 with those standards and shall be approved or approved with conditions
- 20 b. If the application does not meet the standards of Section 12.61.800, but has not been
21 found exempt under Subsection c below, it shall be found inconsistent with those
22 standards and shall be denied; or
- 23 c. If the subject structure meets either of the thresholds listed in Subsections i or ii below,
24 the application shall be found to be exempt from the standards of Section 12.61.800, and
25 shall be approved or approved with conditions:
- 26 i. The age or architectural style of the existing structure is not consistent with the
27 standards of the SCR-DNC zone (1890s -1930s); or
- 28 ii. The existing structure is deteriorated, damaged or remodeled beyond reasonable
29 expectation of restoration or rehabilitation meeting the standards of Section
30 12.61.800.

31 2. In addition to the consistency or exemption findings above, Development Review approvals
32 for exterior alterations shall include findings documenting the following:

- 33 a. The exterior alteration will rehabilitate or restore historic features, retain existing form
34 and character, or prevent further deterioration or damage;
- 35 b. New additions are consistent with the scale and architectural features of the existing
36 structure; and
- 37 c. The exterior alteration retains the following features on facade s facing a public street:
38 entrances, doors, windows; exterior siding; front porches; balconies; bay windows;
39 dormers; and dormer windows.

1 **12.61.800. Architectural Conservation Standards.**

2 A. Applicability. The standards in this section apply in the Downtown Plan District as shown on
3 Figure 12.61.200-A. Within this area, new development may replace deteriorated structures, and
4 existing structures may have exterior alterations, subject to these standards and the process
5 described in Subsection 12.61.700.I.

6 B. Residential Construction. Within the boundaries shown on Figure 12.61.200-A, architectural
7 styles of new residential construction shall replicate major elements characteristic of the 1890s –
8 1930s in the downtown area.

9 1. Garage Offset. The front of the garage shall be set back at least 5 feet from the front building
10 plane of the dwelling.

11 2. Porches. Where consistent with the proposed architectural style, front or wrap-around
12 porches, are encouraged on front façades. Where provided, porches shall meet the following
13 standards:

14 a. Minimum area of 80 sq. ft.,

15 b. Minimum depth of 5 feet;

16 c. Covered by a roof or balcony; and

17 d. Elevated or otherwise separated from the front yard by a railing or fence.

18 3. Foundations. Foundation height shall be between 24 inches and 32 inches above finished
19 grade. A lower foundation may be permitted only to allow ADA access if construction of
20 access ramps is not practicable. Plain concrete and plain concrete block may be used as
21 foundation material only if the foundation height is 28 inches or less.

22 4. Siding. Horizontal siding is permitted with a narrow course (6 inches to the weather on
23 bevel, clapboard, or similar siding; 10 inches on drop or rustic siding). Board and batten
24 vertical siding is also permitted; no other type of vertical or diagonal siding is permitted. The
25 following materials are not permitted as siding: concrete slab; concrete block; corrugated
26 metal; plywood or T-111; sheet pressboard; oriented strand board; or aluminum.

27 5. Colors. Building colors shall be compatible with the surrounding area, and consistent with
28 the color palettes characteristic of architectural styles of the 1890s-1930s. Bright, primary or
29 fluorescent colors are not permitted on the main mass of the structure.

30 6. Windows. Single windows and window pairs should be vertically proportioned and
31 surrounded by window trim at least 3 inches wide. Multi-paned windows are preferred on
32 street-facing elevations.

33 7. Roofs.

34 a. Rooflines. Gable End, Dutch Gable, Hipped, and Gabled roofs are permitted provided
35 the roof pitch and configuration are similar to those existing in the downtown. Shed
36 roofs are not permitted as the primary roof form, but shed or hipped dormer roofs are
37 permitted. Flat roofs are allowed on Italianate, Richardson Romanesque or similar styles
38 within 100 feet of the SCC-DT zone.

39 b. Roof Pitch and Overhang. Roof pitch and overhang at the gable ends and eaves shall be
40 consistent with the selected architectural style.

1 c. Roofing Materials. Roofing materials shall be consistent with the architectural style of
2 the structure. Colors shall be compatible with those in the area.

3 8. Exterior Trim and Details. New residential construction shall incorporate trim and details
4 appropriate to the architectural style. Such trim and details may include but are not limited
5 to: cornices; pediments; door and window surrounds; pilasters; molding; baseboards; trims;
6 architraves; and lintels. Except for flat-roofed structures approved under Subsection 7.a
7 above, new residential structures shall have at least one pediment or dormer. Exterior stairs
8 or fire escapes shall not be located on a façade facing a public street.

9 9. Exterior Lighting. Entry door and front porch lighting are required on all new dwelling units.
10 Exterior lighting on dwellings and accessory structures shall not exceed 2 lumens, and shall
11 not glare or shine onto adjacent property.

12 10. Multi-Family Residential Development. New townhouse or multi-family units shall each
13 have a roof gable, dormer, or bay window on the elevation facing the public street.

14 C. Mixed-Use or Institutional Construction. Within the boundaries shown on Figure 12.61.200-A,
15 architectural styles of new Mixed-Use or institutional construction, including public buildings,
16 shall replicate major elements characteristic of the 1890s – 1930s in the downtown area.

17 1. Materials. Materials for new construction shall be selected and installed to replicate
18 materials characteristic of the 1890s – 1930s in the downtown area. Materials shall be
19 durable and selected to integrate the new building with adjoining buildings.

20 2. Colors. Building colors shall be compatible with adjacent buildings and consistent with the
21 color palettes characteristic of architectural styles of the 1890s-1930s.

22 3. Roofs. Roofing materials shall be consistent with the architectural style of the structure.
23 Roll roofing shall be used only in conjunction with parapets, which are required on flat roofs.
24 Colors shall be compatible with adjacent buildings.

25 4. Building Façades. Building elevations facing a public street shall have windows, tripartite
26 façades, weather protection, and other architectural features as required in Subsection
27 12.61.400.I: the design of such features shall replicate major elements characteristic of the
28 1890s – 1930s in the downtown area.

29 5. Exterior Lighting. Exterior lighting fixtures and accessories shall be selected for consistency
30 with styles characteristic of the 1890s – 1930s styles in the downtown area. Lighting levels
31 shall be limited to a maximum 4 lumens, and shall not spill onto adjoining residential
32 property.

33 6. Mechanical Equipment. Mechanical or other equipment located on the ground, building
34 exteriors, or roof shall be either screened completely from street level with compatible
35 materials, or not visible from any public right-of-way.

36 7. Other Applicable Design Standards. In addition to the standards specified in this subsection,
37 the Building and Site Design Guidelines in Section 12.50.920 shall be considered as
38 requirements for new Mixed-Use or institutional construction on properties subject to the
39 Downtown Plan District Architectural Conservation Standards.

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SUBCHAPTER 12.62
ORENCO PLAN DISTRICT

- 3 **12.62.100 Purpose**
4 **12.62.200 Applicability**
5 **12.62.300 Orenco Plan District Standards Specific to the Orenco Townsite area**
6 **12.62.400 Architectural Conservation Standards Specific to the Orenco Townsite Area**
7 **12.62.500 Orenco Plan District Standards Specific to the Orenco Station Area**
8

1 **12.62.100 Purpose.**

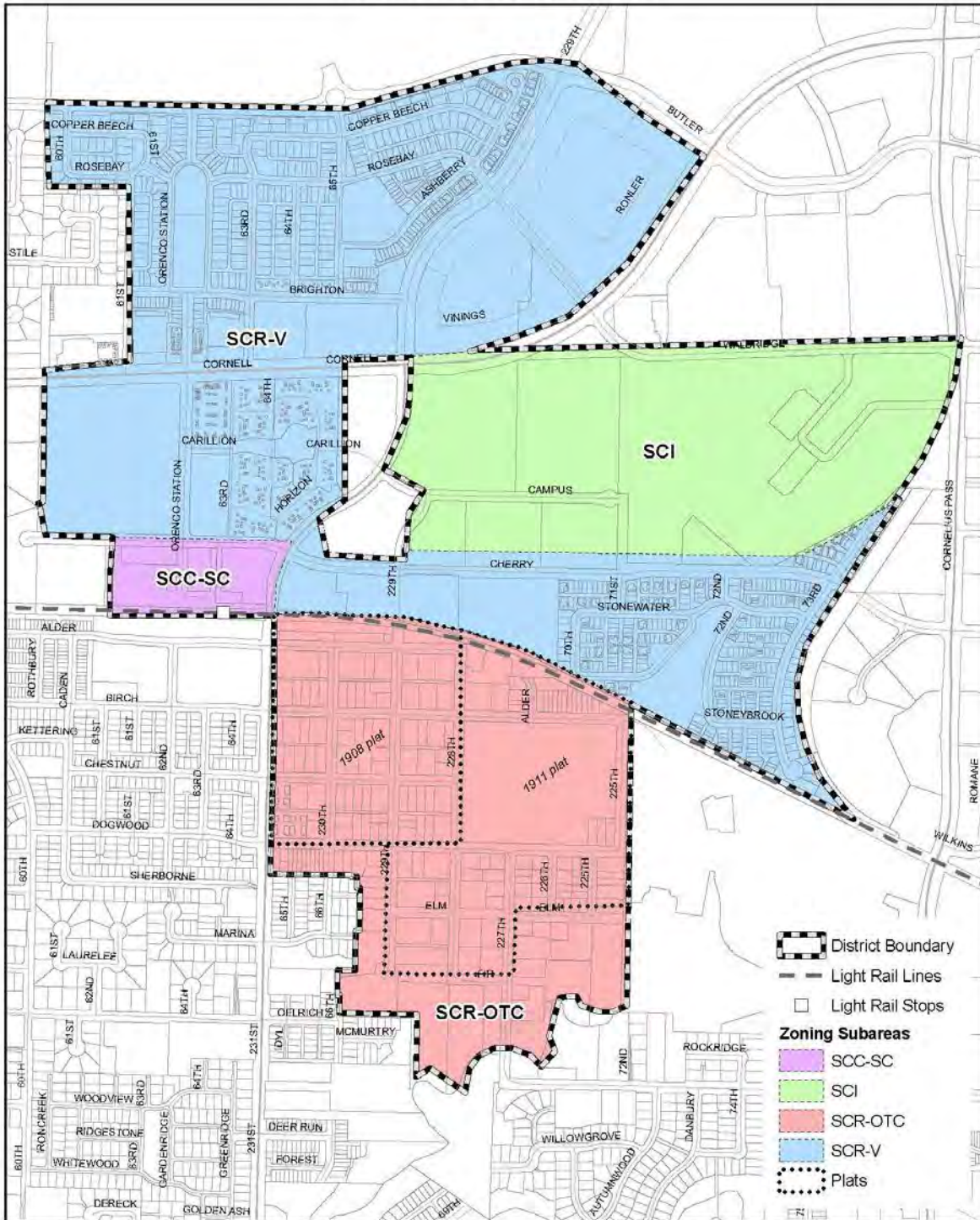
- 2 A. The geographically specific Orenco Plan District development regulations and design standards
3 reflect the City's goals and objectives for the Orenco SCPA, as described in Comprehensive Plan
4 Section 15. These regulations were developed from two sources:
- 5 1. The report of the Orenco Station Community Planning Advisory Team; and
 - 6 2. Public participation by the community including the Orenco Neighborhood Organization.
- 7 B. The purpose of the specific design standards in Subchapter 12.62 applicable to the historic
8 Orenco Townsite Conservation zone is to conserve the historical and cultural significance of the
9 original community area by:
- 10 1. Preserving and restoring the plat layout of the original 1908 community and its 1911 addition;
 - 11 2. Respecting the historic character of the original townsite streetscapes as designed by the
12 Oregon Nursery Company, by adopting unique street standards, including the following:
 - 13 a. Narrow paved streets with gravel shoulders;
 - 14 b. Preservation of the existing mature street trees and replanting missing trees;
 - 15 c. Use of street side grass drainage swales for stormwater removal;
 - 16 d. Provision of pedestrian access through surfaced alleys and property line sidewalks in
17 selected locations;
 - 18 e. Use of ornamental streetlights to provide public safety with lower lighting levels
19 befitting the historic neighborhood.
 - 20 3. Requiring that new residential structures be of compatible character and architectural style as
21 those built between 1900 and 1930, including but not limited to: architectural style and
22 features, materials, paint and finishes as listed in Subsection 12.62.500 B;
 - 23 4. Requiring that alterations to existing residential structures be consistent with the architectural
24 style, materials and colors of the existing structures;
 - 25 5. Requiring that new commercial and institutional structures be of compatible character and
26 architectural style as those built between 1900 and 1930, including but not limited to:
27 architectural style and features, materials, paint and finishes as listed in Subsection
28 12.62.500.C;
 - 29 6. Requiring that alterations to existing commercial and institutional structures be consistent
30 with the architectural style, materials and colors of the existing structures; and
 - 31 7. Limiting new residential structures to detached single family dwellings and secondary
32 dwellings, except as provided in 12.62.400 B 3.
- 33 C. The purpose of the regulations and standards applicable to the Orenco Station sub-area is to
34 create a compact, transit-supportive Mixed-Use neighborhood with reduced automobile reliance
35 by:
- 36 1. Requiring a mix of Housing Types, with the goal of achieving at least 1,834 dwelling units
37 within the SCR-V zoned area;

- 1 2. Using the light rail streetscape design standards in Section 12.50.530 to reduce street right-
2 of-way and travel lane widths, and to provide alleys, sidewalks and pedestrian amenities
3 appropriate to higher density neighborhoods;
- 4 3. Allowing Mixed-Uses within the SCR-V zone, offering services and employment
5 opportunities for neighborhood residents;
- 6 4. Providing for parks and open spaces for recreation outdoor activity within walking distance
7 of residential areas; and
- 8 5. Creating interconnected pedestrian routes to provide safe and convenient means to walk
9 among neighborhood destinations and to activity centers outside the area.
- 10 D. Except as provided in this section, all properties within the Orenco Plan District will be
11 developed in accordance with the standards of the applicable zone.
- 12

1 **12.62.200 Applicability.** The standards of this Subchapter apply to properties within the Orenco
2 Plan District boundaries as shown on Figure 12.62.200-A. There are four zones applicable within the
3 Orenco Plan District:

- 4 • Station Community Residential – Orenco Townsite Conservation (SCR-OTC)
- 5 • Station Community Residential – Village (SCR-V)
- 6 • Station Community Commercial – Station Commercial (SCC-SC)
- 7 • Station Community Industrial (SCI)

**Figure 17.62.200-A:
Orenco Plan District Boundaries**



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1 **12.62.300 Standards Specific to the Orenco Townsite Area.**

2 *Historic Context: In the early 1900s the Oregon Nursery Company purchased over 1100 acres east*
3 *of Hillsboro. Company officials platted a small town for their workers just south of the Oregon*
4 *Electric Railway, and the community was incorporated as Orenco (an abbreviation of the company*
5 *name). By 1910, with a population of almost 500, Orenco had its own urban amenities: a post*
6 *office and town hall, fire station and elementary school, stores, a hotel, , and a newspaper. Street*
7 *names in the town reflected the nursery heritage: Alder; Birch; Chestnut; Dogwood; Elm; and Fir.*
8 *When the Oregon Nursery Company fell on hard times and dissolved during the Great Depression,*
9 *the town disincorporated and de17clined.*

10 *In the late 1900s, as Hillsboro grew eastward and the Westside Light Rail Project reactivated the*
11 *abandoned Oregon Electric Railway right-of-way, the city of Hillsboro adopted new zoning for the*
12 *historic Orenco neighborhood.*

13 *Several developments during this period included townhoUses, based on assumptions of higher*
14 *densities in the area that were inconsistent with the historic fabric of the community. These*
15 *assumptions proved inaccurate. The SCR-OTC Station Community Residential-Orenco Townsite*
16 *Conservation District standards in Section 12.21.700 and the standards in section for the Orenco*
17 *Townsite sub-area been revised to more accurately reflect that historic fabric*

18 A. Minimum Lot Size.

- 19 1. Legal lots of record as of August 15, 1996 that are smaller than 7500 sq. ft. may be developed
20 for residential or commercial use under the regulations and standards of the SCR-OTC zone
21 and Subsection 2 below.
- 22 2. Lots with substandard dimensions (area less than 7,500 sq. ft., width less than 50 feet, and/or
23 depth less than 150 feet) may be developed for residential use only if the lot is accessible from
24 a street or alley consistent with the original Townsite street pattern. Lots which are not
25 accessible cannot be developed except in conjunction with an adjacent full-sized lot under
26 common ownership.
- 27 3. Within the boundaries of the original 1908 Orenco Townsite plat and the 1911 First Addition
28 to Orenco plat, legal lots of record as of August 15, 1996 that were larger than 7500 sq. ft. can
29 only be partitioned or subdivided into 7500 sq. ft. lots, 50 feet wide and 150 feet deep,
30 including dedications required for alleys but excluding dedications required for streets.
31 Partitions or subdivision lotting patterns shall replicate those of the original 1908 and 1911
32 plats.
- 33 4. Outside the boundaries of the original 1908 and 1911 plats, lots of record as of August 15,
34 1996 may be partitioned or divided to extend the existing street and alley system, or to create
35 an equivalent and similar street and alley system, allowing development of 7500 sq. ft. lots.
36 Each such lot may then be developed with a single family dwelling and a secondary dwelling,
37 subject to the setback standards in Subsection C below.
- 38 5. Lots with frontage on NW Alder Street between 228th and 231st Avenues are exempt from
39 the 7500 sq. ft. minimum area, 50 foot minimum width, and 150 foot minimum depth
40 requirement.

1 B. Minimum and Maximum Residential Densities.

2 1. Secondary dwelling units are allowed subject to the following standards:

3 a. The lot must meet the 7500 sq. ft. minimum required area;

4 b. The secondary dwelling unit must be constructed within 50 feet of the rear property line;
5 and

6 c. Vehicular access to the secondary dwelling unit is available from an alley developed
7 consistent with Subsection 12.62.400.H.

8 2. Lots adjacent to an inventoried Significant Natural Resource Area (such as the Rock Creek
9 floodplain) which precludes construction of the rear alley cited in Subsection 1 above, may
10 access to a secondary dwelling unit directly from the public street. Such lots may also site the
11 secondary unit in front of, rather than behind, the primary dwelling.

12 3. Townhouse developments (Victoria Station, Elk Meadows, and the townhouses on Lots 1-6 of
13 Block 10 of the Orenco Townsite Plat) are legal non-conforming Uses and structures, and may
14 be rebuilt consistent with the provisions of Section 12.62.400 D.

15 C. Minimum and Maximum Setbacks from Streets and Alleys.

16 1. Side setbacks may be reduced to 0 feet to allow construction of a shared-ownership garage
17 across a property line. Construction of the garage must meet Building Code requirements,
18 and cannot be constructed or occupied as a dwelling unit.

19 2. Minimum setbacks on alleys shall be as follows:

20 a. 16 feet for residential structures;

21 b. 4 feet for fences and accessory structures.

22 D. Mixed-Use Buildings. Lots having frontage on NW Alder Street between 228th and 231st
23 Avenues may be developed with Mixed-Use neighborhood commercial and/or residential Uses.

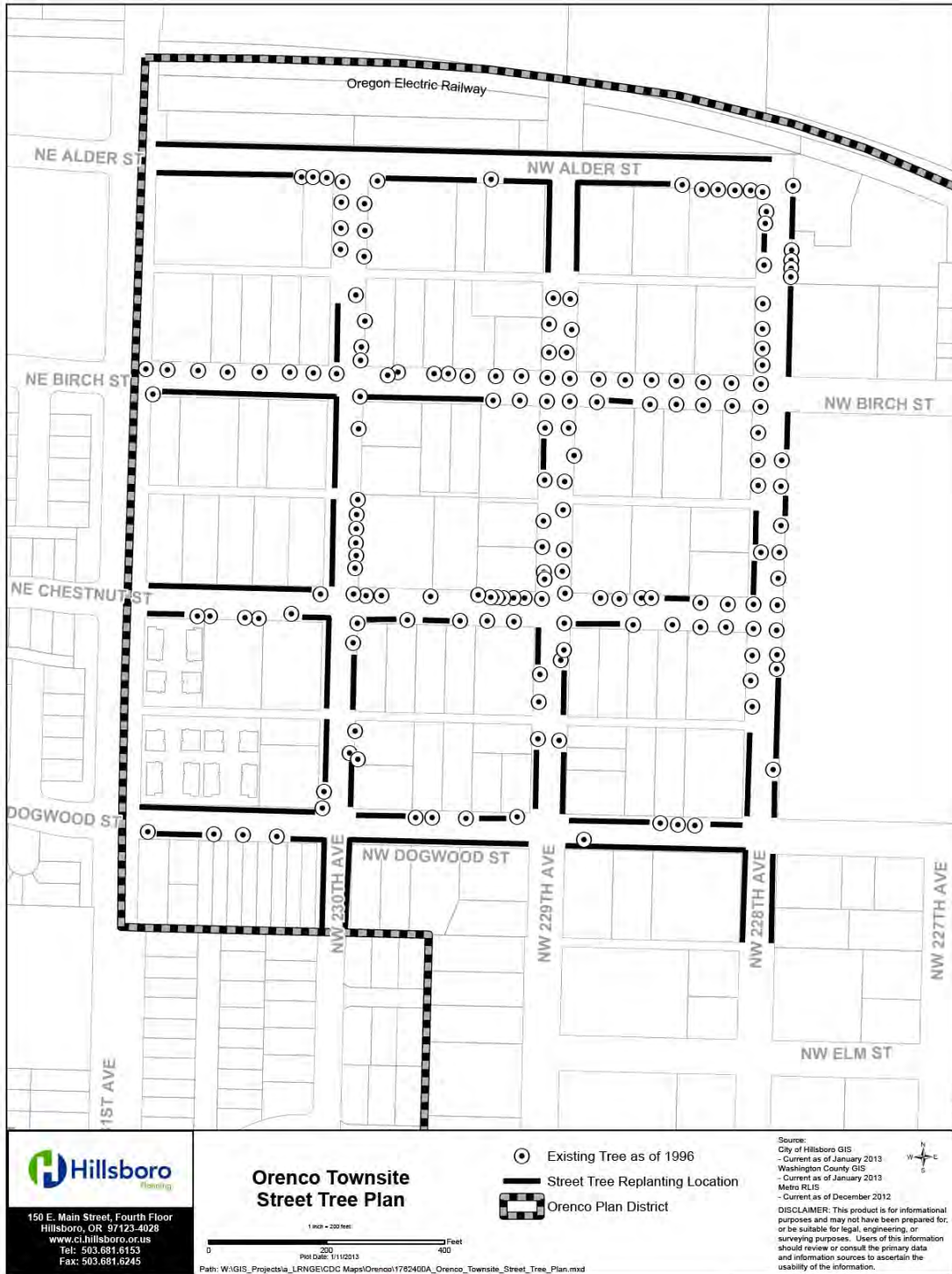
24 E. Landscaping Requirements. The Review Authority shall condition all development approvals
25 with landscaping requirements as follows:

26 1. Replanting of missing or damaged street trees with species found on the block face as planted
27 by or consistent with the Oregon Nursery Company planting plan and in accord with Figure
28 12.62.300-A.

29 2. Installation of internal landscaping consistent with the historic community plantings as listed
30 on Orenco Townsite Planting List (Table 12.62.300-1). Replacement street trees shall be
31 sized at a minimum 2 ½ -inch caliper, grade B or better. Replacement elm trees shall be
32 disease-resistance species only, such as Homestead Elm, Zelcova Serrata (“Village Green”
33 variety), or equivalent species approved by the Review Authority.

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**Figure 12.62.400-A:
Orengo Townsite Street Tree Plan**



3

**Table 12.62.400-1:
Orengo Townsite Area Planting Plan**

Upright Deciduous Trees		
Alder - <i>Alnus</i>	Ash - <i>Fraxinus</i>	Beech - <i>Fagus</i>
Birch - <i>Betula</i>	Catalpa - <i>catalapa</i>	Cherry - <i>Cerasus</i>
Crab - <i>Pyrus or Pyrus Malus</i>	Dogwood - <i>Cornus</i>	Elm - <i>Ulmus</i>
Fringe - <i>Chionanthus</i>	Honey Locust - <i>Gladitschia</i>	Horse Chestnut - <i>Aesculus</i>
Judas or Red Bud - <i>Cercis</i>	Kentucky Coffee Tree - <i>gymnocladus</i>	Laburnum - <i>Cytisus</i>
Larch - <i>Larix</i>	Linden - <i>Tilia</i>	Locust or Acacia - <i>Robinia</i>
Magnolia - <i>grandiflora or pacifica</i>	Maple - <i>Acer</i>	Japanese Maple - <i>Acer palmatum</i>
Mountain Ash - <i>Pyrus Sorbus</i>	Oak - <i>Quercus</i>	Osage Orange - <i>Maclura Pomifera</i>
Paulownia - <i>Paulownia</i>	Peach - <i>prunus persica</i>	Poplar - <i>Populus</i>
Plum - <i>Prunus</i>	Sweet Gum - <i>liquidambar</i>	Sour Gum - <i>Nyssa</i>
Sycamore - <i>Platanus</i>	Thorn - <i>Crateigus</i>	Tulip Tree - <i>Liriodendron</i>
Willow - <i>Salix</i>		
Evergreen Trees		
Monkey Puzzle Tree - <i>Araucaria</i>	Arborvitae - <i>Thuja or Thuja</i>	Redwood - <i>Sequoia</i>
Cedar - <i>Cedrus</i>	Cypress - <i>Cupressus</i>	Japanese Cedar - <i>Cryptomeria</i>
Fir - <i>Abies</i>	Hemlock - <i>Tsuga</i>	Juniper - <i>Juniperus</i>
Pine - <i>Pinus</i>	Spruce - <i>Picea</i>	Yew - <i>Taxus</i>
Fern Pine - <i>Podocarpus</i>		
Upright Deciduous Shrubs		
Althaea - <i>Hibiscus Syriacus</i>	Almond - <i>Prunus</i>	Azalea - <i>Rhododendron Sinese</i>
Barberry - <i>BerberisaV</i>	Camellia	Carolina Allspice - <i>Calycathus</i>
Cherry - <i>Cerssus</i>	Mallow - <i>Corchorus</i>	Currant - <i>Ribes</i>
Dogwood - <i>Cornus</i>	Oleaster - <i>Elaegnus</i>	Elder - <i>Sambucus</i>
Pearl bush - <i>Exochorda</i>	Filbert - <i>Corylus</i>	Forsythia
Honeysuckle - <i>Lonicera</i>	Hydrangeas	Juneberry - <i>Amelanchier</i>
Lilac - <i>Syringa</i>	Privet - <i>Ligustrum</i>	Flowering Quince - <i>Chaenomeles Japonica</i>
Silver Bell Tree - <i>Halesia</i>	Snowball - <i>Viburnum</i>	Snowberry - <i>Symphoricarpos</i>
Sweet Vetch - <i>hedysarum multijugum</i>		

Evergreen Hedges		
Arborvitae - <i>Thuja Occidentalis</i>	Boxwood - <i>Buxus</i>	Chokecherry - <i>Prunus Virginiana</i>
<i>Laurustinus</i> - <i>Viburnum tinus</i>	Norway Spruce - <i>Picea abies</i>	Red Cedar - <i>Thuja plicata</i>
Spindle Tree - <i>Euonymus</i>		
Deciduous Hedges		
Honey Locust - <i>Gleditsia Triancanthos</i>	Flowering Quince - <i>Chaenomeles Japonica</i>	Barberry - <i>Berberis</i>
Privet - <i>ligustrum</i>	<i>Spirea</i>	
Defensive Hedges		
Honey Locust - <i>Gleditsia Triancanthos</i>	Osage Orange - <i>Maclura Pomifera</i>	
Hardy Climbing Vines		
Dutchman's Pipe - <i>Aristolochia</i>	Honeysuckle - <i>Lonicera</i>	Jasminum
Peppervine - <i>Ampelopsis</i>	Trumpet Flower - <i>Tecoma</i>	Virgins Bower - <i>Clematis Virginiana</i> (not vitalba)
<i>Wisteria</i>	Wolfberry - <i>Lycium Barbarum</i>	

1 F. Mature Tree Preservation Requirements.

- 2 1. Original mature street trees within the public right-of-way shall be retained unless irrevocably
3 diseased or damaged. Mature street trees shall be removed only with prior permission from
4 the Planning Director and the City Engineer based on a report from a registered arborist. Tree
5 removal shall be supervised by a registered arborist or professional tree service. For purposes
6 of this section, "mature street trees" are defined as trees in the public right-of-way at or
7 greater than the following diameters four feet above grade:
- 8 a. Fir, Pine, Cedar, or other evergreen conifer: 24 inches;
 - 9 b. Elm, Maple, Walnut, Birch, or other deciduous: 20 inches;
 - 10 c. Apple, Pear, Peach, Prune, Plum, or other fruit: 12 inches; or
 - 11 d. Ornamental or other species not included above: 12 inches.
- 12 2. Mature street trees may be necessarily pruned by the owner of the abutting property or by the
13 City of Hillsboro at any time, without permission or arborist supervision, for the following
14 purposes:
- 15 a. To remove dead, diseased, or previously damaged branches;
 - 16 b. To maintain adequate sight distance of traffic control devices, as determined by the 2011
17 edition of the American Association of State Highway and Transportation Officials
18 (AASHTO) A Policy on Geometric Design of Highways and Streets, and the 2009
19 edition of the Federal Highway Administrations Manual of Uniform Traffic Control
20 Devices (MUTCD), with the Oregon supplements; and

1 c. To comply with the requirements of HMC 8.20.010 regarding trimming limbs projecting
2 into or over streets or sidewalks which may obstruct vision or interfere with the use or
3 maintenance of the street or sidewalk.

4 3. Mature street trees may be optionally pruned by the owner of the abutting property, without
5 permission or arborist supervision, subject to the following standards:

6 a. Deciduous trees may be pruned to thin or raise the tree crown to improve safety or tree
7 health. Optional pruning should not remove more than 10% of the existing crown in a
8 single year.

9 b. Pruning of deciduous and conifer evergreen trees should occur during the dormant season
10 (late fall to early winter);

11 c. Pruning of fruit and ornamental trees should occur prior to the growing season (late
12 winter to early spring);

13 d. Best management practices should be followed regarding equipment, cut angles, branch
14 selection, and other standards.

15 4. Unhealthy pruning practices, such as crown height reduction, topping, tipping, pollarding,
16 topiary pruning, bark ripping, flush cutting, and stub cuts, should be avoided.

17 **G. Sidewalks.**

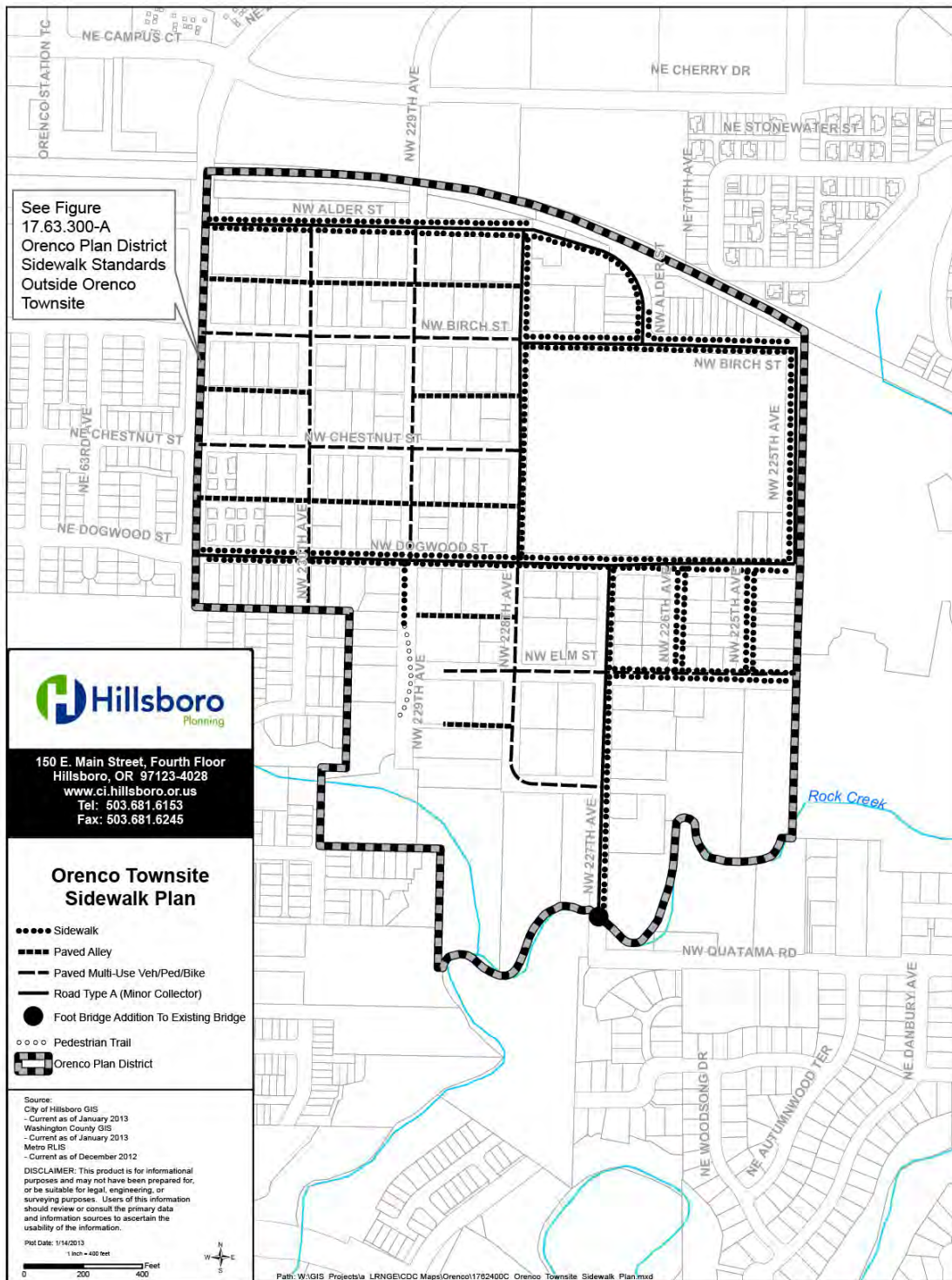
18 1. New development abutting the south side of NE Alder Street and the east side of NW 231st
19 Avenue shall construct 8-foot sidewalks, with at least 4-foot planter strips, on those street
20 frontages. All sidewalk improvements shall comply with the Public Works Design and
21 Construction Standards.

22 2. Except as provided in Subsection 3 below, elsewhere in the SCR-OTC zone new development
23 shall construct sidewalks at the locations and widths shown on Figure 12.62.300-B. Where
24 required, sidewalk improvements shall be constructed at the property line of Portland cement,
25 and shall comply with the Public Works Design and Construction Standards.

26 3. South of Dogwood Street, within the 229th Avenue right-of-way, an interim pedestrian
27 improvement may be constructed of compacted gravel compliant with ADA requirements as a
28 “soft travel surface.” The interim improvement shall be permitted pending additional
29 development on the adjacent properties.

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**Figure 12.62.300-B:
Orengo Townsite Sidewalk Plan**



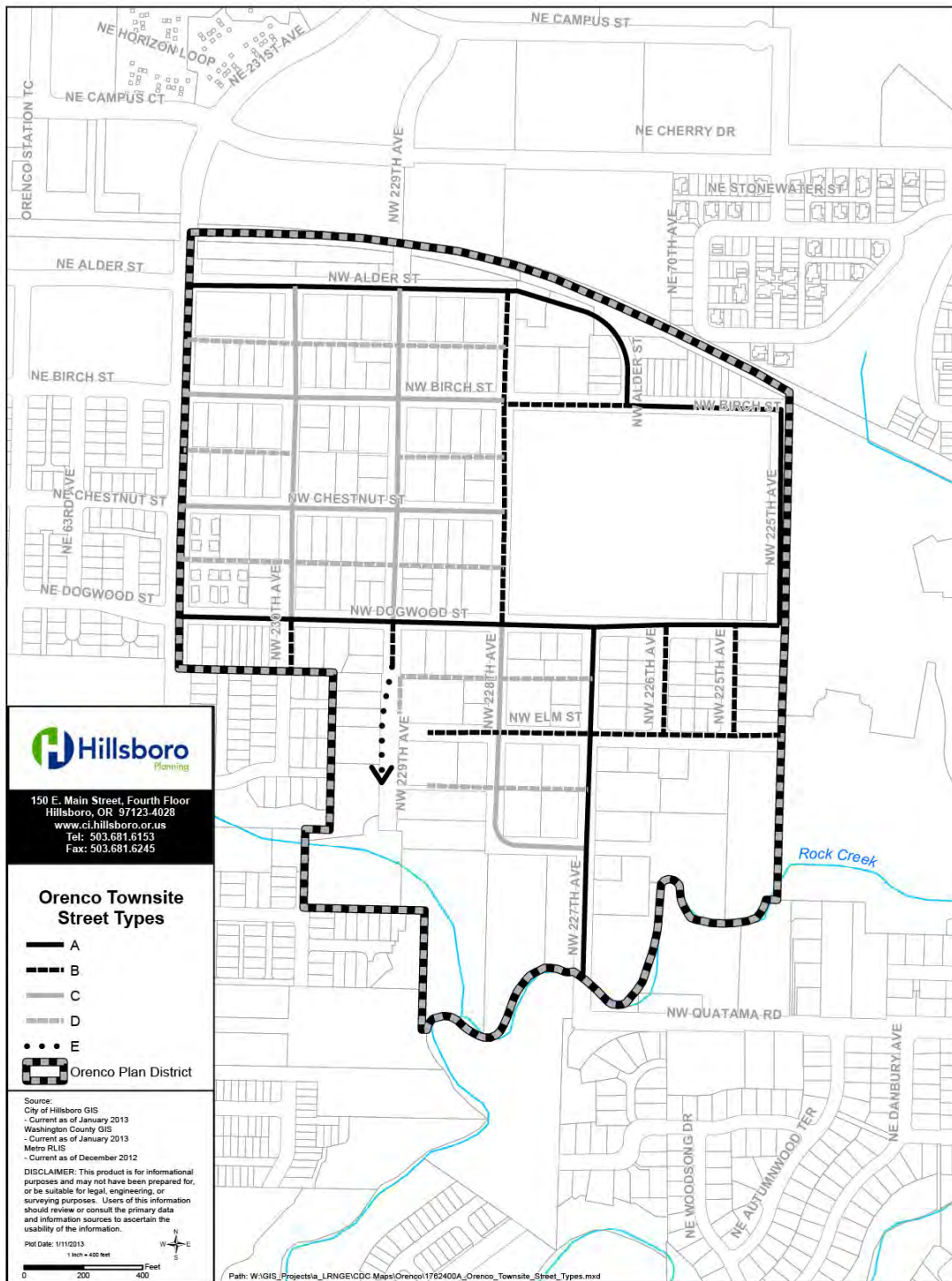
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1 H. Street and Alley Standards.

- 2 1. Except as provided under Subsection 2 below, new development within the 1908 Orenco
3 Townsite plat and the 1911 First Addition to Orenco plat, shall where necessary rededicate
4 previously vacated alleys in order to reestablish the original network of streets, alleys and
5 block perimeters as provided in this section.
- 6 2. Blocks 14, 21 and 22 in the First Addition to Orenco plat are exempt from the requirement in
7 subsection 1 above.
- 8 3. New development shall construct street, alley, and pedestrian way improvements as shown on
9 Figures 12.62.300-D, 12.62.300-E, 12.62.300-F, and 12.62.300-G and as described below:
- 10 a. Street improvement material and location: asphaltic concrete; centered in the public
11 right-of-way.
- 12 b. Shoulder improvement material and location: gravel; adjacent to the improved street
13 surface. Shoulders to be compliant with ADA requirements as a “soft travel surface”
14 where sidewalks not required.
- 15 c. On-street parking material and location: asphaltic concrete; adjacent to the improved
16 street surface where shown on Figure 12.62.300-G.
- 17 d. Drainage swales shall be maintained by the owner of the adjacent property, and shall
18 meet the following requirements:
- 19 i. Depth: 12 inches minimum; 18 inches maximum;
- 20 ii. Width: minimum 4 feet; maximum 6 feet;
- 21 iii. Slope: minimum 4 to 1; maximum 2 to 1.
- 22 e. Drainage swales shall not be filled or culverted, except where culverts are necessary
23 under approved driveways. Culvert installation shall meet the standards of subsection f
24 below, and shall be submit to approval by the City Engineer.
- 25 f. Culvert standards:
- 26 i. Maximum culvert length for a driveway to a single family house: 20 feet;
- 27 ii. Maximum culvert width for a commercial building on NW Alder Street: 40 feet;
- 28 iii. Minimum diameter: 12 inches; larger culvert diameters may be required by the
29 City Engineer based on upstream drainage requirements.
- 30 g. In lieu of additional public utility easements outside the right-of-way, planting strips
31 (where required) may serve as public utility easements only if utility installation would
32 not damage mature street trees or landscaping within the right-of-way or compromise the
33 functionality of the storm water drainage swale.
- 34 h. Alley improvements shall be constructed with inverted crowns and shall include
35 installation of catch basins upstream from their intersections with public streets.
- 36 i. Raised asphalt or concrete curbs are Not Permitted.

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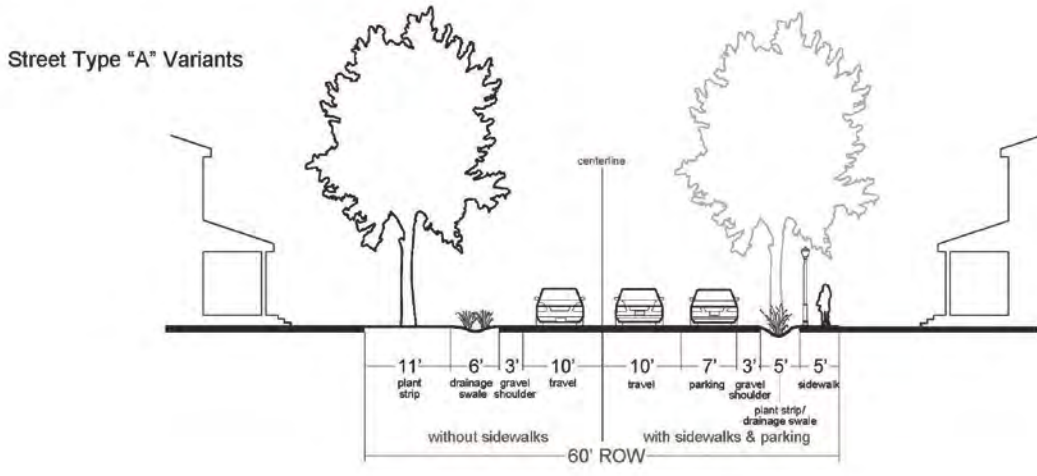
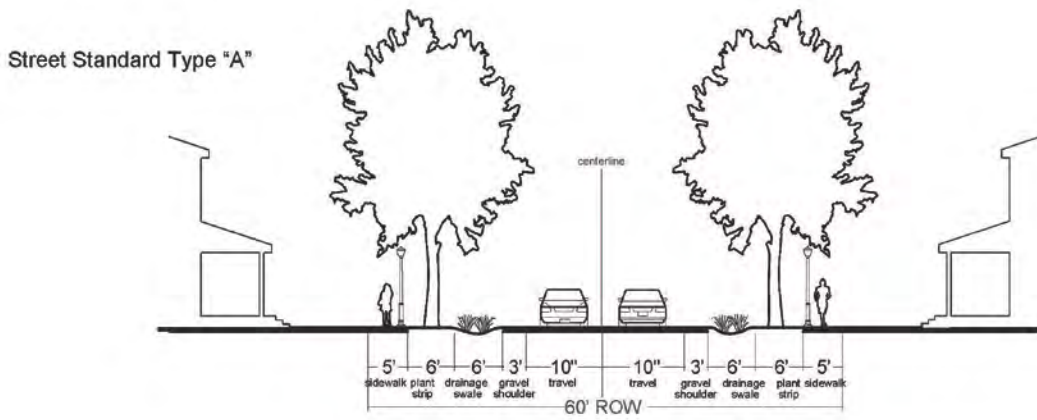
**Figure 12.62.400-C:
Orengo Townsite Street Types and Improvements**



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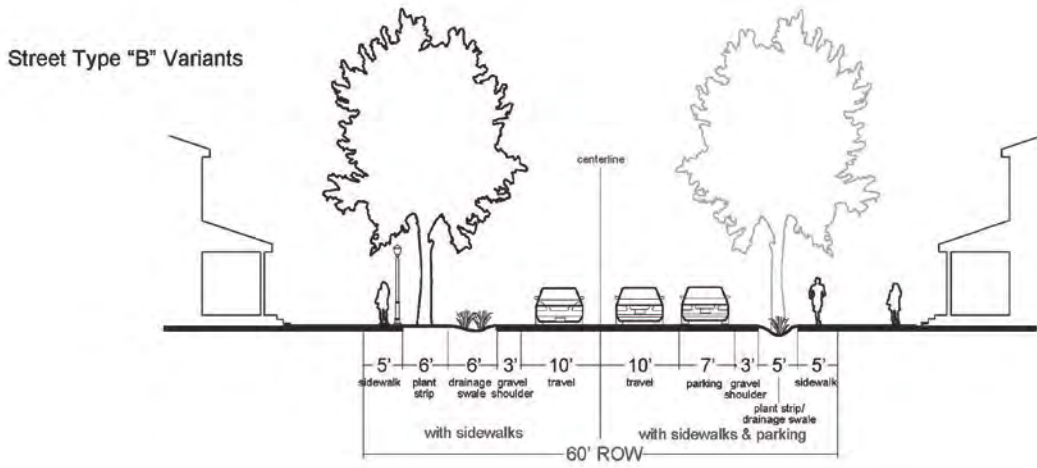
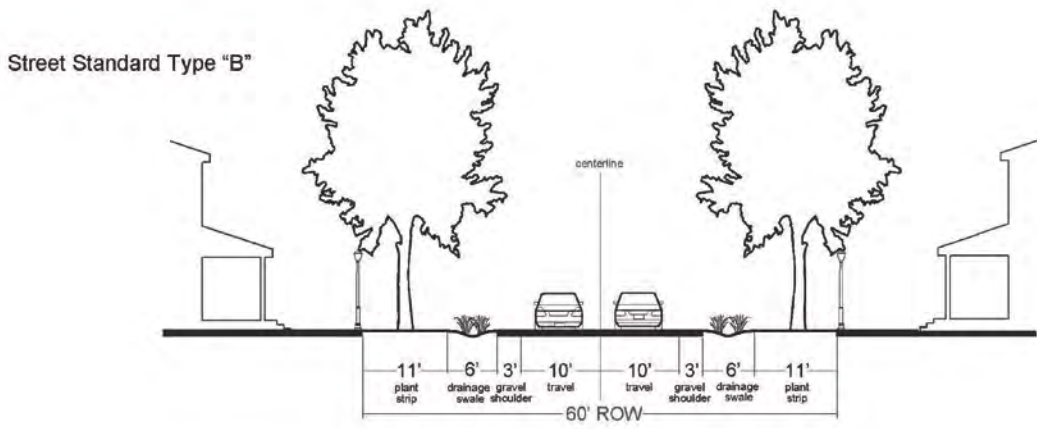
Figures 12.62.400-D: Orengo Townsite Cross Sections – Street Type “A”



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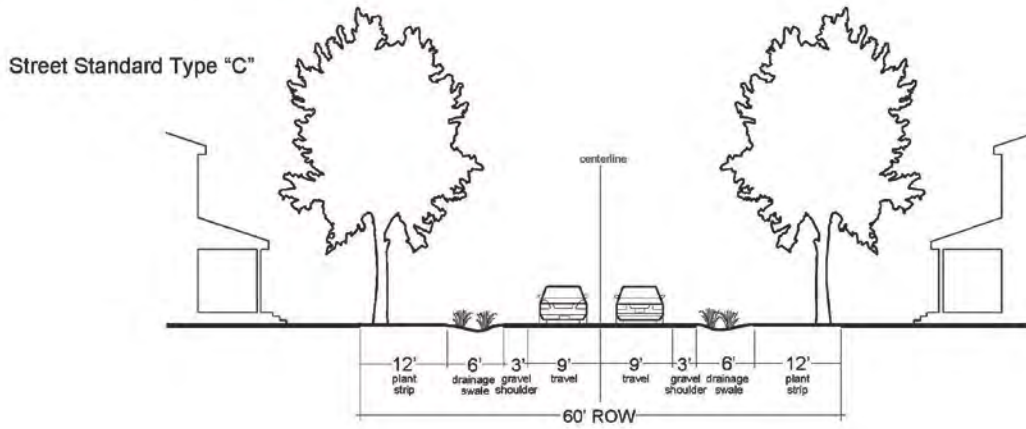
Figures 12.62.400-E: Orengo Townsite Cross Sections – Street Type “B”



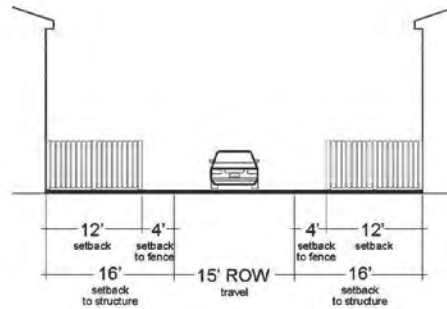
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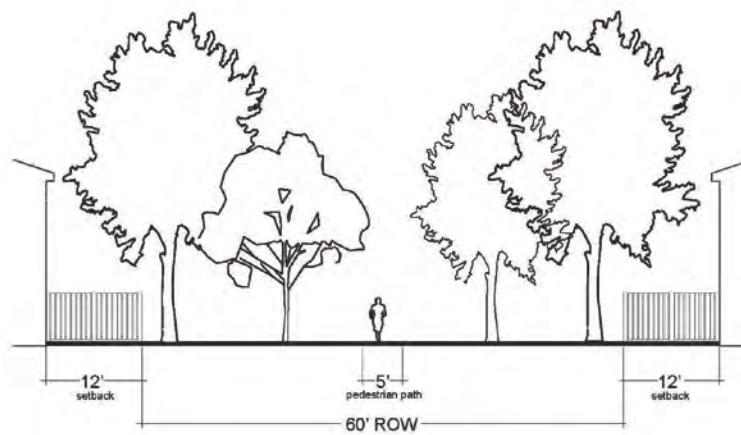
**Figures 12.62.400-F:
Orencia Townsite Cross Sections – Street, Alley and Pedestrian Way
Types “C”, “D”, and “E”**



Alley Standard Type “D”



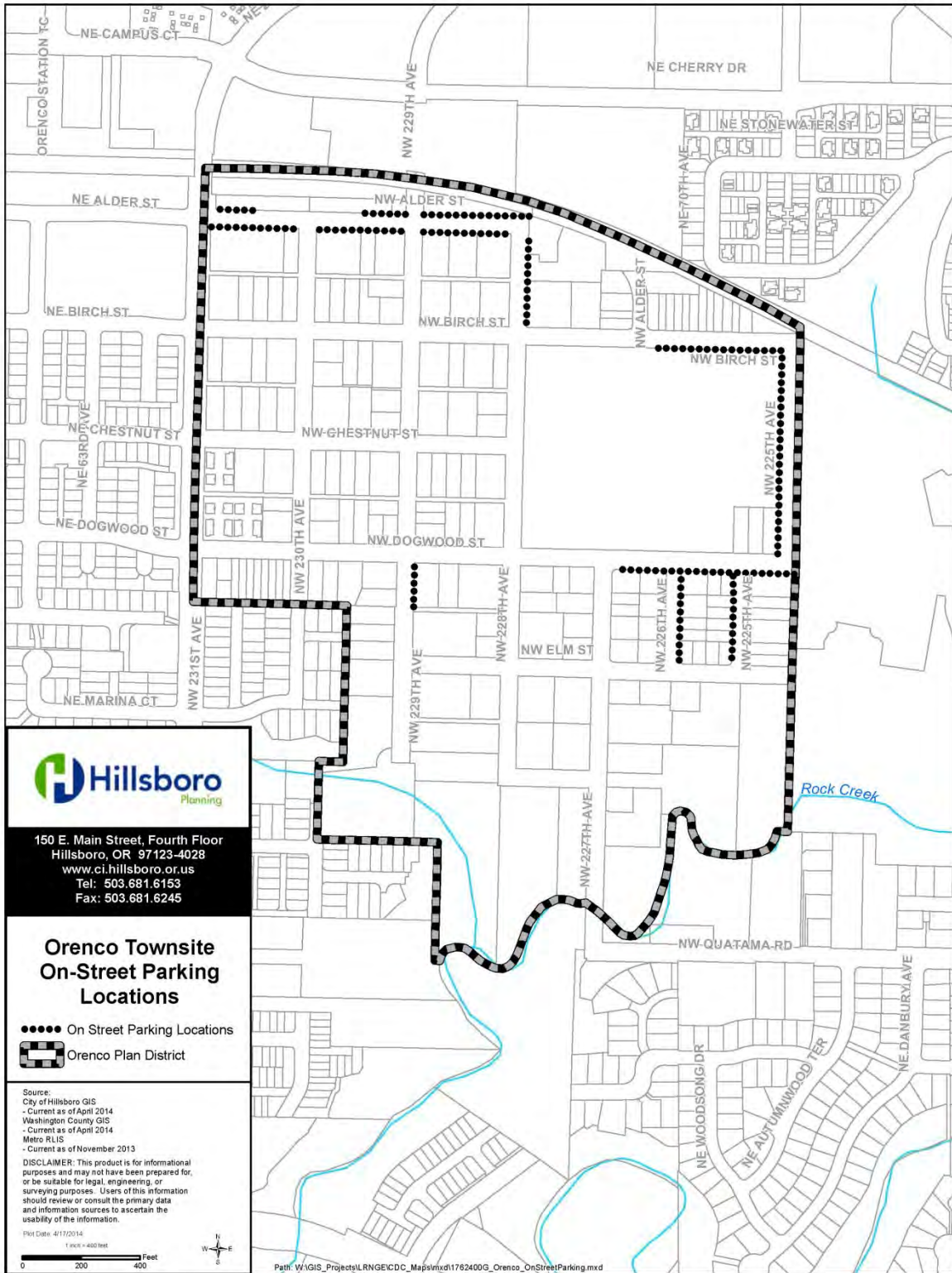
Pedestrian Way Standard Type “E”



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**Figure 12.62.400-G:
Orengo Townsite On-Street Parking**



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1 I. Lot Access. Flag lot access is Not Permitted. New lots created pursuant to subsections
2 12.80.096 or 12.80.098 shall access a public street. Land division approvals to create new lots
3 shall include, where applicable, rededication of previously vacated alley right-of-way as
4 necessary to recreate the original alley and street pattern.

5 J. Location and Design of Off-Street Parking.

- 6 1. Off-street parking is Not Permitted between the street and a non-residential structure.
- 7 2. Use of any lot exclusively for off-street surface parking is Not Permitted.
- 8 3. Loading docks and truck maneuvering areas are Not Permitted between the street and a non-
9 residential structure.
- 10 4. Parking areas shall be planted and maintained with tree and shrub species consistent with
11 Table 12.17.62.400-1.

12 K. Drive-Through Uses. Drive-through Uses are Not Permitted.

13 L. Streetscape and Site Design Standards and Guidelines.

- 14 1. Street and sidewalk design and construction shall comply with Subsections G and H, above.
- 15 2. Where new development is on lots adjacent to the locations specified below, the new
16 development shall install ornamental street lights to the Public Works Design and
17 Construction Standards specifications:
 - 18 a. Twin ornamental street lights at two diagonal corners of each street intersection.
 - 19 b. Single ornamental street lights on both sides of the street at the intersection with an alley.
 - 20 c. Single ornamental street lights on both sides of the street mid-block between street
21 intersections.
- 22 3. Sight-obscuring fencing or walls are Not Permitted unless planted with landscaping materials
23 which obscures the fence or wall surface from the public right-of-way.
- 24 4. Front yards shall be visually open to the street. They may contain a fence not exceeding four
25 feet (4') in height and which is visually open, may contain a landscaped berm not exceeding
26 two feet (2') in height, and/or may contain a hedge or other landscaping material so long as it
27 does not obscure the front yard or entrance to the building or dwelling. For purposes of this
28 provision, where a side yard of a corner lot is adjacent to a street, the side yard is subject to
29 the same standard as a front yard.

30 M. Exterior Alteration or Demolition Review. Review of all applications for demolition or exterior
31 alteration of existing structures shall follow the process described below. For purposes of this
32 subsection, "exterior alteration" is defined to include any addition to, removal from, and/or
33 change in the external appearance of a structure. The definition includes changes in site
34 landscaping if the landscaping is comparable in age to the structure, but excludes maintenance
35 and repair of exterior features which do not affect the feature's appearance.

36

- 1 1. Development Review approval for exterior alterations or demolitions shall include findings
2 documenting the applicability of the Architectural Conservation standards in Section
3 12.62.500 to the subject structure(s). The findings shall indicate whether the proposed
4 alteration or demolition is consistent with, inconsistent with, or exempt from the Architectural
5 Conservation Standards, based on the following factors:
 - 6 a. If the application meets the standards of Section 12.62.500, it shall be found consistent
7 with those standards and shall be approved or approved with conditions;
 - 8 b. If the application does not meet the standards of Section 12.62.500, but has not been
9 found exempt under Subsection c, below, it shall be found inconsistent with those
10 standards and shall be denied; or
 - 11 c. If the subject structure meets either of the criteria listed in Subsections i or ii below, the
12 application shall be found to be exempt from the standards of Section 12.62.500, and
13 shall be approved or approved with conditions:
 - 14 i. The age or architectural style of the existing structure is not consistent with the
15 standards of the SCR-OTC zone (1900s -1930s); or
 - 16 ii. The existing structure is deteriorated, damaged or remodeled beyond reasonable
17 expectation of restoration or rehabilitation meeting the standards of Section
18 12.62.500.
- 19 2. In addition to the consistency or exemption findings above, Development Review approvals
20 for exterior alterations or new additions shall include findings documenting the following:
 - 21 a. The exterior alteration will rehabilitate or restore historic features, retain existing form
22 and character, or prevent further deterioration or damage; or
 - 23 b. New additions are consistent with the scale and architectural features of the existing
24 structure.

25 N. Exterior Alteration of Townsite Period Structures. Exterior alterations to existing dwellings or
26 non-residential structures built between 1910 and 1938 are restricted to rehabilitation or
27 restoration which retains the character of the original structure, unless the existing structure is
28 deteriorated, damaged or remodeled beyond reasonable expectation of restoration or
29 rehabilitation meeting the standards of this section. Exterior rehabilitation and restoration shall
30 meet the following standards:

- 31 1. The architectural integrity of facade elements, including entrances, porches, dormers and
32 additions, shall be maintained or restored.
- 33 2. Original siding shall be retained wherever possible. If original siding cannot be retained,
34 replacement siding shall duplicate the style, pattern, and if practicable, the materials of the
35 original siding.
- 36 3. Imitative materials such as asphalt siding or artificial stone are Not Permitted.
- 37 4. Roof alterations shall match the existing pitch or design. Roofing materials shall match or be
38 consistent with the original roof.
- 39 5. Where installed, skylight locations and sizes do not detract from the original character of the
40 building.

- 1 6. Window and door reconstruction or replacement shall be consistent with structural character
- 2 and style. Use of wood is encouraged.
- 3 7. Historic plantings and landscaping shall be maintained wherever possible, and replacement
- 4 materials shall be consistent with the species described in Figure 12.62.400-A and Table
- 5 12.62.400-1.
- 6

1 **12.62.400 Architectural Conservation Standards Specific to the Orenco Townsite Area.**

2 A. Applicability. The standards of this subsection apply to new construction in the SCR-OTC zone.

3 B. Residential Standards. Architectural styles of new residential construction shall replicate major
4 elements of the 1900-1930 architectural styles characteristic of the original townsite. New
5 construction shall include the following features:

6 1. Porches. Front or wrap-around porches, where consistent with the architectural style of the
7 proposed building. Where provided, porches shall meet the following standards:

8 a. Minimum area of 80 sq. ft.,

9 b. Minimum depth of 5 feet;

10 c. Covered by a roof or balcony; and

11 d. Elevated or otherwise separated from the front yard by a railing or fence.

12 2. Foundations. Foundation height shall be between 24 inches and 32 inches above finished
13 grade. A lower foundation may be permitted only to allow ADA access if construction of
14 access ramps is not practicable. Plain concrete and plain concrete block may be used as
15 foundation materials only if the foundation height is 28 inches or less.

16 3. Garage Location. Garages for the main residential dwelling shall be either:

17 a. Detached and located behind the dwelling, farther from the street than the primary plane
18 of the rear elevation of the dwelling; or

19 b. Located within the mass of the dwelling, with the garage doors on the rear elevation.

20 4. Siding. Horizontal siding is permitted with a narrow course (6 inches to the weather on bevel,
21 clapboard, or similar siding; 10 inches on drop or rustic siding). Board and batten vertical
22 siding is also permitted: no other type of vertical or diagonal siding is permitted. The
23 following materials are not permitted as siding: concrete slab; concrete block; corrugated
24 metal; plywood or T-111; sheet pressboard; oriented strand board; or aluminum.

25 5. Colors. Building colors shall be compatible with the surrounding area, and consistent with the
26 color palettes characteristic of architectural styles of the 1890s-1930s. Bright, primary or
27 fluorescent colors are not permitted on the main mass of the structure.

28 6. Windows. Single windows and window pairs should be vertically proportioned and
29 surrounded by window trim at least 3 inches wide. Multi-paned windows are preferred on
30 street-facing elevations.

31 7. Roofs.

32 a. Rooflines. Where consistent with the architectural style, roofs shall include gables and
33 hips on the same building. Use of dormers is encouraged. Window, porch, and roof
34 eave-gable detailing shall incorporate design elements from the architectural style.

35 b. Pitch and Overhang. Roof pitch shall be a minimum 6/12. Roof overhang shall be at
36 least 18 inches at the eaves and 1 foot at the gable ends.

37 c. Roofing Materials. Roofing materials shall be consistent with the architectural style of
38 the structure. Colors shall be compatible with those used from 1900 to 1930.

- 1 8. Exterior Lighting. Entry door and front porch lighting are required on all new dwelling units.
2 Exterior lighting on dwellings and accessory structures shall not exceed 2 lumens, and shall
3 not glare or shine onto adjacent property.
- 4 9. Exterior Trim and Details. New residential construction shall incorporate trim and details
5 appropriate to the architectural style. Such trim and details may include but is not limited to:
6 cornices; pediments; door and window surrounds; pilasters; molding; baseboards; trims;
7 architraves; and lintels. New residential structures shall have at least one pediment or dormer.
8 Exterior stairs or fire escapes shall not be located on a façade facing a public street.

9 C. Mixed-Use, Commercial, or Institutional Standards. Architectural styles of new non-residential
10 construction (where permitted) shall replicate major elements of the 1900-1930 architectural
11 styles characteristic of the original townsite. New construction shall include the following
12 features:

- 13 1. Materials. Materials for new construction shall be selected and installed to replicate materials
14 characteristic of the 1900s – 1930s commercial buildings in the townsite. Materials shall be
15 durable and selected to integrate the new building with adjoining buildings.
- 16 2. Colors. Building colors shall be compatible with adjacent buildings and consistent with the
17 color palettes characteristic of architectural styles of the 1900s-1930s.
- 18 3. Roofs. Roofing materials shall be consistent with the architectural style of the structure. Roll
19 roofing shall be used only in conjunction with parapets, which are required on flat roofs.
20 Colors shall be compatible with adjacent buildings.
- 21 4. Building Façades. Building elevations facing a public street shall have windows, tripartite
22 façades, weather protection, and other architectural features characteristic of non-residential
23 buildings in the 1900s – 1930s in the townsite area.
- 24 5. Exterior Lighting. Exterior lighting fixtures and accessories shall be selected for consistency
25 with styles characteristic of the 1900s – 1930s styles in the townsite area. Lighting levels
26 shall be limited to a maximum 4 lumens, and shall not spill onto adjoining residential
27 property.
- 28 6. Mechanical Equipment. Mechanical or other equipment located on the ground, building
29 exteriors, or roof shall be either screened completely from street level with compatible
30 materials, or not visible from any public right-of-way.
- 31 7. Other Applicable Design Standards. In addition to the standards specified in this subsection,
32 the streetscape design guidelines contained in Section 12.50.530 shall be considered as
33 requirements for new Mixed-Use or institutional construction on properties subject to the
34 Orenco Plan District Architectural Conservation Standards.

35 D. Non-Conforming Attached Single Family and Multi-Family Development. As described in the
36 Historic Context statement at the beginning of this section, the townhouses and multi-family
37 developments in the Townsite sub-area were constructed based on earlier assumptions which
38 proved inaccurate. However, these developments are legal non-conforming Uses and can be
39 rebuilt if unintentionally destroyed, consistent with Section 12.30. In addition to Section 12.30,
40 any potential reconstruction of the townhouses constructed on Lots 1-6 , Block 10 of the Orenco
41 Townsite plat are subject to the following original conditions from Ordinance No. 1945:

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1. The demolition of the destroyed structures is exempt from the provisions of Section 12.62.300 M Exterior Alteration or Demolition Review.
2. Reconstruction is permitted of up to 14 attached rowhouse or townhouse dwelling units or up to 12 detached single family dwelling units per acre over the combined lots. To meet this standard, the minimum lot dimensions on Lots 1-6 shall be as follows: 2,000 square feet area; 25 foot lot width; and 75 foot lot depth.
3. Construction of ancillary unit(s) are Not Permitted on any lot containing a reconstructed townhouse.
4. Reconstruction of a townhouse shall be subject to the requirements of Section 12.62.400 B.

1 **12.62.500 Standards Applicable to other Areas in the District**

- 2 A. Minimum Lot Size. Lot sizes in the Orenco Station sub-area adjacent to the existing Sunset
3 Downs neighborhood shall be 6,800 sq. ft. minimum and 10,000 sq. ft. maximum.
- 4 B. Minimum and Maximum Residential Densities. The Orenco Station sub-area shall contain a mix
5 of Housing Types and densities. The minimum number of residential dwelling units is 1,834
6 dwelling units. The sub-area shall contain a mix of housing product types, densities and other
7 design elements, including a neighborhood commercial component, several parks and Usable
8 Open Space areas, pedestrian amenities, and a complete infrastructure, roadway and pedestrian
9 system which will combine to develop a residential village consistent with the provisions of the
10 applicable standards of the Concept Development Plans and of this Code.
- 11 C. Minimum Floor Area Ratios. The requirement (under the zoning adopted on August 15, 1996)
12 for 10.0% neighborhood commercial in the Orenco sub-area is waived for that portion of the sub-
13 area south of Cornell Road, and is also waived for that portion of the SCR-V District north of
14 Cornell Road if at least 2.00 net acres (including parking and circulation) of neighborhood
15 commercial Uses is provided on Orenco Station Parkway and/or NE 63rd Avenue north of
16 Cornell Road.
- 17 D. Minimum and Maximum Setbacks from Streets and Alleys. Front setbacks to 229th Avenue
18 may be increased up to 40 feet for residential structures, to accommodate the curved right-of-
19 way. The additional setback shall be improved as Usable Open Space.
- 20 E. Sidewalks. The Review Authority shall condition development approvals on the street frontages
21 shown on Figure 12.62.300-A to require construction of sidewalks as specified. All sidewalk
22 improvements shall comply with the Public Works Design and Construction Standards.
- 23 F. Location of Usable Open Space. Within that portion of the District zoned SCI Station
24 Community Industrial, preference for the location of Usable Open Space shall be given in the
25 following order:
- 26 a. Natural resource areas within the affected lots;
 - 27 b. Adjacency to the light rail alignment
 - 28 c. Adjacency to natural resource areas; and
 - 29 d. Adjacency to the residential districts within the Plan District.

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**Figure 12.62.300-A:
Orengo Plan District Sidewalk Requirements Outside Orengo Townsite**



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F. Street and Alley Standards. Within the SCR-V zone, increased block perimeters up to 2,000 feet shall be permitted for blocks meeting the following criteria:

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1. The larger block is adjacent to a park or open space with an internal pedestrian circulation system; and
2. An alley system is provided within blocks exceeding 1,600 foot perimeter distance.

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G. Location of Loading Areas. Loading docks and truck maneuvering areas are Not Permitted between the street and a non-residential structure.

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H. Drive-Through Uses. Drive-through Uses are Not Permitted on 231st Avenue adjacent to the SCR-OTC zone.

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SUBCHAPTER 12.63
HAWTHORN FARM / FAIR COMPLEX PLAN DISTRICT

- 12.63.100 Purpose**
- 12.63.200 Applicability**
- 12.63.300 Development and Design Standards**

1 **12.63.100 Purpose.**

2 A. The geographically specific Hawthorn Farm / Fair Complex Plan District development and
3 design standards reflect the City's goals and objectives for the Hawthorn Farm / Fair Complex
4 SCPA as described in the Hillsboro Comprehensive Plan.

5 B. Plan District standards within the previously developed Hawthorn Farm Business Park are
6 intended to minimally supplement the established design and character of the park, in order
7 enhance basic principles of increased density and enhanced pedestrian orientation near the
8 Hawthorn Farm LRT station.

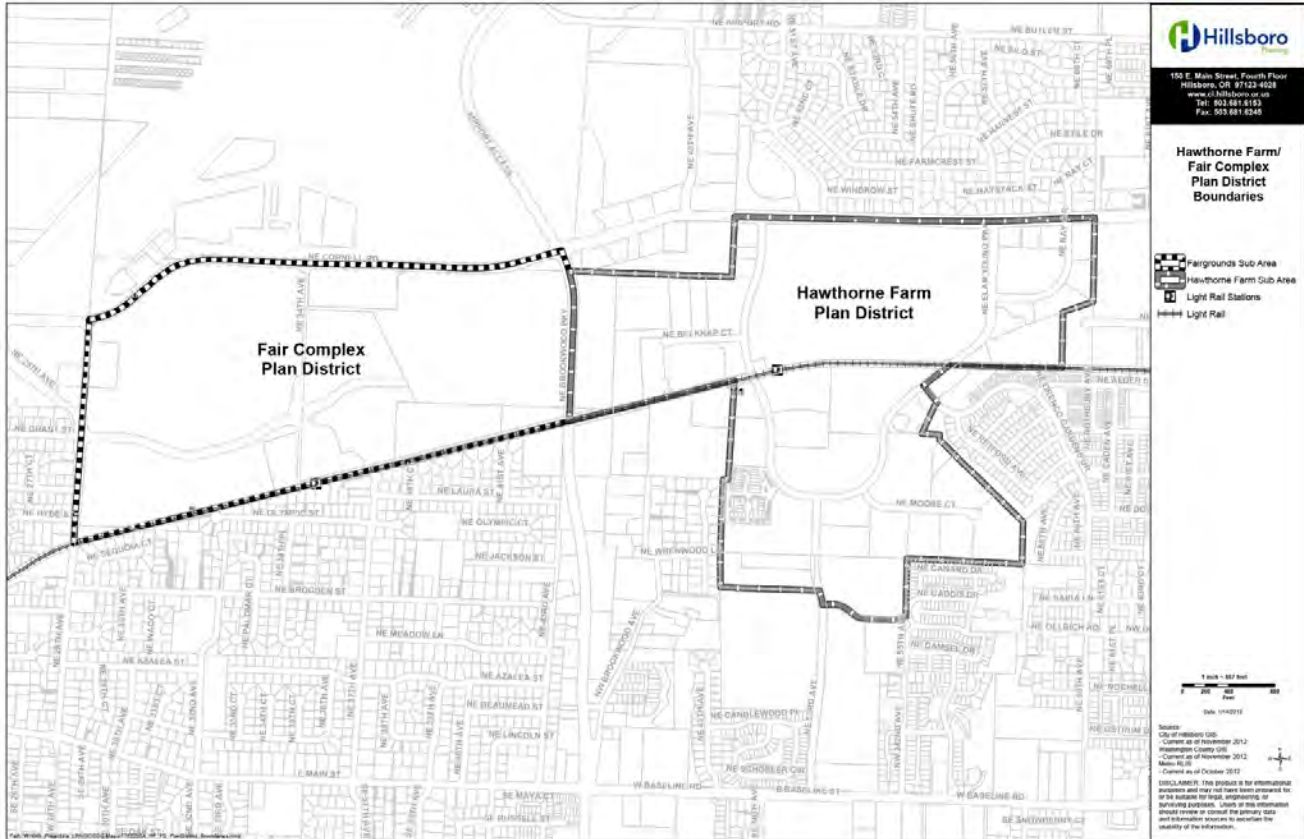
9 C. The Plan District standards applicable to the Fair Complex are intended to implement the intent
10 of the Fair Complex Master Plan, adopted by Washington County in October 2008 and revised in
11 October 2010.

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1 **12.63.200 Applicability.** The standards of this section apply to properties within the Hawthorn
2 Farm / Fair Complex Plan District boundaries as shown on Figure 12.63.200-A. There are two zones
3 applicable within the Hawthorn Farm / Fair Complex Plan District:

- 4 • SC-BP Station Community Business Park
- 5 • SCFI Station Community Fairgrounds Institutional

6 **Figure 12.63.200-A:**
7 **Hawthorn Farm / Fair Complex Plan District.**

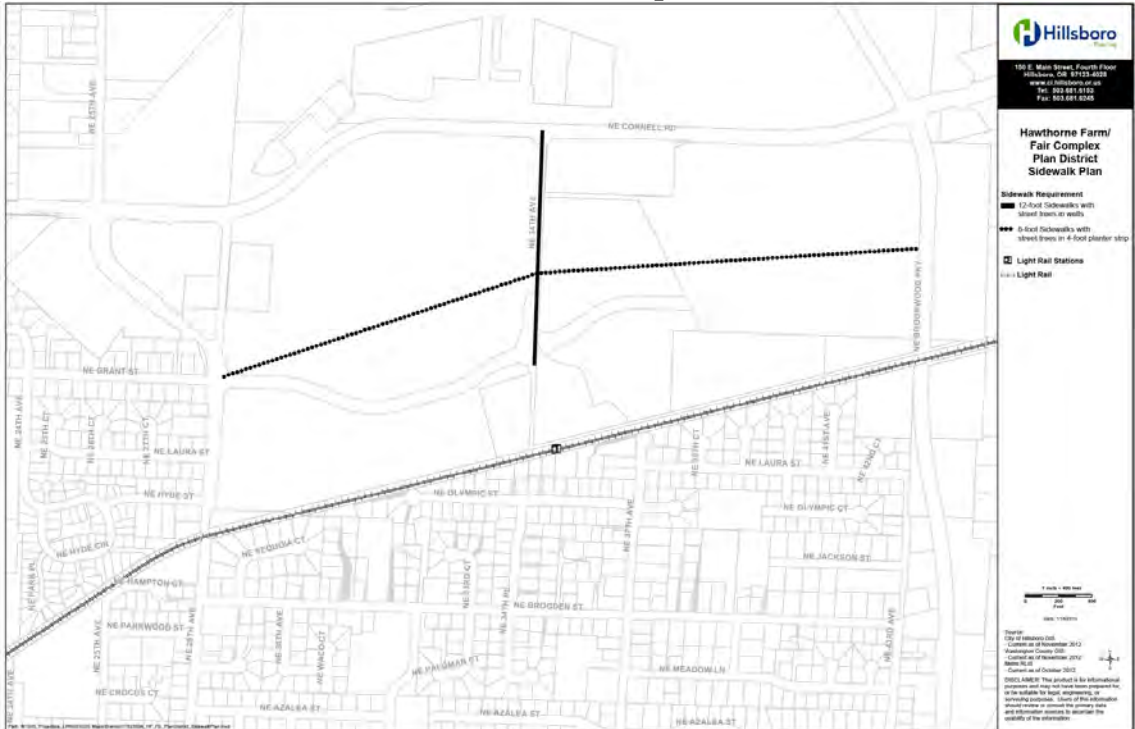


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1 **12.63.300 Development and Design Standards.**

- 2 A. Permitted, Restricted and Specially Regulated Uses. Medical and dental offices, outpatient and
3 clinical facilities are considered a permitted Use in the SCBP zone. However, this Use shall be
4 limited in size to not more than 15,000 square feet per tax lot. Parking for this type of use shall
5 be provided at the ratios specified for Medical Offices as shown in Table 12.50.320-2.
- 6 B. Minimum Usable Open Space Requirements. On lots abutting the Dawson Creek riparian area,
7 up to 200 feet of area (measured from top of bank) may be counted toward usable open space
8 requirements if viewing areas and pathways make the area publicly accessible.
- 9 C. Sidewalks. New development shall construct sidewalks at the locations and widths shown on
10 Figure 12.63.300-A. Sidewalks on streets not shown on Figure 12.63.300-A shall meet the width
11 requirements of the Public Works Design and Construction Standards. All sidewalk
12 improvements shall comply with the Public Works Design and Construction Standards.

13 **Figure 12.63.300-A:**
14 **Hawthorn Farm / Fair Complex Sidewalks**



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- 16 D. Building Entries and Orientation. New development on lots in Hawthorn Farm abutting the
17 Dawson Creek riparian area may orient building entrances toward Dawson Creek. Off-street
18 parking and pedestrian accessways may also be oriented toward the riparian area provided that
19 Usable Open Space or natural area is retained between the building and the top of the creek bank.
- 20 E. Location and Design of Off-Street Parking. New development on lots abutting the Dawson
21 Creek riparian area may site off-street parking between the street and the building if the area
22 between the building and the top of the creek bank is improved and enhanced as Usable Open
23 Space.

SUBCHAPTER 12.64
AMBERGLEN PLAN DISTRICT

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3	12.64.010	Purpose
4	12.64.020	Applicability
5		
6	12.64.100	Base Zone Standards Exceptions
7	12.64.110	Exceptions to Required Setbacks and Height Limits
8	12.64.120	Exceptions to Minimum Floor Area Ratio
9	12.64.130	Exceptions to the Front Property Line Coverage
10		
11	12.64.200	Site Design
12	12.64.210	Usable Open Space
13	12.64.220	Landscaping
14	12.64.230	Tree Preservation
15	12.64.240	Exterior Lighting
16	12.64.250	Fencing and Free-Standing Walls
17	12.64.260	Drive-Through Facilities
18	12.64.270	Sidewalk Dining and Displays
19	12.64.280	Outdoor Display and Storage
20	12.64.290	Recycling Enclosures
21		
22	12.64.300	Vehicle and Bicycle Parking
23	12.64.310	Vehicle and Bicycle Parking Applicability
24	12.64.320	Number of Spaces Required
25	12.64.330	Adjustments for Reduced or Increased Parking
26	12.64.340	Off-Site Parking
27	12.64.350	Vehicle Loading
28	12.64.360	On-Site Parking and Loading: Location, Design and Improvements
29	12.64.370	Bicycle Parking
30		
31	12.64.400	Pedestrian and Bicycle Connectivity and Circulation
32		
33	12.64.500	Street Location and Connectivity Standards
34	12.64.510	Purpose
35	12.64.520	Applicability
36	12.64.530	General Street Connectivity and Circulation Standards
37	12.64.540	Street Location and Connectivity
38	12.64.550	Street Connectivity and Block Length Requirements
39		
40	12.64.600	Street Design and Character
41	12.64.610	General Applicability and Design
42	12.64.620	Maintenance of Landscaping and Irrigation in Rights-of-Way
43	12.64.630	Street Trees

1	12.64.640	Street Cross-Sections and Design Standards
2	12.64.650	Streetscape Standards
3		
4	12.64.700	Stormwater Management and Site Grading
5	12.64.710	Purpose
6	12.64.720	General Provisions
7	12.64.730	Consolidated Stormwater Facilities
8	12.64.740	Site Grading
9	12.64.750	Low Impact Development Approach Guidelines
10		
11	12.64.800	Building Design Standards
12	12.64.810	Purpose
13	12.64.820	Applicability
14	12.64.830	Massing and Form
15	12.74.840	Building Design and Character
16	12.64.850	Pedestrian Active Use Requirements
17	12.64.860	Structured Parking
18	12.64.870	Green Construction Requirements
19		
20	12.64.900	Application of Public Benefit Standards
21	12.64.910	Purpose
22	12.64.920	General Provisions
23	12.64.930	Vertical Mixed-Use Public Benefits
24	12.64.940	Mixed Income Housing
25	12.64.950	Green Buildings
26	12.64.960	Public Art
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1 **12.64.010 Purpose.** The geographically-specific AmberGlen Plan District development and design
2 standards reflect the City’s goals and objectives for the AmberGlen Community, and support the
3 implementation of the vision, goals, and policies outlined in the AmberGlen Community Plan. More
4 specifically, the Plan District standards are intended to:

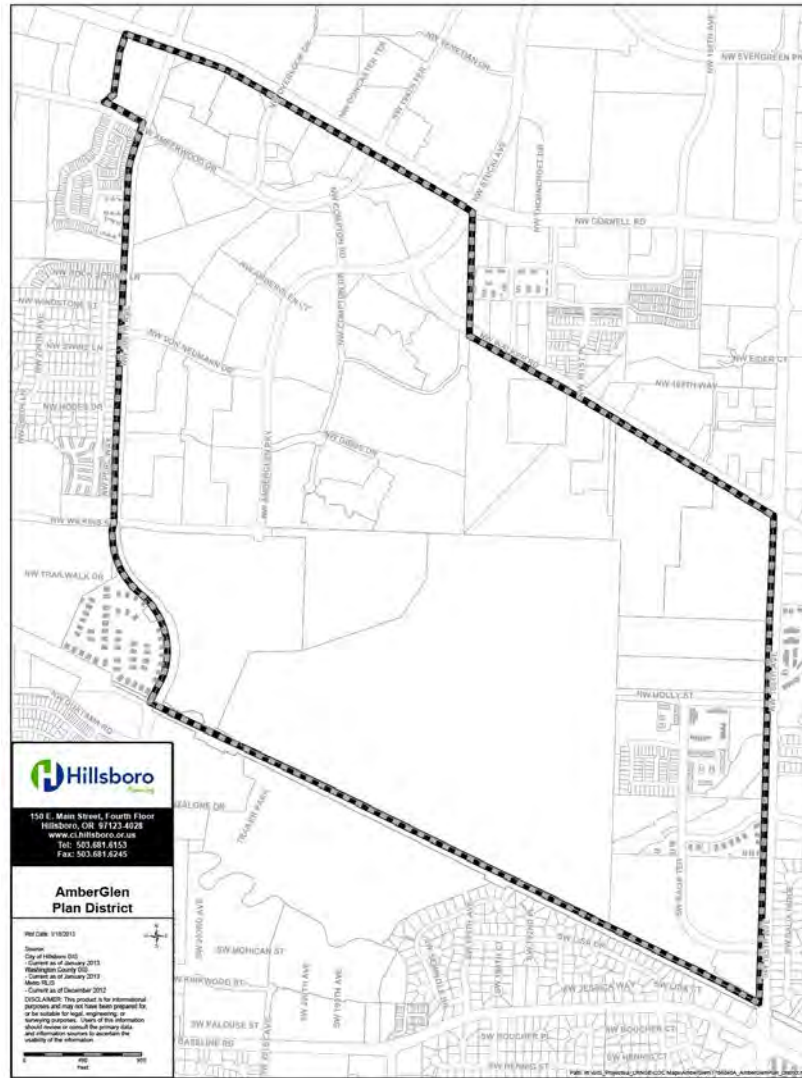
- 5 A. Allow for the gradual transition of existing Uses in the AmberGlen Plan District to higher
6 intensity development over time;
- 7 B. Support existing office development;
- 8 C. Promote the implementation of urban center density targets;
- 9 D. Provide the concentrations of residential and employment necessary to support high capacity
10 transit;
- 11 E. Increase the range of housing options available in the city’s urban centers;
- 12 F. Support the retention and expansion of institutional Uses; and
- 13 G. Promote innovative, high-quality, sustainable development.

14 **12.64.020 Applicability.**

- 15 A. Applicable Zones. The standards of this subchapter apply to properties within the AmberGlen
16 Plan District boundaries as shown on Figure 12.64.020-A. There are six base zones applicable
17 within the AmberGlen Plan District:
 - 18 1. UC-RM Urban Center - Residential Medium Density
 - 19 2. UC-MU Urban Center - Mixed-Use Urban Density
 - 20 3. UC-AC Urban Center - Activity Center
 - 21 4. UC-NC Urban Center - Neighborhood Center
 - 22 5. UC-OR Urban Center-Office/Research
 - 23 6. UC-RP Urban Center - Research Park

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**Figure 12.64.020-A:
AmberGlen Plan District Boundaries**



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B. Application to Conforming and Non-Conforming Properties.

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1. The provisions of Subchapter 12.64 apply to all conforming and nonconforming properties as shown in Table 12.64.020-1. In Table 12.64.020-1, “immediately previous HZO Uses and standards” refers to the provisions of Zoning Ordinance No. 1945 as applicable on the subject property as of July 5, 2012. “CDC Uses and standards” refers to the provisions of this Code. Percentage of expansion in use or structure size is measured from existing Gross Floor Area (GFA) as of July 5, 2012.

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**Table 12.64.020-1:
Applicability of AmberGlen Plan District Standards
(GFA = Gross Floor Area)**

Percentage of Expansion	Conforming Uses and Structures	Nonconforming Uses, Structures, or Both
< 10% GFA	<ul style="list-style-type: none"> • CDC Uses and standards OR immediately previous HZO standards applied at applicant’s election • Development Review process NOT required 	<ul style="list-style-type: none"> • CDC Uses and standards OR immediately previous HZO standards applied at applicant’s election • Development Review process NOT required • Compliance with Subsection 12.30.800.A demonstration of “practical difficulty or unnecessary hardship” NOT required
10% to 20% GFA	<ul style="list-style-type: none"> • CDC Uses and standards OR immediately previous HZO standards applied at applicant’s election • Development Review process IS required 	<ul style="list-style-type: none"> • CDC Uses and standards OR immediately previous • HZO standards applied at applicant’s election • Development Review IS required • Compliance with Subsection 12.30.800.A: demonstration of “practical difficulty or unnecessary hardship” NOT required.
>20% GFA	CDC Uses and standards applicable; Development Review IS required	

2. Where Table 12.64.020-1 allows compliance with either the immediately previous HZO standards or the current CDC standards, an application must address all applicable provisions of either the CDC or the immediately previous HZO, depending on the applicant’s election in each case.
3. Except as specified in Table 12.64.020-1, all provisions of Section 12.80.040 apply to all construction, development, and redevelopment in the Urban Center (UC) districts.
4. Gross Floor Area is defined in Section 12.01.500 as excluding underground parking. In the AmberGlen Plan District only, Gross Floor Area includes interior parking and loading spaces.

12.63.030 Organization. The sections in this subchapter are structured to mirror the organization of Subchapter 12.50, in order to better identify those standards which supersede the requirements of Subchapter 12.50.

1 **12.64.100 Base Zone Standards Exceptions.** Base zone standards exceptions include the
 2 following sections:

- 3 12.64.110 Exceptions to Required Setbacks and Height Limits
- 4 12.64.120 Exceptions to Minimum Floor Area Ratio (FAR)
- 5 12.64.130 Exceptions to the Front Property Line Coverage

6 **12.64.110 Exceptions to Required Setbacks and Height Limits.** Table 12.64.110-1 identifies
 7 exceptions to the required minimum and maximum setbacks and maximum heights specified in the
 8 applicable base zones in the AmberGlen Plan District. The exceptions allowed in Table 12.64.110-1 are
 9 subject to compliance with applicable standards of the Oregon Structural Specialty Code and Oregon
 10 Fire Code.

11 **Table 12.64.110-1:**
 12 **Exceptions to Base Zone Development Standards**

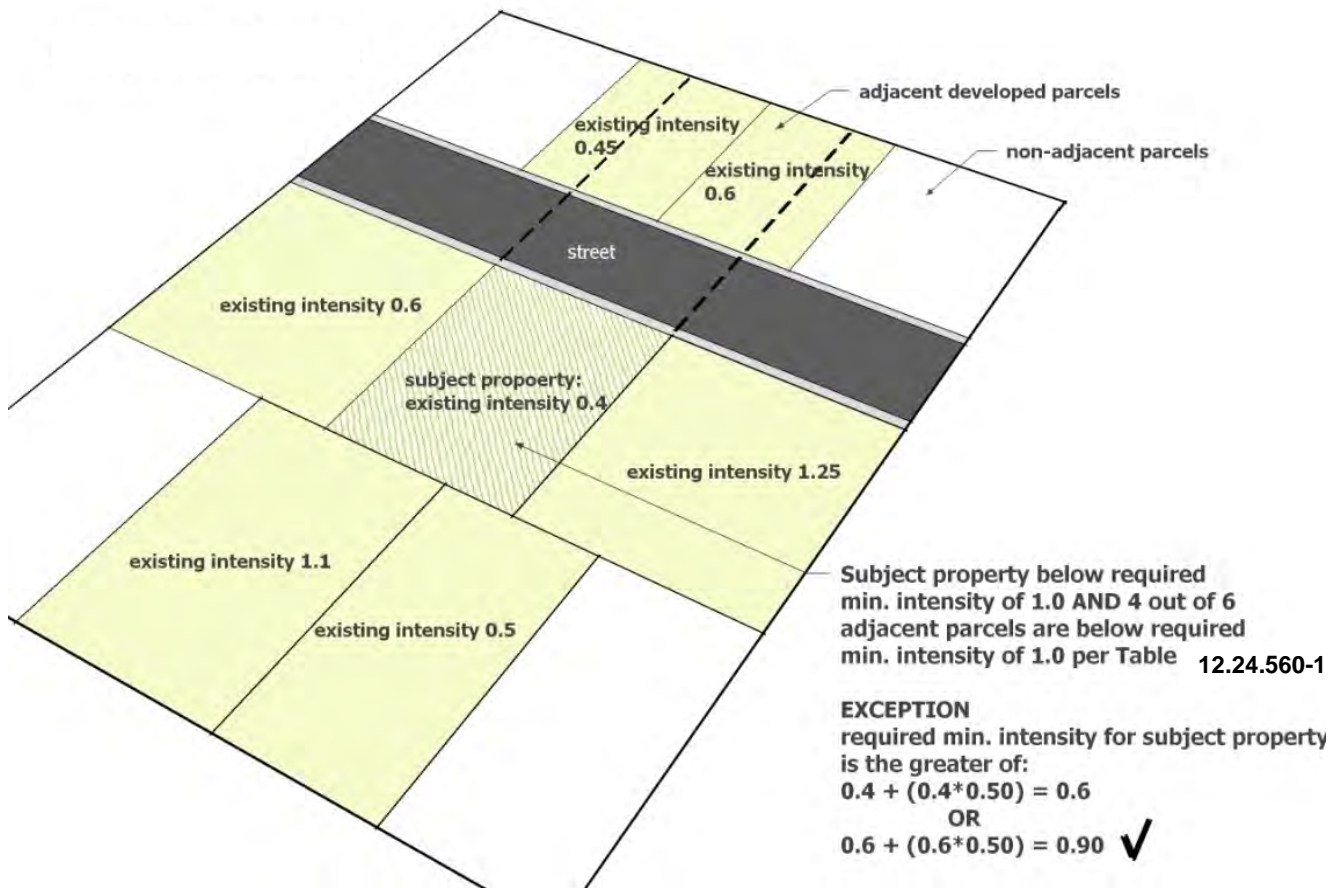
Structure or Feature	Exception
Exceptions to Minimum and Maximum Setbacks	
Accessory structures and recreational facilities in public parks	Exempt from minimum and maximum setbacks
Architectural projections (see Subsection 12.50.130.H.3): Non-load-bearing architectural features, porches, decks, pergolas, balconies and stoops	May project up to 4 feet into a required setback
On-site energy production equipment including but not limited to solar, wind, and geothermal energy equipment	Permitted in side or rear setbacks, no closer than 5 feet to any property line.
Exceptions to Building Height Limits	
Structural projections (see Subsection 12.50.140.F)	Exempt from maximum building heights
On-site solar energy production equipment	May project up to 3 feet above maximum height limit
On-site wind energy production equipment in the UC-OR and UC-RP zones	May project up to 30 feet above maximum height limit

13 **12.64.120 Exceptions to Minimum Floor Area Ratio (FAR).**

- 14 A. Lots developed below the minimum non-residential FAR standard of the applicable base zone
 15 may redevelop in accordance with Subsection B, below, without reaching the minimum FAR if
 16 all of the following conditions are met:
 - 17 1. No portion of the subject lot is located within 800 feet of a Light Rail Transit (LRT) or High
 18 Capacity Transit (HCT) station;
 - 19 2. The subject lot is developed with non-residential Uses at less than 50 percent of the
 20 minimum FAR; and
 - 21 3. More than one-half of the adjacent developed parcels with non-residential Uses are also
 22 developed below the minimum FAR. For purposes of this condition, intervening streets
 23 between lots do not interrupt adjacency.

- 1 B. If the conditions in Subsection A, above, are met, the subject lot can be redeveloped with non-
 2 residential Uses at whichever of the levels listed in Subsections 1 and 2, below, results in a
 3 greater FAR. If the result of either, calculation in Subsections 1 and 2, below, exceeds the
 4 minimum FAR standard of the applicable base zone, then the minimum FAR standard shall
 5 apply. Figure 12.64.120-A illustrates the provisions of this subsection for the UC-MU Zone:
- 6 1. Redevelopment level 1: a non-residential FAR of not less than the current developed non-
 7 residential FAR on the subject parcel plus 50 percent of the existing FAR; or
 - 8 2. Redevelopment level 2: the current developed non-residential FAR of the adjacent parcel
 9 with the highest non-residential FAR below the minimum FAR for the zone plus 50 percent
 10 of that FAR, whichever is greater.

11 **Figure 12.64.120-A:**
 12 **Examples of Exceptions to Minimum Floor Area Ratio: UC-MU Zone**



13

14 **12.64.130 Exceptions to the Front Property Line Coverage.** To provide flexibility for
 15 construction of buildings that meet either minimum FAR or minimum Residential Density, the Front
 16 Property Line Coverage percentages required in the Base Zone standards in Subchapter 12.24 may be
 17 reduced by not more than 25 percent if the applicant enters into a Development Agreement or other
 18 instrument acceptable to the City which commits the project to a phased development plan which
 19 ultimately meets the Front Property Line coverage standard. The signed Development Agreement or
 20 other instrument shall be recorded and shall run with the land.

1 **12.64.200 Site Design.** Site design standards for the AmberGlen Plan District include the following
 2 sections:

- 3 12.64.210 Usable Open Space
- 4 12.64.220 Landscaping
- 5 12.64.230 Tree Preservation
- 6 12.64.240 Outdoor Lighting
- 7 12.64.250 Fences and Walls
- 8 12.64.260 Drive-Through Facilities
- 9 12.64.270 Sidewalk Dining and Displays
- 10 12.64.280 Outdoor Storage
- 11 12.64.290 Recycling Enclosures

12 **12.64.210 Usable Open Space.**

13 A. Purpose. The standards in this Section are intended to ensure that all development in the
 14 AmberGlen Plan District provides for on-site open space, and that the shape, size, and design of
 15 that open space is usable by the occupants, residents, or visitors. This section is intended to be
 16 read in conjunction with Section 12.50.210, but supersedes Section 12.50.210 pursuant to
 17 Subsection 12.50.020.C.

18 B. Usable Open Space Requirements in General.

- 19 1. Usable Open Space requirements vary based on gross site acreage and development type as
 20 specified in Table 12.64.210-1. Required Usable Open Space may be either common/shared
 21 or private, as defined in Section 12.50.210.
- 22 2. Usable Open Space areas may be either publicly or privately owned, as determined during
 23 the land use approval process.

24 **Table 12.64.210-1:**
 25 **AmberGlen Plan District Minimum Usable Open Space Requirements**

Gross Site Acreage	Type of Development	
	Residential or Mixed-Use with Residential Component	Non-Residential
<0.25	100 sq. ft./du	None
0.25 to 1.0	100 sq. ft./du	5 percent of gross lot area
1.01 or more	100 sq. ft./du or 5 percent of gross lot area, whichever is greater	5 percent of gross lot area

- 26 3. Developments larger than 4.0 gross acres may aggregate required Usable Open Space into
 27 one or more designated Usable Open Space sites, common areas, or pocket parks, pursuant to
 28 Subsection C, below.
- 29 4. At least 50 percent of required Usable Open Space in the following locations shall have
 30 public access:
 - 31 a. Retail Focus Frontage areas designated on Figure 12.64.640-A; and
 - 32 b. UC-NC and UC-AC zones.

- 1 5. In the UC-MU, UC-AC, UC-NC, and UC-OR zones, where outdoor seating for eating and
2 drinking establishments are a permitted or conditional use, up to 65 percent of the seating
3 area may be credited toward the Usable Open Space requirement.

4 C. Usable Open Space Locational Requirements.

- 5 1. Usable Open Space shall be sited and improved to provide opportunities for physical activity
6 and social interaction. The entirety of the required Usable Open Space shall be improved for
7 such purposes except where Significant Natural Resources Level 1, 2, or 3, 100-year
8 floodplain, or delineated wetlands are present.
- 9 2. Preference in the placement of Usable Open Space shall be given to sites that:
- 10 a. Enhance opportunities for recreation (active or passive) and access to nature;
- 11 b. Enhance opportunities for interaction between residents, tenants, and/or the public;
- 12 c. Enhance park sites adjacent to converging pedestrian routes;
- 13 d. Preserve otherwise unprotected natural resources and wildlife habitat on the site;
- 14 e. Can be combined with adjacent sites to create opportunities for larger contiguous tracts of
15 Usable Open Space; or
- 16 f. Protect lands where more intense development than open space may otherwise have an
17 adverse impact on Significant Natural Resources, wetlands, or floodplains on adjacent
18 properties.
- 19 3. Significant Natural Resource Areas and Impact Areas may be counted as Usable Open Space
20 consistent with Subsection 12.50.210.D.3.

21 D. Outdoor Types of Usable Open Space Areas. The following types of public and private outdoor
22 spaces may be counted towards minimum open space requirements:

- 23 • Plazas, patios, pocket parks, and other community gathering spaces that provide opportunities
24 for outdoor seating, dining, and social interaction;
- 25 • Courtyards, balconies and yards intended for individual units;
- 26 • Community gardens or similar spaces designated for Urban Agriculture Uses;
- 27 • Playgrounds;
- 28 • Recreational facilities;
- 29 • Habitable, landscaped roofs (which may include “green roof” treatments);
- 30 • Green access lanes that do not provide vehicle access, and that comply with the standards of
31 Subsection 12.64.640.I;
- 32 • Extra sidewalk width (beyond that required for through pedestrian passage widths by Section
33 12.64.640) created between the building façade and the required through pedestrian passage
34 area and furnished for outdoor dining or seating; or
- 35 • Similar gathering space as approved by the Review Authority.

- 1 E. Indoor Usable Open Space Areas. To meet social objectives served by Usable Open Space,
 2 interior, multi-purpose community space provided for private or public use may be counted
 3 towards the Usable Open Space requirement.
- 4 F. Usable Open Space Dimensional Requirements. Where provided, hardscaped Usable Open
 5 Space shall meet the dimensional standards shown in Table 12.64.210-2.

6 **Table 12.64.210-2:**
 7 **Minimum Usable Open Space Dimensions**

Type of Usable Open Space	Required Size
Balconies or porches	Depth and width at least 6 feet
At grade patios	Depth at least 6 feet and width at least 10 feet
Private yards	Depth and width at least 10 feet
Courtyards/plazas or areas providing space for outdoor seating, dining, and social interaction	Depth at least 10 feet and width at least 20 feet; total area at least 1,000 square feet

8 G. Pedestrian-Oriented Feature Requirements. In order to create “third places” attractive to and
 9 usable by the public, Usable Open Space areas in the AmberGlen Plan District shall incorporate
 10 a minimum of three pedestrian-oriented features, such as, but not limited to:

- 11 • Benches or low walls with seating areas;
- 12 • Trees selected from the Public Works Design and Construction Standards Street Tree list;
- 13 • Free standing planters and/or raised planting beds designed to treat stormwater and allow
 14 infiltration into the underlying soil;
- 15 • Public art or sculpture;
- 16 • Water features and/or drinking fountains;
- 17 • Outdoor dining areas;
- 18 • Play structures;
- 19 • Weather canopies or sunshades; or
- 20 • Other pedestrian-oriented features as approved by the Review Authority.

21 H. Usable Open Space in Phased Developments. Usable Open Space in Phased Developments shall
 22 be provided in compliance with Section 12.50.210.

23 I. Exclusions. The features listed in Subsection 12.50.210.I cannot be counted as Usable Open
 24 Space.

1 **12.64.220 Landscaping.**

2 A. Purpose. Landscaping standards for development are intended to ensure that landscaping is
3 designed and provided to:

- 4 1. Enhance the character of public and private spaces;
- 5 2. Create an inviting, year-round environment for pedestrians;
- 6 3. Reduce urban heat island effects, intercept rainwater, and support urban wildlife; and
- 7 4. Enhance ecological functions and provide access to nature.

8 B. Applicability. Any portion of a site not occupied by buildings, parking, improvements, or
9 protected natural resources shall be landscaped according to the requirements of this Section.
10 This section is intended to be read in conjunction with Section 12.50.220, but supersedes Section
11 12.50.220 pursuant to Subsection 12.50.020.C.

12 C. CPTED Standards. Crime Prevention through Environmental Design (CPTED) guidelines
13 located in Section 12.50.940 shall be considered in the design of landscaped areas to preserve
14 site lines from sidewalks and parking areas to building entryways. Consideration shall include
15 review for the following factors:

- 16 1. Clear distinction between the public and semi-private realms;
- 17 2. Clear sight lines along public pathways and in public spaces;
- 18 3. Clear views from streets to pathways, open space and car parking areas;
- 19 4. Opportunities for natural surveillance of lanes, sidewalks, streets, and other public spaces;
20 and
- 21 5. Adequate security lighting of pedestrian and cycling routes, car parking areas, and other
22 public spaces.

23 D. Landscaping on Public Properties. All landscaped areas in the public right-of-way, and all
24 landscaped areas associated with any consolidated regional water quality facility, shall be
25 designed by a registered Landscape Architect and installed in accordance with the City of
26 Hillsboro Design and Construction Standards, or in accordance with Parks and Recreation
27 Department specifications for parkways and any area maintained by the Parks and Recreation
28 Department.

29 E. LIDA Standards. All landscaping and planting plans associated with private water quality
30 facilities featuring Low Impact Development Approaches (LIDA) shall be designed in
31 accordance with the requirements of Section 12.64.750.

32 F. Landscape Materials. Landscaping shall be designed to feature plant materials that evoke the
33 natural character of the Pacific Northwest and that are adaptable to climatic, topographic, and
34 hydrologic characteristics and urban constraints.

- 35 1. At least 75 percent of the plant materials shall be selected from plant lists in Appendix A of
36 the June 2007 CWS Design and Construction Design Standards. The remaining plant
37 materials shall be selected from naturalized and non-invasive species. Nuisance plants as
38 defined in Section 12.01.500 are Not Permitted. The following exceptions are permitted:

- a. Non-native, non-naturalized, ornamental plants featured as design accents are permitted as plantings in pots and containers.
 - b. Lawns are permitted in areas designated for active recreation.
 - c. Edible vegetables and fruits are permitted in community gardens where Park and Open Space Uses are permitted or approved.
 - d. Street tree species shall include those listed in the City of Hillsboro Design and Construction Manual.
2. Landscaped areas shall include a mixture of planted areas and hardscape elements as an overall landscape framework including, but not limited to:
 - Walls;
 - Seating;
 - Raised planters;
 - Pervious paving, rain gardens and other stormwater facilities, compliant with Section 12.64.750, that can serve multiple purposes; and
 - Other features as approved by the Review Authority.
 3. Installation and maintenance of plant materials shall be in accordance with the American Nursery and Landscaping Association standards and the following standards:
 - a. Plant materials shall be nursery stock or the equivalent quality and installed to industry standards or better;
 - b. Plant materials shall be staked to current industry standards or better. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic; and
 - c. Planting plans associated with private water quality facilities featuring Low Impact Development Approaches (LIDA) as described in the July 2009 CWS LIDA Handbook shall be designed in accordance with the requirements of Section 12.64.750.
 4. Minimum Sizes and Spacing for Landscaping Materials. Table 12.64.220-1 shows the minimum sizes and spacing for landscaping materials at planting:

**Table 12.64.220-1:
Minimum Sizes and Spacing for Landscaping Materials**

Species	Minimum size at planting	Maximum spacing at planting
Deciduous trees	Single stem: 2-inch caliper 4 feet above grade Multi-stem: 8 feet height	Mature canopy width apart
Coniferous trees	6 feet height	15 feet on center; 10 feet on center if planted as a screening buffer
Large shrubs (> 6 feet mature height)	5 gallon pot	5 feet on center

Species	Minimum size at planting	Maximum spacing at planting
Medium shrubs (> 6 feet mature height)	3 gallon pot	4 feet on center
Small shrubs (3 to 6 feet mature height)	1 gallon pot	3 feet on center
Ground covers and annuals	1 gallon pots	2 feet on center
	4-inch pots	18 inches on center
	2¼-inch pots	12 inches on center

5. Ground Covers Required. 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, mulch or other organic soil covers are not considered to meet this standard.
6. Natural Vegetation. 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.
7. Open Space and LIDA. Usable Open Space and LIDA used to manage stormwater in accordance with Section 12.64.750 may be credited towards required landscaping provided they are integrated into the overall landscape concept for the site.

12.64.230 Tree Preservation.

A. General Standards for Mature Trees.

1. The standards of Subsection 12.50.230.C shall apply in the AmberGlen Plan District, with the exception that conifer trees in AmberGlen are considered mature at 20 feet in height.
2. Where the Review Authority determines it is impracticable or unsafe to preserve mature trees, they shall be removed and replaced in accordance with an approved landscape plan that includes new and similar trees at least 2 ½” in caliper at breast height.

B. General Standards for Specimen Trees. The standards of Subsection 12.50.230.D shall apply in the AmberGlen Plan District.

12.64.240 Exterior Lighting.

A. Applicability and Exceptions.

1. Except as provided in Subsection 2, below, these standards shall apply to all Type II and Type III development applications in which exterior lighting is proposed or required as a condition of approval; and to any exterior lighting installed outside the land use approval process, unless a Variance or Adjustment has been granted by the Review Authority pursuant to Section 12.80.150.
2. The following types of lighting are not subject to the requirements of this Section:
 - a. Public street and right-of-way lighting;
 - b. Temporary decorative seasonal lighting;
 - c. Temporary lighting for emergency work or night time construction;

- d. Temporary lighting for theatrical, television and performance areas, or for special public events;
- e. Lighting for a special district, street or building that according to an adopted city plan or ordinance requires special lighting aesthetics as part of its physical character; and
- f. Lighting required and regulated by the FAA.
- g. 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 21.5 lumens/square meter, and exterior lighting is extinguished no later than 11:00 pm.

B. Design Standards.

- 1. Light Trespass and Shielding. Lighting fixtures shall comply with the standards of Subsection 12.50.240.D.
- 2. Pole and Fixture Heights. Maximum pole height is 20 feet for properties containing residential Uses and 35 feet for properties containing no residential Uses.
- 3. Walkway Lighting. On-site walkways shall be illuminated to a minimum of level 2 footcandles.
- 4. Uplighting. General up-lighting of façades or features is Not Permitted.
- 5. Efficiency Standards. All exterior lighting fixtures shall meet the efficiency standards in Table 12.64.240-1.

**Table 12.64.240-1:
Minimum Lighting Efficiency Standards in AmberGlen Plan District**

Standard	UC-MD	All Other AmberGlen 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 manufacturer’s specifications or results of an independent testing laboratory)	80 lumens/watt	80 lumens/watt

12.64.250 Fencing and Free-Standing Walls.

- A. Maximum Height. Fences and free-standing walls in front, side, or rear yards shall not exceed the maximum heights in Table 12.64.250-1 unless approved by the Review Authority pursuant to Section 12.80.150.

1
2

**Table 12.64.250-1:
Maximum Fence / Free-Standing Wall Heights**

Zone	Maximum Height		
	Front Yard	Side Yard	Rear Yard
UC-RM	3½ feet	6 feet	6 feet
UC-MU	4 feet		
UC-AC			
UC-NC			
UC-OR			
UC-RP	6 feet		

3

B. Materials.

4
5
6

1. Fences and free-standing walls shall be constructed of durable materials compatible with the primary materials used on the associated building façade. Materials may include but are not limited to, the following:

7

a. Masonry or brick;

8

b. Solid wood with masonry or brick columns;

9

c. Wrought iron with masonry or brick columns; or

10

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

11

2. Chain link, industrial materials, and unprocessed waste materials are Not Permitted as fencing or free-standing wall materials.

12

3. All fences and free-standing walls shall be treated with anti-graffiti sealant.

14

4. This section is intended to be read in conjunction with Section 12.50.250, but supersedes Section 12.50.250 pursuant to Subsection 12.50.020.C.

15

16

5. All fences and free standing walls in the AmberGlen Plan District are subject to review and approval under Section 12.80.060.

17

18

12.64.260 Drive-Through Facilities.

19

A. Locations Restricted.

20

1. Drive-through facilities in the AmberGlen Plan District shall be limited to sites adjacent to NW Cornell Road, NW Walker Road, NW 185th Avenue, or NW 205th Avenue.

21

22

2. Drive-through facilities are not permitted for eating and drinking establishments or retail product and service Uses within 400 feet of an HCT station. Beyond 400 feet from an HCT station, single-lane drive-through facilities for eating and drinking establishments or retail product and service Uses are permitted.

23

24

26

B. Design Requirements. The provisions in Section 12.50.860 shall apply to all drive-through facilities in the AmberGlen Plan District.

27

1 **12.64.270 Sidewalk Dining and Displays.** In all AmberGlen zones except UC-RM, sidewalk
2 seating for restaurants and display stands for pedestrian-oriented sales may be located on the sidewalk
3 between the back of curb and the back of the sidewalk if such activities meet the following standards:

- 4 A. The activity has received a Street Vendors License under Hillsboro Municipal Code Section
5 5.36;
- 6 B. The activity occurs only when the related business is open for business (unless otherwise
7 permitted by the Street Vendor License); and
- 8 C. The activity maintains at least 5 feet unimpeded sidewalk clearance for pedestrian movement.

9 **12.64.280 Outdoor Display and Storage.**

- 10 A. In all AmberGlen zones except the UC-RP zone, permanent outdoor display or storage of
11 materials or equipment by commercial Uses is Not Permitted.
- 12 B. Within the UC-RP zone, outdoor storage of inventory or equipment is permitted. The provisions
13 in Section 12.50.880 shall apply to outdoor storage in the UR-RP zone.
- 14 C. The term “equipment” as used in this subsection does not apply to motor vehicles licensed for
15 street use and regularly used in the conduct of business.

16 **12.64.290 Solid Waste and Recycling Facilities.** All development shall provide an area for
17 collection of recyclable materials in compliance with the following standards:

- 18 A. For residential development, the recycling enclosure shall contain 7.5 sq. ft. of area for each of
19 the first 50 units, and an additional 4 sq. ft. of area for each unit beyond 50.
- 20 B. For non-residential development, the recycling enclosure shall contain 3.5 sq. ft. of area for each
21 1,000 sq. ft. of the first 50,000 sq. ft. GFA, plus 2.25 sq. ft. for each 1,000 sq. ft. of GFA above
22 50,000.
- 23 C. The recycling enclosure shall be located inside the primary or accessory structure or in an
24 outdoor area screened from view from public streets and surrounding properties by an opaque
25 fence or wall between 6 and 7 feet in height. The fence shall be constructed of wood or of one of
26 the primary materials used on the primary structure façade.
- 27 D. Recycling enclosures outside the primary structure shall be located within 100 feet of a primary
28 structure entrance for convenient access by occupants or residents of the primary structure.
- 29 E. Shared waste and recycling enclosures shall be designed and located to allow convenient access
30 by vehicles used by the solid waste and recycling service provider. The access route for vehicles
31 servicing recycling enclosures have a minimum vertical clear distance of 10 feet free from
32 encroachments by building features or landscaping.

1 **12.64.300 Vehicle and Bicycle Parking.** Vehicle and bicycle parking standards for the AmberGlen
 2 Plan District include the following sections:

- 3 12.64.310 Vehicle and Bicycle Parking Applicability
- 4 12.64.320 Number of Spaces Required
- 5 12.64.330 Adjustments for Reduced or Increased Parking
- 6 12.64.340 Off-Site Parking
- 7 12.64.360 On-Site Parking and Loading: Location, Design and Improvements
- 8 12.64.370 Bicycle Parking

9 **12.64.310 Vehicle and Bicycle Parking Applicability.** The standards in this Section apply to all
 10 new construction in the AmberGlen Plan District, and to all redevelopment or expansions of existing
 11 structures that increase the Gross Floor Area (GFA) of the existing structure by more than 20 percent.
 12 However, compliance with this section is not required for change of occupancy of an existing building:
 13 this provision supersedes the requirement of Subsection 12.50.410.B regarding provision of bicycle
 14 parking with changes of use. Unless otherwise provided in Section 12.64.340, all required parking shall
 15 be located on-site on the same property as the use it serves, or in the adjacent public right-of-way.

16 **12.64.320 Number of Spaces Required.** Development and redevelopment shall comply with the
 17 minimum and maximum vehicle parking and minimum bicycle parking requirements in Table
 18 12.64.320-1. Maximum parking includes short-term and guest parking but does not include parking
 19 designed and restricted to shared cars, vanpools, handicapped or fleet vehicles.

20 **Table 12.64.320-1:**
 21 **Minimum, Maximum, and Bicycle Parking Requirements in the AmberGlen Plan District**
 22 **(required spaces per 1000 sq. ft. are GFA unless specified otherwise)**

Use	Vehicle Minimum	Vehicle Maximum	Bicycle Minimum
Residential Use Categories			
Detached single-family dwelling	0.75 per unit	2 per unit	None
Two-dwelling attached townhouses or duplexes	0.75 per unit	2 per unit	1 per unit
Three-dwelling (or more) townhouses	0.75 per unit	2 per unit	1 per unit
Multiple-dwelling structure	0.75 per unit	2 per unit	1 per unit
Live-work dwelling	.5 per unit	2 per unit	1 per unit
Group Living	2 per facility	1 per bedroom	1 per unit
Residential Services	.25 per resident plus 1 per caregiver	.75 per resident	1 per unit
Residential Business	2 per unit	3 per unit	1 per unit
Commercial Use Categories			
Commercial Lodging	.5 per guest room + .3 per FTE employee	1 per guest room + .6 per FTE employee	.125 per 1,000 sq. ft. GFA
Commercial Recreation	NA	6.5 per 1,000 sq. ft.	1.5 per 1,000 sq. ft.

Use	Vehicle Minimum	Vehicle Maximum	Bicycle Minimum
Commercial Parking	NA	NA	1 per 20 auto spaces
Durable Goods Sales		3.2 per 1,000 sq. ft.	.125 per 1,000 sq. ft., minimum 2 spaces
Eating and Drinking Establishments (see below)			
Fast food	NA	7 per 1,000 sq. ft.	2 per 1,000 sq. ft., minimum 2 spaces
Casual dining	NA	12 per 1,000 sq. ft.	.25 per 1,000 sq. ft., minimum 2 spaces
Fine dining	NA	10 per 1000 sq. ft.	.125 per 1,000 sq. ft., minimum 2 spaces
Educational Services	.15 space per FTE student and employee	.3 space per FTE student and employee	Spaces equal to 5 percent of FTE student and employee
Office (see below)			
General	NA	3.4 per 1,000 sq. ft.	.125 per 1,000 sq. ft., minimum 2 spaces
Medical, Dental, Veterinary	NA	4.9 per 1,000 sq. ft.	.25 per 1,000 sq. ft., minimum 2 spaces
Retail Products and Services	NA	5 per 1,000 sq. ft.	.25 per 1,000 sq. ft., minimum. 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. in primary building	1 per 1,000 sq. ft. in primary building
Industrial Use Categories			
Industrial Services	NA	2 per 1,000 sq. ft.	.125 per 1,000 sq. ft., minimum 2 spaces
Manufacturing and Production	NA	2 per 1,000 sq. ft.	.125 per 1,000 sq. ft., minimum 2 spaces
Solid Waste Recycling	NA	NA	NA
Vehicle Storage	NA	NA	NA
Warehouse and Freight Movement	NA	NA	NA
Wholesale Sales	NA	NA	NA
Institutional Use Categories			
Colleges and Universities	1.5 per 1,000 sq. ft.	3.0 per 1,000 sq. ft.	5 percent of FTE students and employees
Community Services	NA	6.5 per 1,000 sq. ft.	1.5 per 1,000 sq. ft., minimum 2 spaces

Use	Vehicle Minimum	Vehicle Maximum	Bicycle Minimum
Detention Facilities	1 per 1,000 sq. ft.	1.5 per 1,000 sq. ft.	
Hospitals	1.5 per 1,000 sq. ft.	3.0 per 1,000 sq. ft.	.125 per 1,000 sq. ft.
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 percent 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

1 **12.64.330 Adjustments for Reduced or Increased Parking.**

- 2 A. Adjustments in General. The parking requirements in Table 12.64.320-1 may be adjusted as
3 indicated in Subsections B through I, below, with the following exceptions: the combined effect
4 of any Adjustments shall not reduce required vehicle parking by more than 50 percent;
5 reductions below minimum parking requirements shall not reduce maximum parking permitted;
6 and additional off-street parking may be required if the City Engineer finds that more parking is
7 necessary to avoid adverse impacts to traffic flow on surrounding streets. Requests for
8 Adjustments shall be processed under a Type II or Type III process as specified in Section
9 12.80.154 or 12.80.156, except that the criteria in this section supersede the criteria in Section
10 12.80.158 F and G.
- 11 B. Adjustments for Joint Use Parking. Where two land Uses in separate use categories share a
12 parking lot or structure, the total off-site parking required for those Uses may be reduced by the
13 factors shown in Table 12.64.330-1. Total off-street parking required shall be the sum of the two
14 parking requirements for the two Uses divided by the factors for that combination of Uses shown
15 in Table 12.64.330-1. If three or more Uses share a parking lot or structure, required parking
16 shall be calculated by applying Table 12.64.330-1 to the two Uses with the largest parking
17 requirements, then adding the required parking for the additional Uses.

Table 12.64.330-1:

Joint-use Parking Reduction Factors in the AmberGlen Plan District

Property Use	Residential	Institutional	Commercial Lodging, Eating and Drinking, or Major Assembly	Retail Products and Services	Office
Residential					
Institutional	1.1				
Commercial Lodging, Eating & 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	

- C. Credit for On-Street Parking. Minimum required off-street parking shall be reduced by one space for each on-street parking space located immediately in front of the development site as described in Subsections 1 and 2, below. Credit for on-street parking applies to parking for the primary structure as a whole, and not to any specific use on the parcel.
1. On Interior Lots. On-street spaces include only those on the same street side as the development, where more than half the length of the parking space is located between the two extended side lot lines of the site.
 2. On Corner Lots. On-street spaces include only those on the same street side as the development, where more than half the length of the parking space is located between the extended side lot line of the site and the street intersection.
- D. Age-Restricted Housing. Minimum required off-street parking for multi-family residential or group living Uses shall be reduced by 50 percent for each structure in which at least 80 percent of the units are restricted to occupancy by persons over 60 years of age or where at least 80 percent of the units are restricted to occupancy by persons meeting the Federal Housing Administration definition of “handicapped” individuals.
- E. Shared Car and Van Pool Spaces. Minimum required off-street parking for all Uses shall be reduced by four spaces for each automobile parking space signed and reserved for use by shared car services and by eight spaces for each automobile space signed and reserved for use by a vanpool service. If this credit is used, the property owner shall be responsible for ensuring that the shared car and van pool spaces are not occupied by other vehicles.
- F. Transit Proximity. Minimum required parking for all Uses shall be reduced by 25 percent for all properties located partially or entirely within 1,300 ft. of a light rail station or a high capacity transit stop.
- G. Shared Parking Structure. At the applicant’s option, minimum required vehicle parking may be reduced by up to 25 percent, or maximum permitted vehicle parking may be increased by not more than 25 percent, if at least 80 percent of the required vehicle parking for two or more adjacent properties in separate ownership is provided in a single parking structure.

1 H. Bicycle Parking. Except for schools, if a use requires more than 50 bicycle parking spaces to be
2 provided, the amount of bicycle parking required above 50 spaces may be reduced by up to 75
3 percent.

4 I. Parking Impact Study. The minimum and maximum vehicle parking and minimum bicycle
5 parking standards in Table 12.64.320-1 may be adjusted if the applicant submits a parking
6 impact study supporting the request for Adjustment, and the Planning Director finds that the
7 study reflects the parking needs of the property more accurately than Table 12.64.320-1. To
8 qualify for parking Adjustments based on a parking study, the applicant must consult with the
9 City prior to preparing the parking impact study, and the City may require that the applicant use
10 specific assumptions or data sources in the preparation of the study. The Planning Director is not
11 required to accept the results of the parking impact study or to approve the requested parking
12 Adjustment.

13 **12.64.340 Off-Site Parking.** If it cannot be practicably located on-site, required vehicle parking
14 may be located not farther than 600 feet from the use it serves, in a parking structure or surface parking
15 lot. The 600 foot distance shall be measured on a sidewalk or other pedestrian route from the nearest
16 point of the parking structure or parking lot to a pedestrian entrance of the served use.

17 A. To provide required parking off-site, documentation shall be provided to the City that the use has
18 the right to construct or use the required number of spaces in the off-site location for at least 10
19 years, and that those spaces are not required to meet the minimum parking requirements of any
20 other use.

21 B. Approval to use off-site required parking shall be formalized in an agreement between the
22 applicant and the owner of the off-site location, in a form acceptable to the City. The agreement
23 shall stipulate that if the off-site parking becomes unavailable for any reason during the
24 minimum 10 year period, replacement parking will be provided no further from the property than
25 the original parking for the remainder of the 10-year period.

26 C. Wherever off-site parking is used, the property owner shall require on-site employees to park in
27 the off-site parking to preserve as many on-site parking spaces as possible for patrons and
28 residents.

29 **12.64.350 Vehicle Loading.** Loading spaces meeting the number and dimensional standards in
30 Table 12.64.350-1 shall be provided for primary structures containing at least 25,000 sq. ft. of gross
31 floor area, if the structures are occupied by land Uses requiring regular or periodic receipt or distribution
32 of materials or merchandise by vehicles with a gross weight over 25,000 pounds.

33

1
2 **Table 12.64.350-1:**

Minimum Number and Dimensions of Loading Spaces where Required

Primary Structure Size	Minimum Spaces Required	Minimum Space Dimensions
25,001-50,000 sq. ft. GFA	1 space	20 ft. x 12 ft. x 15 tall
50,001-100,000 sq. ft. GFA	2 spaces	1st space: 20 ft. x. 12 ft. x 15 tall 2nd space: 40 ft. x. 12 ft. x 15 tall
> 100-001 sq. ft. GFA	3 spaces	1st space: 20 ft. x. 12 ft. x 15 tall 2nd and 3rd spaces: 40 ft. x. 12 ft. x 15 tall

3 **12.64.360 On-Site Parking and Loading: Location, Design and Improvements.**

4 A. Location.

5 1. Where provided, surface parking shall be located either:

- 6 a. Behind the primary building, such that the primary building is located between the
7 surface parking area and the street; or
8 b. Beside the primary building. Where surface parking is provided beside the primary
9 building, the following standards shall be met:

- 10 i. The closest edge of the surface parking area or driving aisle is located at least 50 feet
11 from any street as measured from back of the curb; and
12 ii. Access to the surface parking area is not provided from the primary street frontage
13 unless no other access point is available.

14 2. Surface parking is Not Permitted between the street-facing façade line and the street.

15 B. Area of New Surface Parking Lots. New surface parking lots constructed after July 5, 2012 for
16 new primary structures containing 200,000 sq. ft. or more GFA, shall occupy no more than 25
17 percent of the gross area of the subject property. This percentage limitation shall apply to
18 internal drive aisles but not to access driveways to or from the parking lot.

19 C. Compliance with Improvement Standards. Surface parking and parking structure design, and
20 lighting shall comply with the requirements of Section 12.50.360.

21 D. Compliance with Parking Space and Aisle Dimensions Standards.

- 22 1. Except as provided in Subsection 2, below, all parking shall comply with the standards of
23 Subsection 12.50.360.C regarding space and drive aisle dimensions and layout.
24 2. In surface parking lots, parking space dimensions may be reduced to 16 feet x 8.5 feet for 90-
25 degree parking. Parking aisle widths may be reduced to 20 feet to reduce surface runoff and
26 to accommodate Habitat -Friendly Design and Construction or other Low Impact
27 Development Approaches (LIDA).

28 E. Electric Car Charging. In parking facilities larger than 100 vehicle parking spaces, at least one
29 electric car charging point within a rated capacity of at least 240 volts shall be provided per 100
30 spaces or portion thereof.

1 F. Accessible Parking Requirements. Accessible parking spaces shall be located and improved in
2 compliance with Subsection 12.50.360.C.

3 G. Parking Lot Screening and Landscaping.

4 1. Perimeter Landscaping and Screening. Perimeter landscaping and screening shall comply
5 with Subsection 12.50.360.F.3 with the following exceptions:

6 a. The minimum width for a parking lot perimeter planting strip along an Arterial right-of-
7 way, as specified in Table 12.50.360-1, shall be increased from 6 feet to 10 feet.

8 b. Perimeter planting strips at the required widths may incorporate LIDAs that comply with
9 Section 12.64.750, as approved by the Review Authority.

10 2. Interior Landscaping. Interior landscaping and screening shall comply with Subsection
11 12.50.360.F.4 with the following exceptions:

12 a. If the total area of the interior parking lot landscaping required in Subsection
13 12.50.360.F.4 would exceed 10% percent of the parking lot area under this standard, the
14 area of required landscaping shall be limited to 10 percent except where requested by the
15 applicant.

16 b. Where practicable, planting islands shall incorporate LIDA to manage parking lot runoff
17 within landscaped areas that comply with Section 12.64.750.

18 c. Lawn is Not Permitted as a ground cover in parking lot islands.

19 3. Parking Lot Landscaping Maintenance.

20 a. Maintenance shall be provided for all required parking lot landscaped areas. All
21 landscape plantings and man-made features shall be maintained in good condition, or
22 otherwise replaced by the owner.

23 b. Sustainable maintenance practices shall be used to care for required landscaping. Such
24 practices may include, but are not limited to: drip (rather than spray) irrigation;
25 integrated pest management; and organic natural controls.

26 c. Dead plantings shall be promptly replaced by the property owner with an equivalent type
27 (i.e., evergreen shrub replaces evergreen shrub; deciduous tree replaces deciduous tree,
28 etc.).

29 **12.64.370 Bicycle Parking.**

30 A. At least two bicycle parking spaces required by Table 12.64.320-1 shall be covered or in lockers
31 consistent with Subsection 12.50.410.F. Ten percent of all remaining required bicycle parking
32 shall also be covered or in lockers.

33 B. All bicycle parking improvements shall comply with Subsection 12.50.410.F.

34 C. Residential units are exempt from bicycle parking requirements if each dwelling unit has an
35 assigned, enclosed, individual garage or carport space at least 80 sq. ft. in area.

36

1 **12.64.400 Pedestrian and Bicycle Connectivity and Circulation.** This section is intended to be
2 read in conjunction with Section 12.50.400, but supersedes Section 12.50.400 pursuant to Subsection
3 12.50.020.C.

- 4 A. On-Site Pedestrian and Bicycle Circulation. New development or redevelopment in all zones
5 except UC-RP shall provide an interconnected network of on-site pedestrian/bicycle accessways
6 to allow direct access to and between:
- 7 1. Primary building entrances;
 - 8 2. Sidewalks, walkways, and bicycle lanes on adjacent properties and streets that extend to the
9 boundaries shared with the applicant's property;
 - 10 3. Adjacent or on-site bus or LRT stops;
 - 11 4. Adjacent or on-site parks, trail systems, community gardens, open space areas, greenways, or
12 other public or civic Uses;
 - 13 5. Existing or planned Green Access Lanes; and
 - 14 6. Any existing or planned Greenway Trails.
- 15 B. Aligning Accessway Crossings. Wherever practicable, entry points of required accessways shall
16 align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
- 17 C. Allowing Accessway Crossings. Curb cuts or other features shall be provided to allow direct
18 connections for pedestrian/bicycle movement at locations where curbs or other channelization
19 have been used to control vehicle movements. Examples where curb cuts may be needed include
20 driveway medians, curbs between individual parking areas and curbs/fences that prevent access
21 to pedestrian/bicycle facilities directly from a parking lot.
- 22 D. Access to School Routes. Where the city, county or school district is implementing a program in
23 support of, or funded by, the federal Safe Routes to School program and that program includes a
24 sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment
25 involving residential Uses, the project design shall allow project residents to access the
26 designated school route in a convenient and relatively direct manner.

1 **12.64.500 Street Location and Connectivity Standards.** Street location and connectivity
2 standards for the AmberGlen Plan District include the following sections:

- 3 12.64.510 Purpose
- 4 12.64.520 Applicability
- 5 12.64.530 General Street Connectivity and Circulation Standards
- 6 12.64.540 Street Location and Connectivity
- 7 12.64.550 Street Connectivity and Block Length Requirements

8 **12.64.510 Purpose.** The unique AmberGlen Plan District access and street standards are intended
9 to accomplish the following purposes:

- 10 A. To promote a compact, pedestrian and transit-oriented environment in the city’s urban centers;
11 and
- 12 B. To establish a connected framework of streets, pathways, access lanes, parks, plazas, and natural
13 areas to provide access to development, to enhance access to nature, recreation, and social
14 opportunities, and to efficiently manage stormwater runoff.

15 **12.64.520 Applicability.** The provisions of Section 12.64.500 shall apply to all development and
16 redevelopment in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones, unless otherwise specified
17 by the provisions in this section. The provisions shall also apply in those zones to expansions of
18 existing structures that increase Gross Floor Area (GFA) by more than 20 percent, unless otherwise
19 specified by the provisions in this section. Expansions of GFA smaller than 20 percent shall comply
20 with either the provisions of this Section or the development standards applicable to the structure prior
21 to July 5, 2012. These provisions supersede the requirements of Section 12.50.520 in the AmberGlen
22 Plan District only.

23 **12.64.530 General Street Connectivity and Circulation Standards.**

- 24 A. Streets and connectivity elements shall comply with the requirements of this Section and the
25 Public Works Design and Construction Standards.
- 26 B. Cul-de-sacs or dead end streets are not permitted, except where topography, pre-existing
27 development, or other site constraints limit connectivity or where regulations implementing Title
28 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource
29 Protection requirements limit connectivity. If a street connection cannot be reasonably provided
30 as a result of one or more of the site constraints outlined in this subsection, a Green Access Lane
31 shall be provided.
- 32 C. Determination of required street and off-site improvements shall be consistent with the
33 requirements of Section 12.70.200.
- 34 D. When a traffic impact report is required pursuant to Section 12.70.200, the pedestrian circulation
35 study shall be required regardless of the distance of the development from an LRT station.
- 36 E. In the case of a conflict between the standards of this Section and other sections of the
37 Community Development Code or the Public Works Design and Construction Standards, the
38 requirements of this Section shall apply.

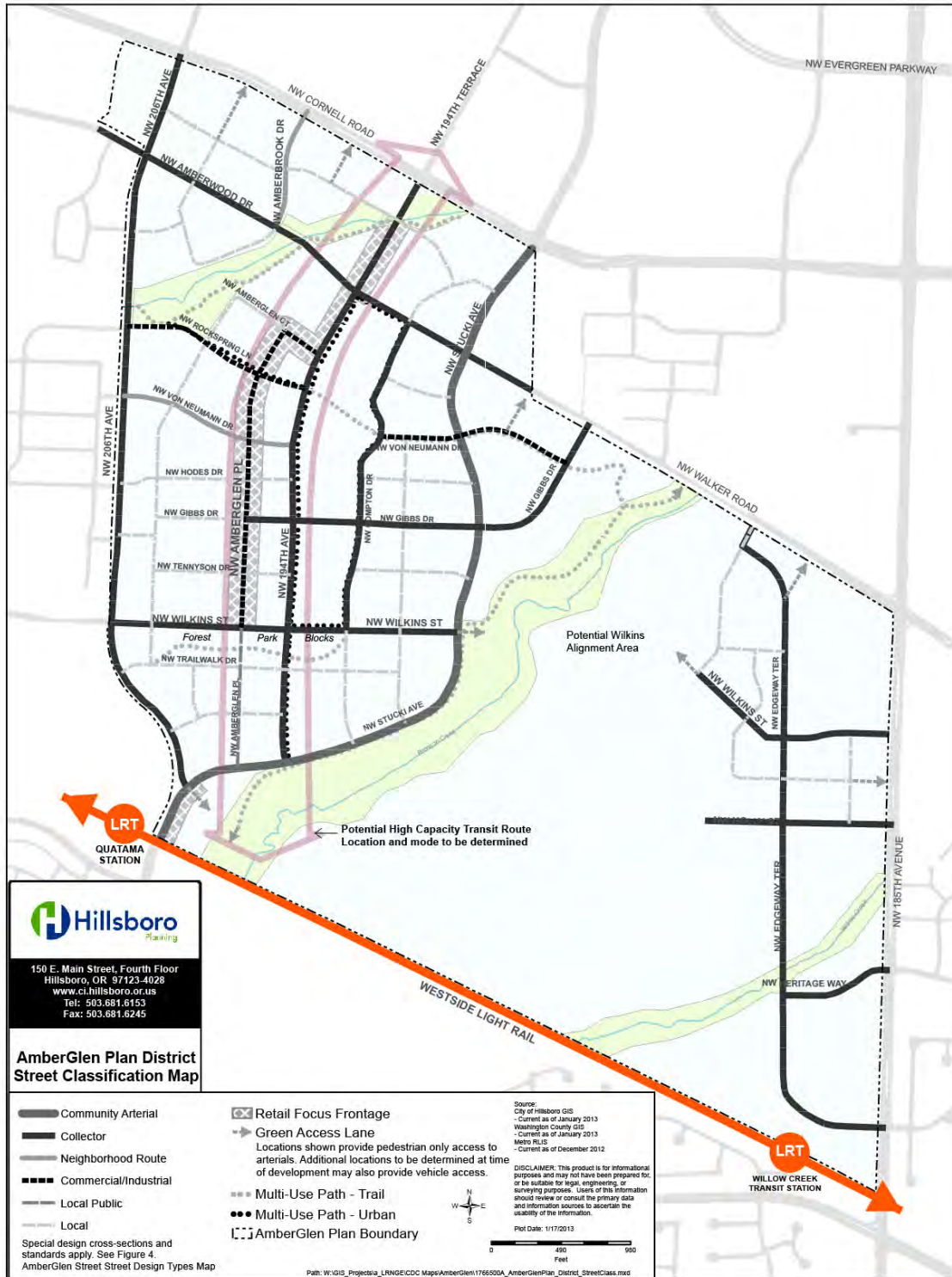
1 **12.64.540 Street Location and Connectivity.**

2 A. General street locations shall be consistent with Figure 12.64.540-A. Flexibility in the alignment
3 of all streets may be approved through a Type II or Type III approval process pursuant to Section
4 12.70.040 or Section 12.70.050.

5 B. Streets identified in Figure 12.64.540-A are not sufficient to meet the maximum block size
6 standards in Subsection 12.64.550.B unless additional bicycle and pedestrian connections are
7 provided. To provide flexibility for the location and design of local access while ensuring
8 pedestrian and bicycle connectivity, Local streets or Green Access Lanes in addition to those
9 identified on Figure 12.64.540-A. shall be provided as necessary to meet the connectivity and
10 circulation standards of this Section.

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**Figure 12.64.540-A:
AmberGlen Plan District Street Classification Map**



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1 **12.64.550 Street Connectivity and Block Length Requirements.**

2 A. Block Configuration.

- 3 1. Blocks shall generally be square or rectangular, but may vary in shape to protect natural
4 features or respond to site constraints.
- 5 2. To the maximum extent practicable, streets and Green Access lanes shall be oriented to
6 create block and lot configurations with longer dimensions on an east-west axis to improve
7 opportunities for use of passive solar principles.

8 B. Maximum Block Size. The following standards shall apply throughout the AmberGlen Plan
9 District except in the UC-RP zone:

- 10 1. Block length shall not exceed 300 feet except as specified in Subsections 2 and 3, below;
- 11 2. Blocks up to 400 feet in length are permitted between a street and an abutting Significant
12 Natural Resource Area, an existing or planned greenway or nature park, or any other barrier
13 as defined in Subsection 12.50.530.B;
- 14 3. Blocks up to 600 feet in length are permitted if a Green Access Lane or comparable mid-
15 block pedestrian connection is provided, as approved by the Review Authority; and
- 16 4. For the purposes of this subsection, blocks shall be measured from curb to curb, regardless of
17 whether the street is public or private.

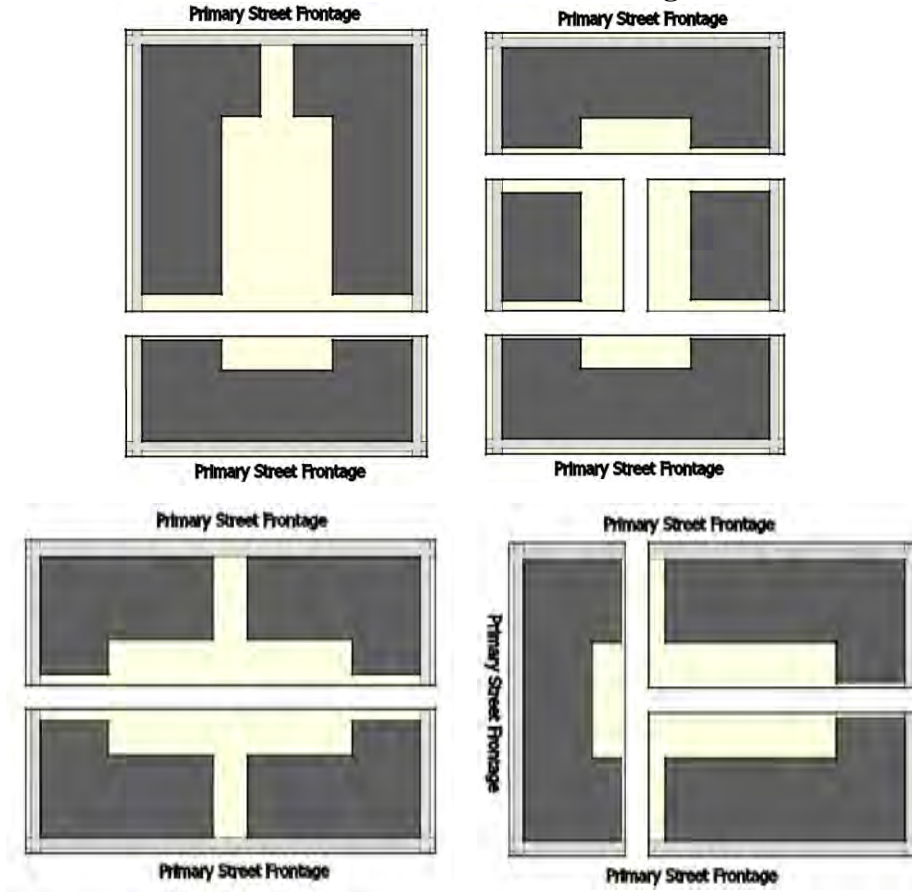
18 C. Lot and Block Access. Blocks may include alleys, driveway entrances, or Green Access Lanes
19 in one of the following configurations illustrated on Figure 12.64.550-A:

- 20 1. Mid-Block Access: Includes an alley or Green Access Lane running through or near the
21 center of the block;
- 22 2. “H” Configuration: Allows development to front on all four block faces; or
- 23 3. “T” Configuration: Includes two perpendicular alleys or Green Access Lanes within a block,
24 allowing development to front on three block faces.
- 25 4. Variations to these access configurations may be granted for locations where the number of
26 block faces may be limited due to barriers such as topography, Significant Natural Resource
27 areas, rail routes, existing or planned greenways or nature parks.

28 D. Flag lots are Not Permitted.

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**Figure 12.64.550-A:
AmberGlen Plan District Block Configurations**



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Top: Mid-Block access option and “H” Configuration.
Bottom: Alternate Mid-Block access option and “T” Configuration.

1 **12.64.600 Street Design and Character.** Street design and character standards for the AmberGlen
2 Plan District include the following sections:

- 3 12.64.610 General Applicability and Design
- 4 12.64.620 Maintenance of Landscaping and Irrigation in Rights-of-Way
- 5 12.64.630 Street Trees
- 6 12.64.640 Street Cross-Sections and Design Standards
- 7 12.64.650 Streetscape Standards

8 **12.64.610 General Applicability and Design.**

- 9 A. Street design elements, including but not limited to lane widths, sidewalks, bike facilities,
10 medians, pavement treatment, street trees, vegetated green street planters, and landscape areas
11 shall be consistent with the standards in Section 12.64.640 and Section 12.64.650.
- 12 B. Variations to these standards to accommodate unique site considerations (e.g. terrain, soil,
13 established development, or other site constraints) or to increase street tree coverage, establish
14 multi-function drainage systems, accommodate vegetated roundabouts, or mitigate the impact of
15 stream crossings may be approved through a Type II or Type III approval process pursuant to
16 Section 12.70.040 or Section 12.70.050.
- 17 C. Public or Private Streets.
 - 18 1. Any street or street segment classified on Figure 12.64.540-A as an Arterial, Community
19 Arterial, Collector, Neighborhood Route, Commercial/Industrial, or Local-Public shall be a
20 public street under the jurisdiction of the City of Hillsboro.
 - 21 2. Individual street segments or features for any street classified on Figure 12.64.540-A as
22 Local may be either publicly or privately owned, as determined under Subsection D, below.
 - 23 3. Individual Green Access Lane segments or features shall be privately owned. On a Green
24 Access Lane, public access for bicycles and pedestrians shall be granted through a recorded
25 easement in a form acceptable to the City.
- 26 D. Local street segments provided to comply with the connectivity and circulation standards in
27 Section 12.64.500 may be privately owned only if they comply with the following standards:
 - 28 1. On a Local street segment, public access for automobiles, bicycles, and pedestrians shall be
29 granted through a recorded easement.
 - 30 2. Design of private Local streets shall comply with standards and cross-sections identified in
31 Section 12.64.640 for Mixed-Use Commercial Street-Private or Mixed-Use Residential
32 Street-Private as applicable. Private Local streets shall also comply with the Public Works
33 Design and Construction Standards for public Local streets as determined by the City
34 Engineer.
 - 35 3. Design of private Green Access Lanes shall comply with standards and cross-sections in
36 Section 12.64.640 and shall also comply with the City of Hillsboro Design and Construction
37 Standards for public streets as determined by the City Engineer.

38

- 1 E. Any designs or specifications for public streets, street lighting, traffic signals, water lines, storm
2 sewer lines and sanitary sewer lines, including construction materials, traffic control, regulatory
3 signage, street trees and other improvements in the public-right-of-way not addressed by this
4 Section shall comply with the Public Works Design and Construction Standards.
- 5 F. Private street segments, Green Access Lane segments, and common driveways providing fire
6 access shall meet public street construction standards in the Public Works Design and
7 Construction Standards related to fire access. Such streets and common driveways shall also
8 meet the access requirements of the City Fire Marshal.
- 9 G. All properties abutting public or Private streets shall provide a minimum 8 foot wide public
10 utility easement (PUE) adjacent to the public right-of-way or Private street tract unless a
11 different PUE standard is applied through the development approval process.
- 12 H. As new Private streets and access lanes are constructed, or existing Private streets are
13 redeveloped, Low Impact Development Approaches (LIDA) may be constructed in accordance
14 with Section 12.64.750 to provide sustainability benefits, LEED credits, or other development
15 objectives. However, all water quality treatment provided to meet City stormwater management
16 requirements will be provided in regional water quality facilities identified in the AmberGlen
17 Stormwater Management Plan, and individual LIDA improvements are not required.
- 18 I. Roundabouts shall be considered for any intersection that meets signal warrants. Final
19 intersection design requirements shall be determined by the City Engineer.

20 **12.64.620 Maintenance of Landscaping and Irrigation in Rights-of-Way.** Maintenance of all
21 plantings, landscape materials, green street facilities, and irrigation in the right-of-way on public and
22 Private streets, including medians, shall be ensured through a maintenance agreement in a form
23 acceptable to the City, with the exception of any parkway landscaping and irrigation the Parks
24 Department agrees to maintain.

25 **12.64.630 Street Trees.**

- 26 A. Applicability. These standards apply to all development which includes or will be required to
27 provide street trees on public street frontages, Private street frontages, or Green Access Lanes.
- 28 B. General Requirements.
 - 29 1. Unless otherwise specified in this Section, street trees shall be planted ~~and maintained~~ in
30 compliance with Public Works Design and Construction Standards. The Design and
31 Construction Standards requirements shall apply to public streets, and also to Private streets
32 and green access lanes provided to meet the connectivity standards in Section 12.64.500.
 - 33 2. Tree species shall be selected from the Public Works Design and Construction Standards
34 Approved Street Tree Species list, except where a tree species is identified for a specific
35 location as required by this section ~~or~~ and as approved by the City Engineer.
 - 36 3. Columnar trees and shrubs shall be planted in street medians.

- 1 4. Street tree spacing in the AmberGlen Plan District shall be based upon tree species and
2 canopy size at maturity. The planting area shall be at least 24 sq. ft. in area, typically
3 configured at 4 feet by 6 feet. Trees shall be spaced approximately 20 feet on center, and at a
4 maximum 27 feet on center. The selection of tree species based on tree spread shall be
5 consistent with this spacing. This spacing standard supersedes the D & C Standards.
- 6 5. Exceptions to the spacing standard in Subsection 4, above, may be approved by the Review
7 Authority:
 - 8 a. Where a tree location would conflict with street lights, existing trees, retaining walls,
9 utilities, traffic control devices, and similar physical barriers; or
 - 10 b. Where alternative street tree spacing is required as specified in Subsection C, below.
- 11 6. Street trees shall be maintained and replaced as necessary in compliance with the Public
12 Works Design and Construction Standards for street tree establishment.

13 C. Specific Requirements on NW Stucki Avenue/Boulevard.

- 14 1. Special street tree requirements apply on NW Stucki Avenue as illustrated on the Green
15 Boulevard cross-section Figures 12.64.640-H and 12.64.640-I. The intent of these special
16 standards is to continue the boulevard design on NW Evergreen Parkway between NW
17 Stucki Avenue and NW 194th Terrace.
- 18 2. Street trees species on NW Stucki Boulevard between Cornell Road and NW 206th Avenue
19 shall be similar in character to the existing London Plane Sycamore trees on NW Evergreen
20 Parkway between NW Stucki Avenue and NW 194th Terrace.
- 21 3. Street trees on NW Stucki shall be planted at a maximum of 21 feet on center.

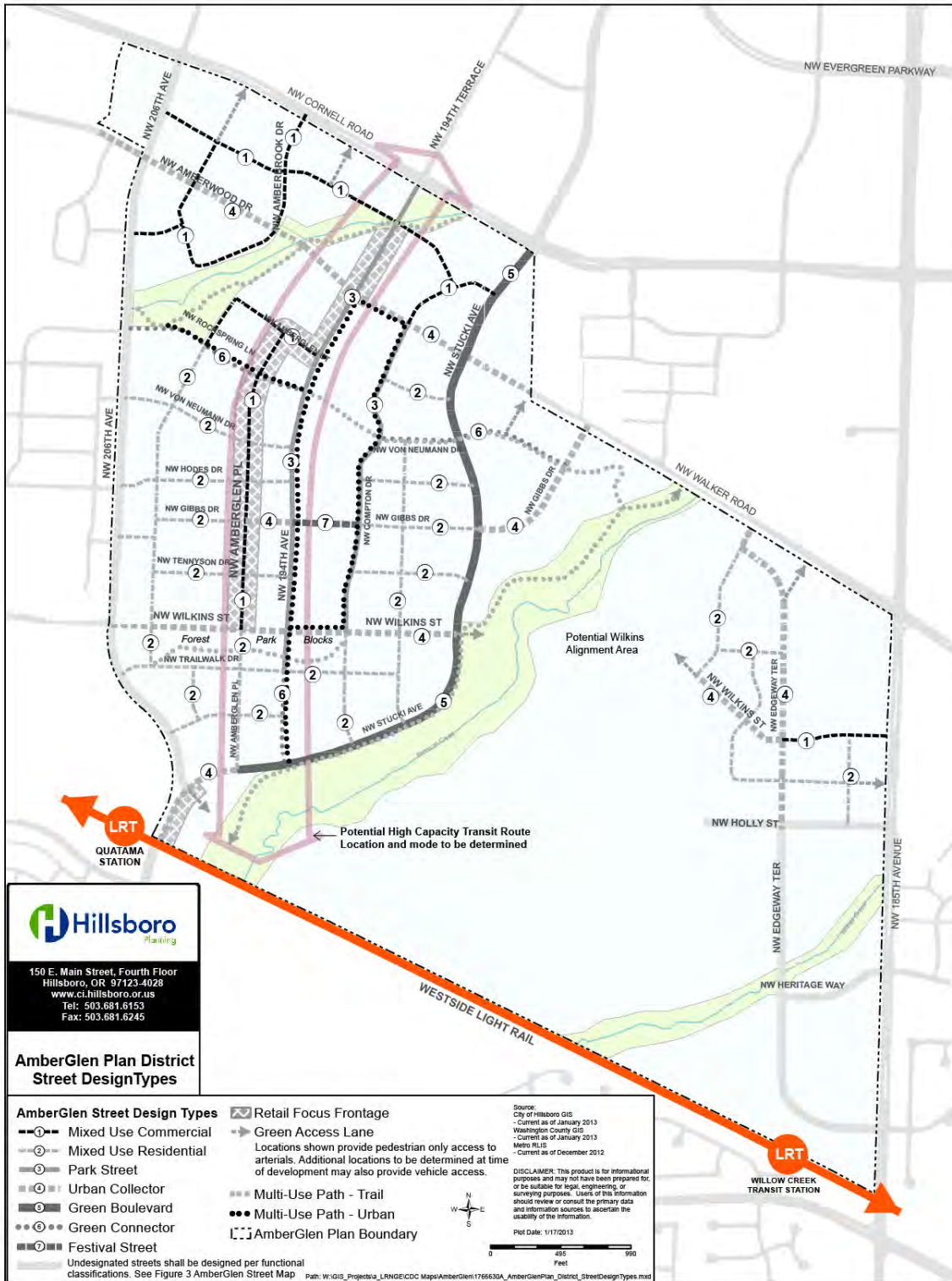
- 22 D. Assurances. The City shall require the developer to provide a performance and maintenance
23 bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care
24 during the establishment period in the D & C Standards.

25 **12.64.640 Street Cross-Sections and Design Standards.**

- 26 A. In General. The street cross-sections and design standards listed below shall apply as shown on
27 Figure 12.64.640-A. These street cross-sections and design standards apply only to streets and
28 street segments classified with the design types identified in Section 12.64.640.
- 29 1. Variations to these street cross-sections and other requirements of Section 12.64.640 may be
30 required by the City Engineer at the approach to an intersection or for fire apparatus access.
31 Cross-sections may also be adjusted to be consistent with any approved Safe Routes to
32 Schools plan applicable to that street segment.
 - 33 2. Street cross-sections and design standards not classified with the design types identified in
34 Figure 12.64.640-A shall be designed and constructed to comply with the Public Works
35 Design and Construction Standards.
 - 36 3. When the alignment of the High Capacity Transit Route is finalized, one or more of these
37 cross-sections will be revised to accommodate the High Capacity Transit right-of-way.

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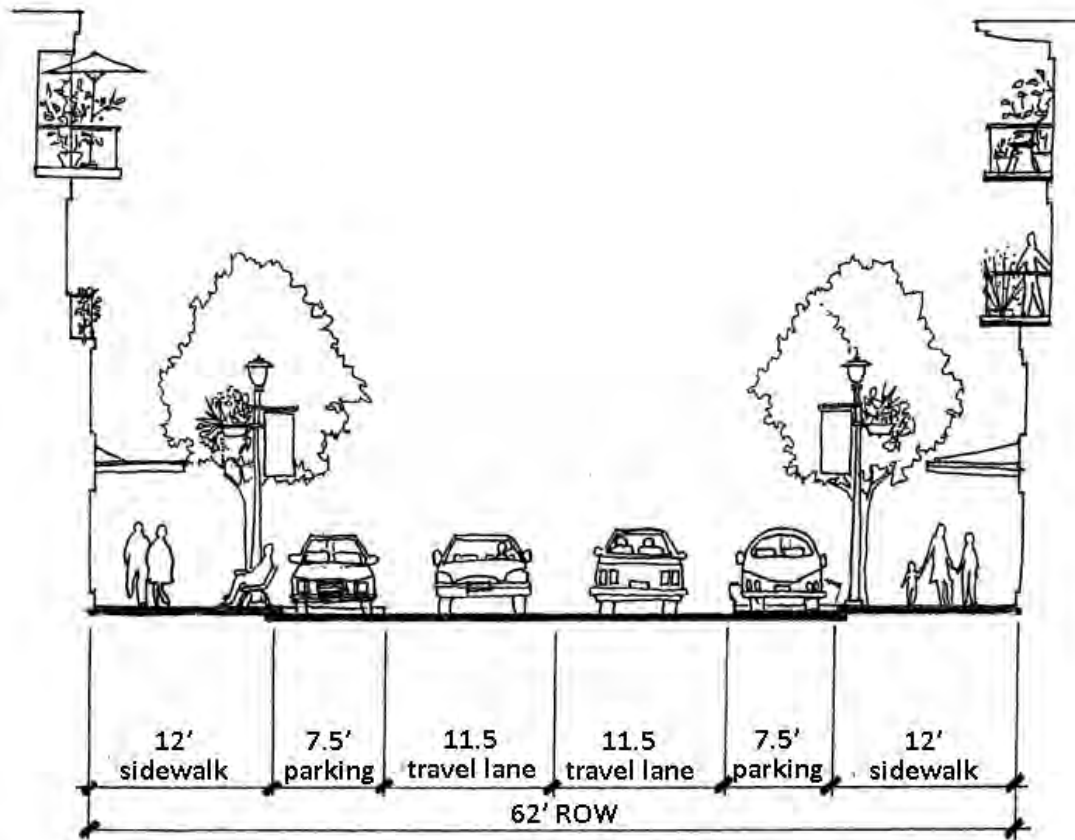
**Figure 12.64.640-A:
Street Design Types**



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- 1 B. Mixed-Use Commercial Street. Mixed-Use Commercial Streets are intended to promote an
 2 active, pedestrian-friendly environment at the street level. They are typically enclosed by
 3 building facades, wide sidewalks, and outdoor seating and dining areas. Landscaped curb
 4 extensions soften the street's appearance and allow for additional landscaping and the
 5 management of stormwater.
- 6 1. Design. Design of public streets shall comply with Figure 12.64.640-B and design of Private
 7 streets shall comply with Figure 12.64.640-C.
- 8 2. Operating Speed. Operating speed is estimated at 20 miles per hour. At this rate of travel,
 9 bicycles and vehicles share the travel lane.
- 10 3. Streetscape Standards. The commercial focus streetscape standards in Figure 12.64.650-A
 11 shall apply unless modified through a Type II or a Type III approval process.

12 **Figure 12.64.640-B:**
 13 **Mixed-Use Commercial Street Cross-Section: Public Street**

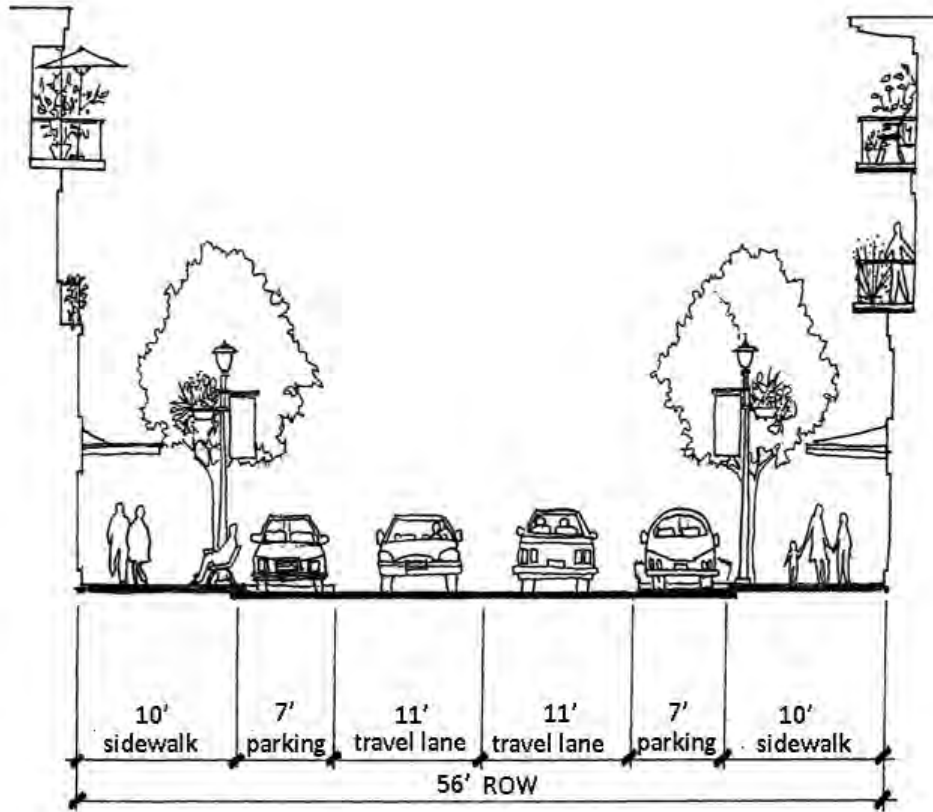


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Figure 12.64.640-C:

Mixed-Use Commercial Street Cross-Section: Private street

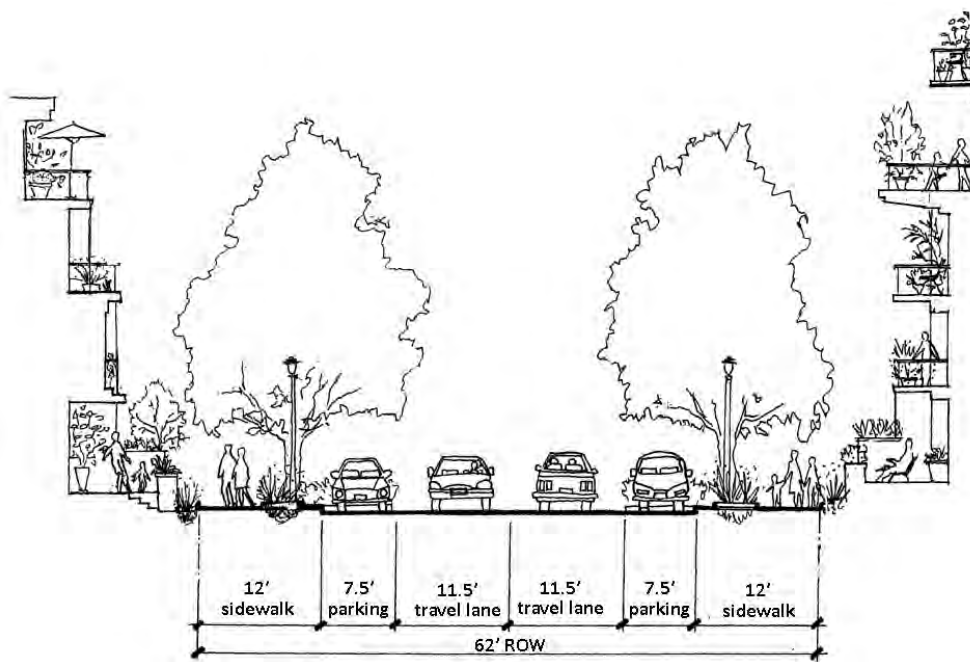


C. Mixed-Use Residential Street. Mixed-Use Residential Streets are intended to promote a quiet and inviting street environment for residents. Raised stoops and outdoor porches and patios provide a more gradual transition between the sidewalk and the building façade, create a more visually open and relaxed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

1. Design. Design of public streets shall comply with Figure 12.64.640-D. Design of Private streets shall comply with Figure 12.64.640-E.
2. Operating Speed. Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.
3. Streetscape Standards. The commercial focus streetscape standards in Figure 12.64.650-A shall apply in Retail Focus Frontage areas shown on Figure 12.64.640-A. The residential focus streetscape standards in Figure 12.64.650-B shall apply outside of Retail Focus Frontage areas. Either streetscape standard may be modified through a Type II or a Type III approval process.

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**Figure 12.64.640-D:
Mixed-Use Residential Street - Cross-Section: Public Street**

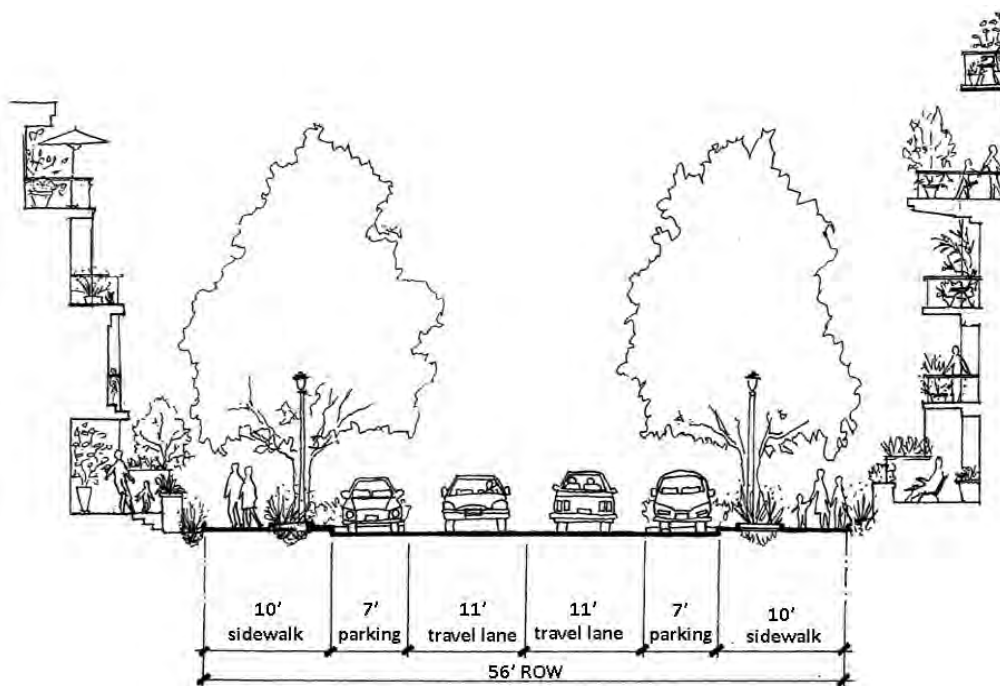


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**Figure 12.64.640-E:
Mixed-Use Residential Street - Cross-Section: Private street**

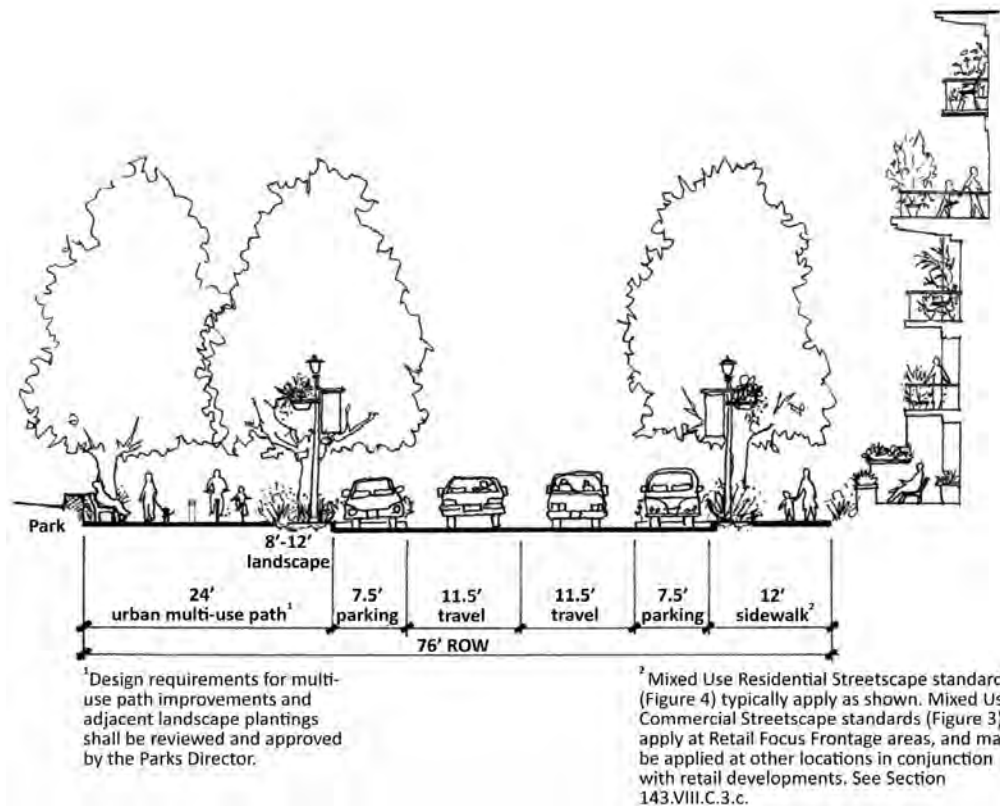


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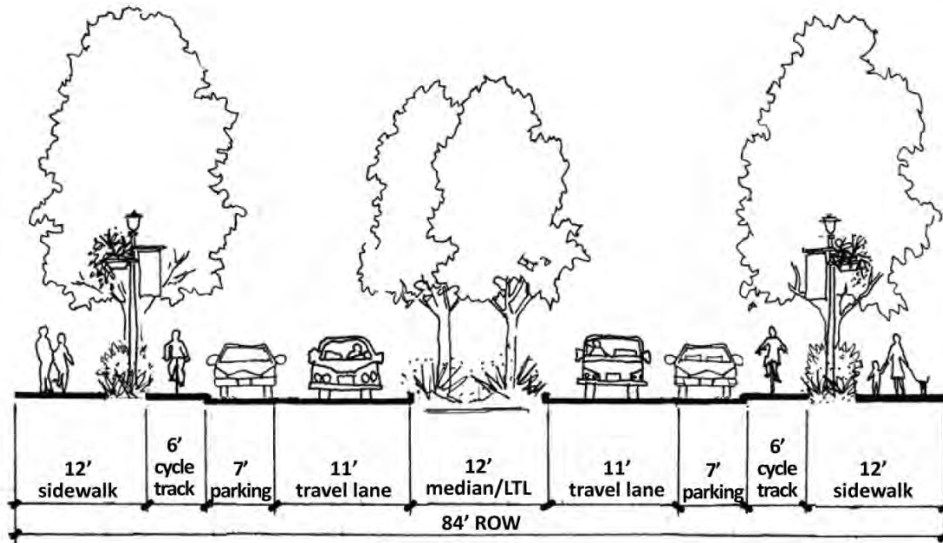
- 1 D. Park Street. Park streets are intended as a transition between the more intense mixed-use
 2 development that will line the central park and the park itself. While the development edge
 3 incorporates aspects of both Mixed-Use Retail and Residential streets, the park edge incorporates
 4 a multi-use path for bicycles and pedestrians. A high-capacity transit route may also be
 5 incorporated in some locations.
- 6 1. Design. Street design shall comply with Figure 12.64.640-F.
 - 7 2. Operating Speed. Operating speed is estimated at 20-25 miles per hour. At this rate of
 8 travel, bicycles and vehicles share the travel lane.
 - 9 3. Streetscape Standards. The commercial focus streetscape standards in Figure 12.64.650-A
 10 shall apply in Retail Focus Frontage areas shown on Figure 12.64.640-A. The residential
 11 focus streetscape standards in Figure 12.64.650-B shall apply outside of Retail Focus
 12 Frontage areas. Either streetscape standard may be modified through a Type II or a Type III
 13 approval process.
 - 14 4. Urban Multi-Use Path. Urban multi-use paths shall be provided as shown on Figure
 15 12.64.540-A on NW Amberwood Drive between NW 194th Avenue and NW Compton Drive,
 16 and on NW Wilkins Street, between NW 194th Avenue and NW Compton Drive. Design
 17 requirements for urban multi-use path improvements and adjacent landscaping shall be
 18 reviewed and approved by the Parks Director.

19 **Figure 12.64.640-F:**
 20 **Park Street Cross-Section**



- 1 E. Urban Collector. Urban Collectors are intended to provide a safe and inviting environment for
 2 walking and biking while accommodating higher volumes of traffic. Landscaped medians,
 3 protected bike lanes, and detached sidewalks contribute to the overall character of the street.
 4 1. Design. Street design shall comply with Figure 12.64.640-G.
 5 2. Operating Speed. Operating speed is estimated at 25-30 miles per hour. Bicycle access shall
 6 be provided on raised cycle track lanes to provide grade separation from vehicles.
 7 3. Streetscape Standards. The residential focus streetscape standards in Figure 12.64.650-B
 8 shall apply outside of Retail Focus Frontage areas shown on Figure 12.64.640-A, and the
 9 commercial focus streetscape standards in Figure 12.64.650-A shall apply in Retail Focus
 10 Frontage areas, unless those standards are modified through a Type II or a Type III approval
 11 process.
 12 4. Urban Multi-Use Path. An urban multi-use path shall be provided as shown on Figure
 13 12.64.640-A on two Urban Collector segments: NW Amberwood Drive between NW 194th
 14 Avenue and NW Compton Drive; and NW Wilkins Street between NW 194th Avenue and
 15 NW Compton Drive. Design requirements for urban multi-use path improvements and
 16 adjacent landscaping are subject to review and approval by the Parks Director.

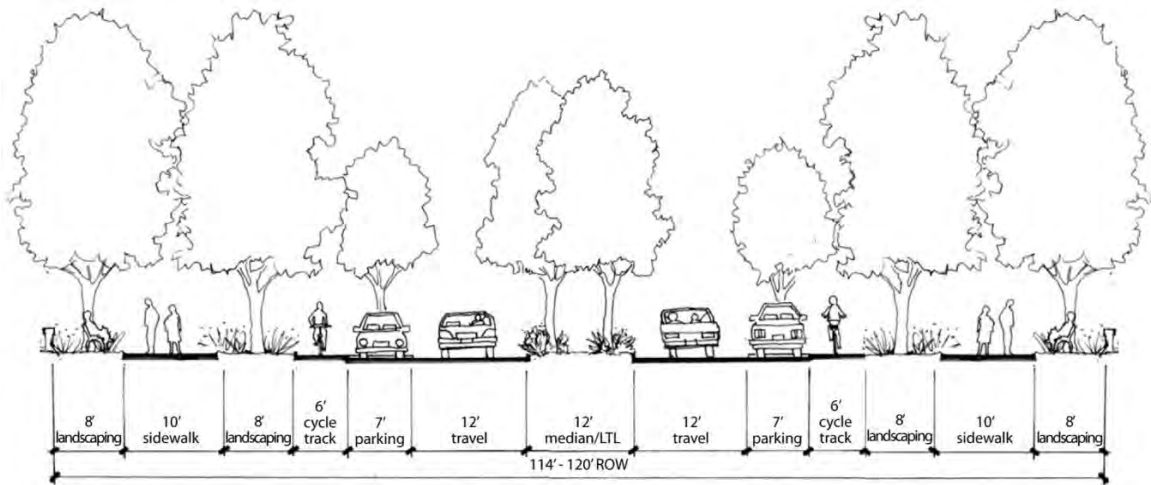
17 **Figure 12.64.640-G:**
 18 **Urban Collector Street Cross-Section**



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.

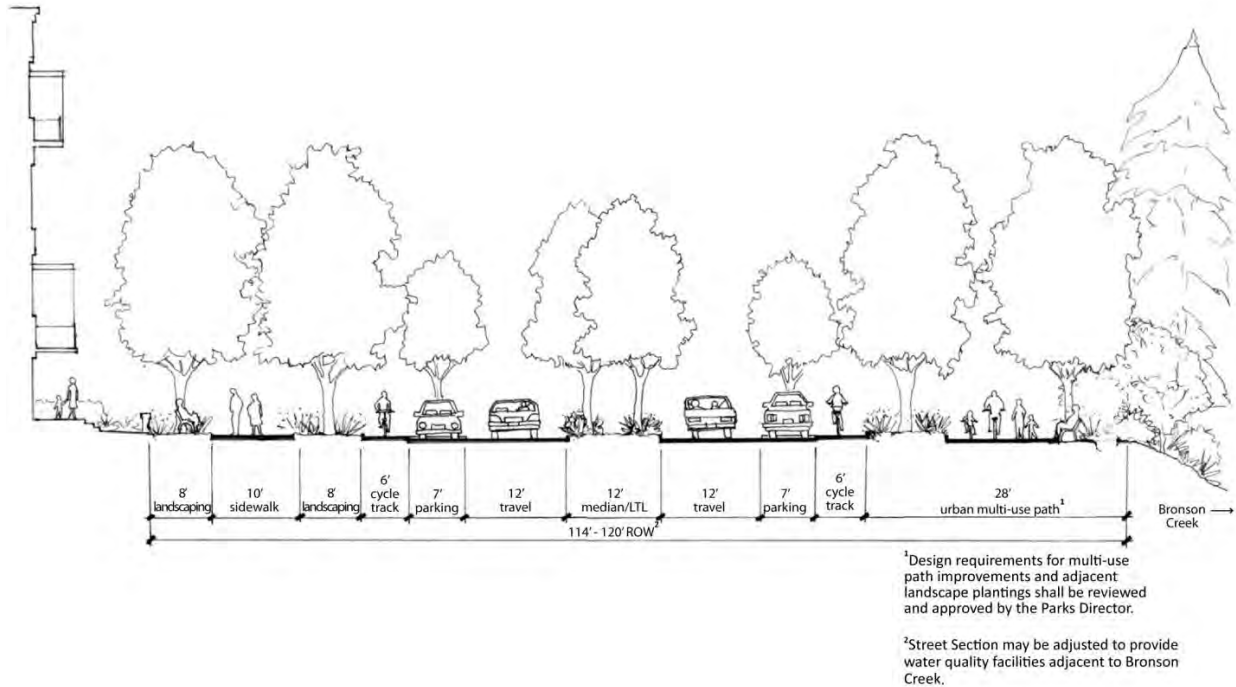
- 1 F. **Green Boulevard.** The Green Boulevard is intended to provide the primary vehicular route
 2 through the AmberGlen Plan District. Landscaped medians, protected bike lanes, and detached
 3 sidewalks contribute to the overall character, width, and grand scale of the street while providing
 4 a safe and inviting environment for walking and biking. Double rows of London Plane trees
 5 relate to the signature streetscape at AmberGlen Parkway, and provide a unified character for the
 6 AmberGlen/Tanasbourne Regional Center.
- 7 1. **Design.** Street design shall comply with the following standards, as applicable:
- 8 a. With Figure 12.64.640-H north of NW Wilkins Street and south of NW 194th Avenue to
 9 the LRT station; or
- 10 b. With Figure 12.64.640-I between NW Wilkins St. and NW 194th Avenue.
- 11 2. **Operating Speed.** Operating speed is estimated at 30-35 miles per hour. Bicycle access shall
 12 be provided on raised cycle track lanes to provide grade separation from vehicles.
- 13 3. **Streetscape Standards.** The residential focus streetscape standards in Figure 12.64.650-B
 14 shall apply outside of Retail Focus Frontage areas shown on Figure 12.64.640-A, and the
 15 commercial focus streetscape standards in Figure 12.64.650-A shall apply in Retail Focus
 16 Frontage areas, unless those standards are modified through a Type II or a Type III approval
 17 process.
- 18 4. **Urban Multi-Use Path.** An urban multi-use path shall be provided from NW Wilkins Street
 19 to NW 194th Avenue. Design requirements for urban multi-use path improvements and
 20 adjacent landscaping shall be subject to review and approval by the Parks Director.
- 21 5. **Adjustments for Water Quality Facilities.** The Green Boulevard cross-section may be
 22 adjusted to provide water quality facilities from NW Wilkins Street to NW 194th Avenue
 23 adjacent to Bronson Creek, pending completion of AmberGlen District Stormwater
 24 Management Plan.

25 **Figure 12.64.640-H:**
 26 **Green Boulevard Cross-Section: Stucki Avenue Cornell to Wilkins and 194th to LRT**



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**Figure 12.64.640-I:
Green Boulevard Cross-Section, Stucki Avenue Wilkins to 194th**



3

G. Green Connector Street. 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.

10

1. Design. Street design shall comply with Figure 12.64.640-J.

11

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

12

13

3. Streetscape Standards. The residential focus streetscape standards in Figure 12.64.650-B shall apply outside of Retail Focus Frontage areas shown on Figure 12.64.640-A, and the commercial focus streetscape standards in Figure 12.64.650-A shall apply in Retail Focus Frontage areas, unless those standards are modified through a Type II or a Type III approval process.

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4. Urban Multi-Use Path. An urban multi-use 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 urban multi-use path improvements shall be subject to review and approval by the Parks Director.

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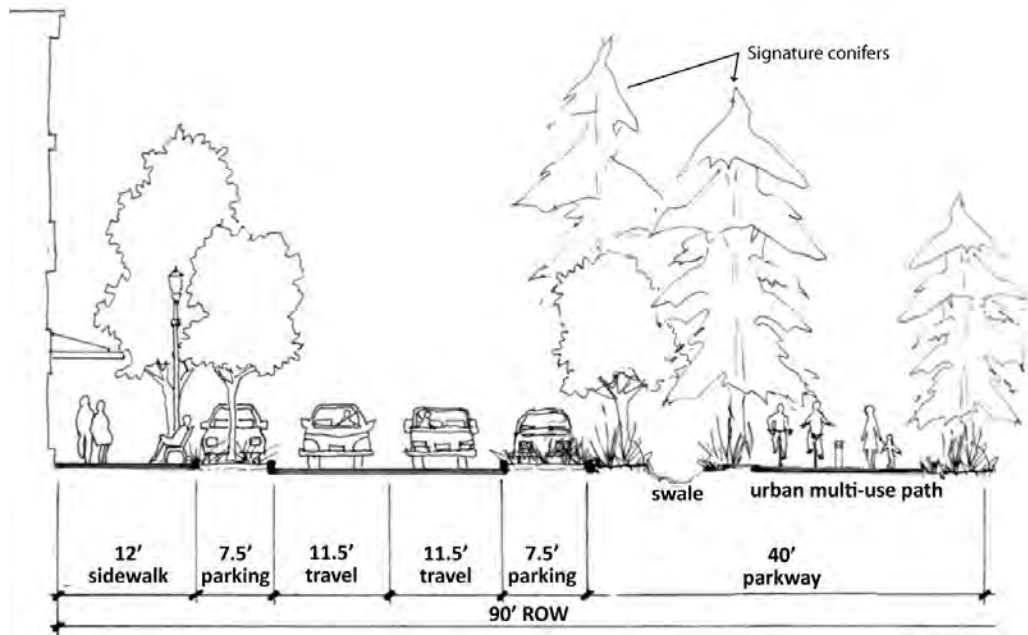
5. Stormwater Facilities. Where grades allow, stormwater in the parkway areas may be conveyed through landscape swales to regional water quality facilities identified in the AmberGlen Stormwater Management Plan.

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**Figure 12.64.640-J:
Green Connector Street Cross-Section**



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4 H. Festival Street. The Festival Street is a unique street intended to provide a plaza area at the south
5 end of the Central Park that can accommodate an east/west street connection with limited traffic
6 volumes. Traffic may be restricted for special events, allowing the Festival Street to serve as an
7 extension of the Central Park.

8

1. Design. Street design shall comply with Figure 12.64.640-K.

9

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

10

11

3. Design Elements and Requirements.

12

a. Construction of a Festival Street shall include the following design elements:

13

i. Street lights, street trees, and seating;

14

ii. Curbless travel lanes separated from pedestrian areas by bollards (which may be
15 removable), street light poles, or other vertical features; and

16

iii. Scored concrete paving extended in a continuous pattern across pedestrian plaza areas
17 and travel lanes;

18

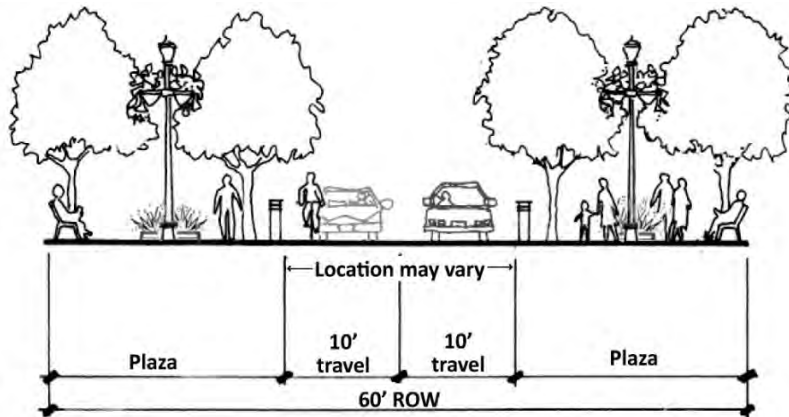
b. In addition to the elements listed in Subsections a.i through a.ii, above, elements such as
19 a water feature, landscaped areas, and Green Street planters may be integrated with the
20 plaza area design as determined by the Parks Director.

21

c. Final location of the travel lanes, and plaza design requirements and specifications shall
22 be subject to review and approval by the Parks Director.

22

1 **Figure 12.64.640-K:**
 2 **Festival Street Cross-Section**

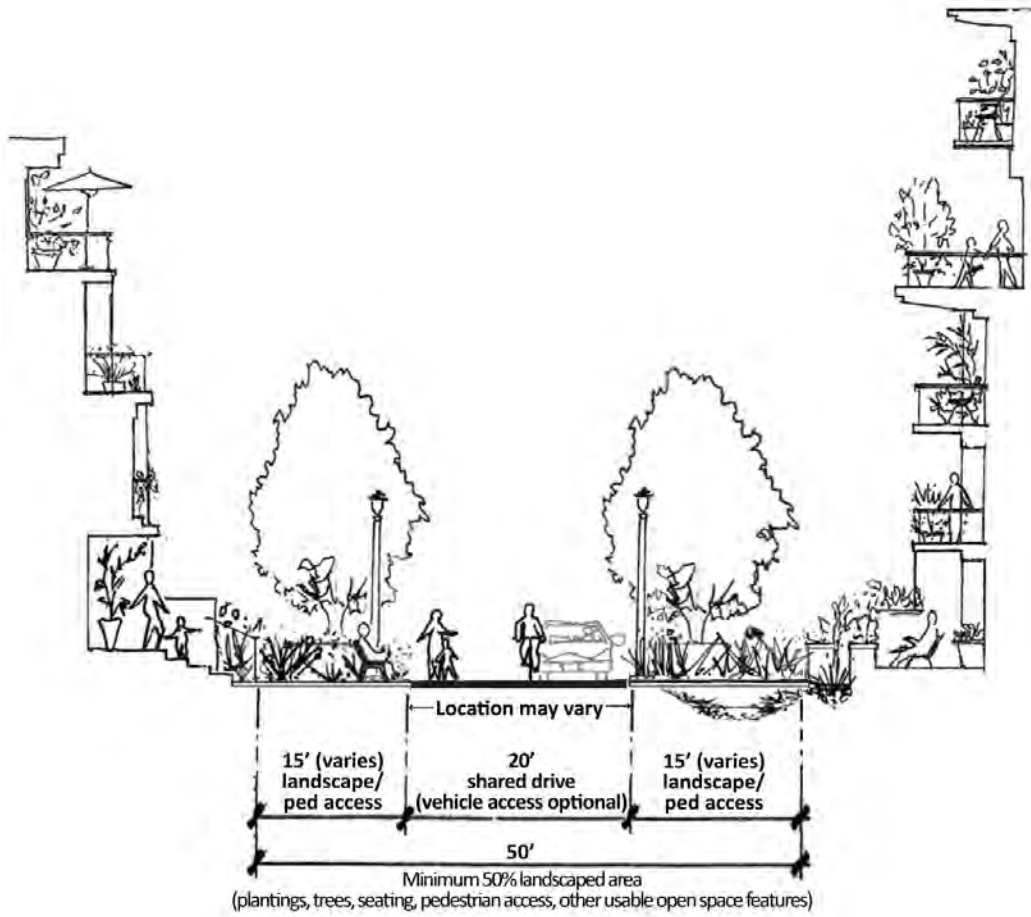


- 3
- 4 I. Green Access Lane. Green Access Lanes are intended to provide pedestrian and bicycle
 5 connectivity through longer blocks and development sites. They may also accommodate
 6 emergency access and vehicle access to adjacent development. Green Access Lanes increase
 7 access to sunlight, and may serve as a transition area to private residential patios and entries.
 8 Enhanced landscaping and seating requirements are intended to create a park-like character.
 9 Stormwater quality treatment through bio swales or LIDA facilities is not required; but an
 10 applicant may choose to incorporate these elements in the streetscape to meet LEED
 11 requirements or other sustainability and design objectives.
- 12 1. Applicability.
- 13 a. Green Access Lanes designed in accordance with the standards in Subsection 4, below,
 14 may be proposed to satisfy connectivity and circulation requirements of Section
 15 12.64.500. The connectivity and circulation requirements shall be satisfied by whether or
 16 not vehicle access is provided.
- 17 b. Green Access Lanes are not mapped on Figure 12.64.640-A, except for locations adjacent
 18 to Arterials under the jurisdiction of Washington County where bicycle and pedestrian
 19 access is required and vehicle access is Not Permitted.
- 20 2. Design. Street design shall comply with Figure 12.64.640-L, and as illustrated by the
 21 examples in Figure 12.64.640-M.
- 22 3. Pedestrian and Vehicle Access.
- 23 a. Green Access Lanes provide pedestrian access and may also provide shared bicycle
 24 access, fire access, and secondary vehicle access to parking facilities associated with
 25 adjacent development.
- 26 b. Where vehicle access is provided, operating speed is estimated at 15 miles per hour. At
 27 this speed, vehicles, pedestrians and bicycles share the road.
- 28 c. Green Access Lanes that do not provide vehicle access and are designed in accordance
 29 with the standards in Section 12.64.210 may also satisfy the requirement for Usable Open
 30 Space.

- 1 4. Streetscape Design Standards. Green Access Lane streetscape design requirements shall be
2 approved by the Review Authority. Streetscape design elements may vary among locations,
3 but at a minimum, the design elements listed below are required.
- 4 a. Street lights, street trees, and seating shall be provided in accordance with the
5 requirements of Section 12.64.650. Alternative designs of similar quality may be
6 proposed subject to the approval of the Review Authority.
- 7 b. Based on projected pedestrian, bicycle, and vehicle traffic volumes and speeds, the
8 Review Authority may require curbless travel lanes to be separated from pedestrian areas
9 by bollards, street lights, or other vertical features.
- 10 c. Scored concrete paving or unit pavers shall be provided and shall extend continuously
11 across pedestrian areas and travel lanes as applicable.
- 12 d. Where the Green Access Lane provides fire access, the design of the pavement section
13 shall comply with the Public Works Design and Construction Standards for driveways
14 that provide fire access.
- 15 e. Landscaped areas, trees, and planters shall be provided.
- 16 f. Pedestrian access to adjacent development may be incorporated.
- 17 g. Improvements on Green Access Lanes extending between developments shall be
18 coordinated for consistency throughout the street segment.
- 19

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**Figure 12.64.640-L:
Green Access Lane Cross-Section**



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**Figure 12.64.640-M:
Examples of Green Access Lane Streetscapes**



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1 J. Urban Multi-Use Path.

- 2 1. Urban Multi-Use Paths are shown at certain locations on Figure 12.64.540-A, and are
3 included in some street cross-sections in Subsections 12.64.640.B through 12.64.640.J.
4 These paths are primarily intended for use by pedestrians and cyclists as an off-street
5 recreational facility. However, urban multi-use paths also serve pedestrians and cyclists on
6 the park side of the street and replace sidewalks and bicycle lanes that would otherwise be
7 required.
- 8 2. Design specifications for Urban Multi-Use Path improvements and adjacent landscape
9 plantings required as part of a development shall be reviewed and approved by the Parks
10 Director to ensure consistency of standards throughout the Urban Center Zones.

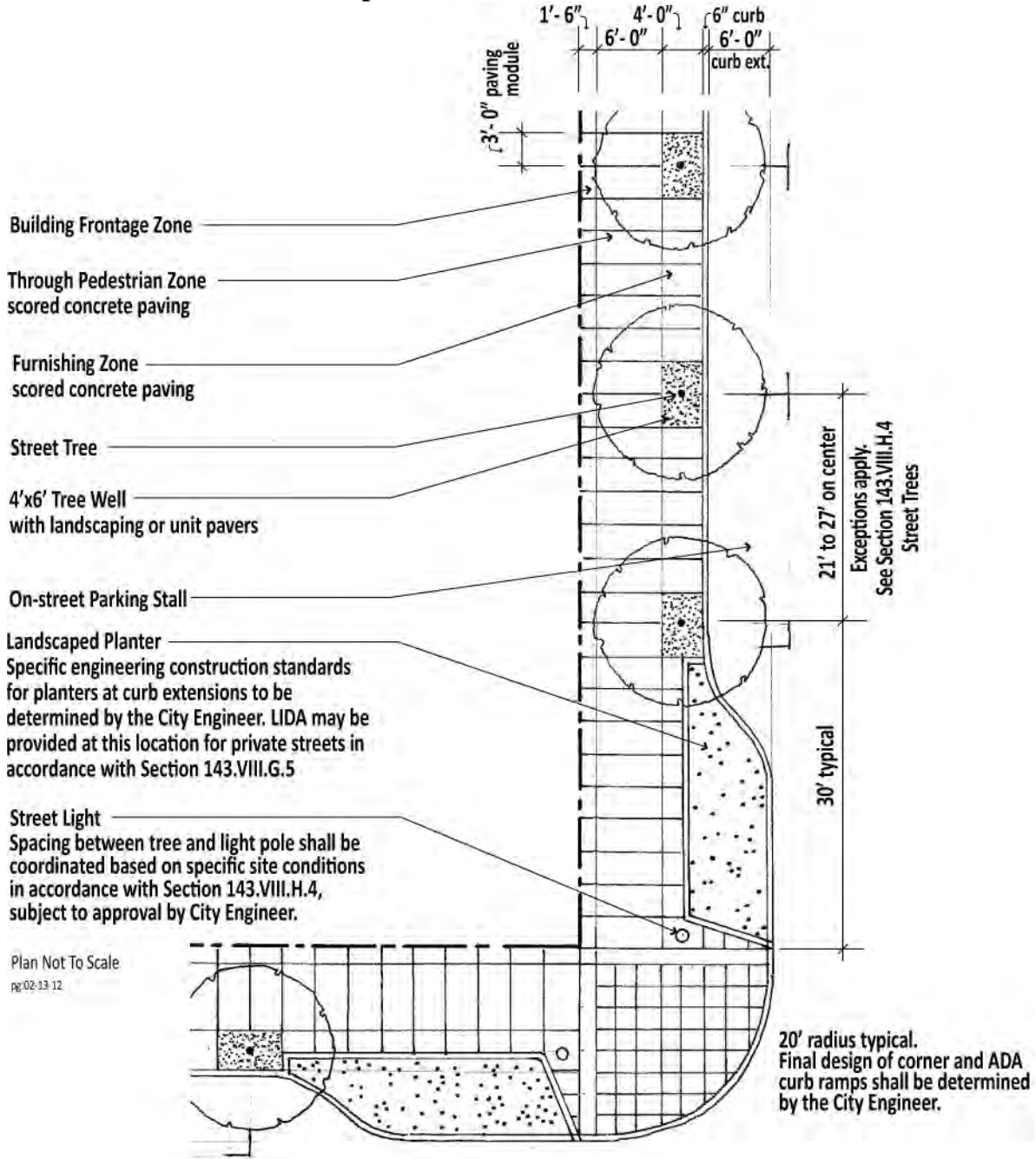
11 **12.64.650 Streetscape Standards.**

12 A. Commercial Focus Streetscape Standards.

- 13 1. Commercial Focus Streetscape Standards illustrated in Figure 12.64.650-A apply to the
14 following streets:
- 15 a. Streets designated as Retail Focus Frontage areas on Figure 12.64.540-A; and
16 b. Mixed-Use Commercial Streets identified in Figure 12.64.640-A.
- 17 2. Commercial Focus Streetscape Standards may also be applied at other locations in
18 conjunction with retail development through a Type II or a Type III process.
- 19 3. Sidewalk design shall define a pedestrian through zone and a sidewalk furnishing zone
20 (located between the curb and pedestrian through zone, except at curb extensions). A
21 building frontage zone shall be defined for all Mixed-Use Commercial Streets identified on
22 Figure 12.64.640-A.
- 23 4. Sidewalk dimensions may be reduced to 10 feet for Private streets based on the following
24 minimum widths as shown on Figure 12.64.650-A:
- 25 a. Building frontage zones shall be a minimum of 1 foot 6 inches in width;
26 b. Through pedestrian zones shall be a minimum of 4 feet in width;
27 c. Furnishing zones shall be a minimum of 4 feet in width; and
28 d. The curb shall be a minimum of 6 inches in width.
- 29 5. Street tree installation shall comply with Section 12.64.630.
- 30

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**Figure 12.64.650-A:
Streetscape Plan Detail -- Commercial Focus**



3

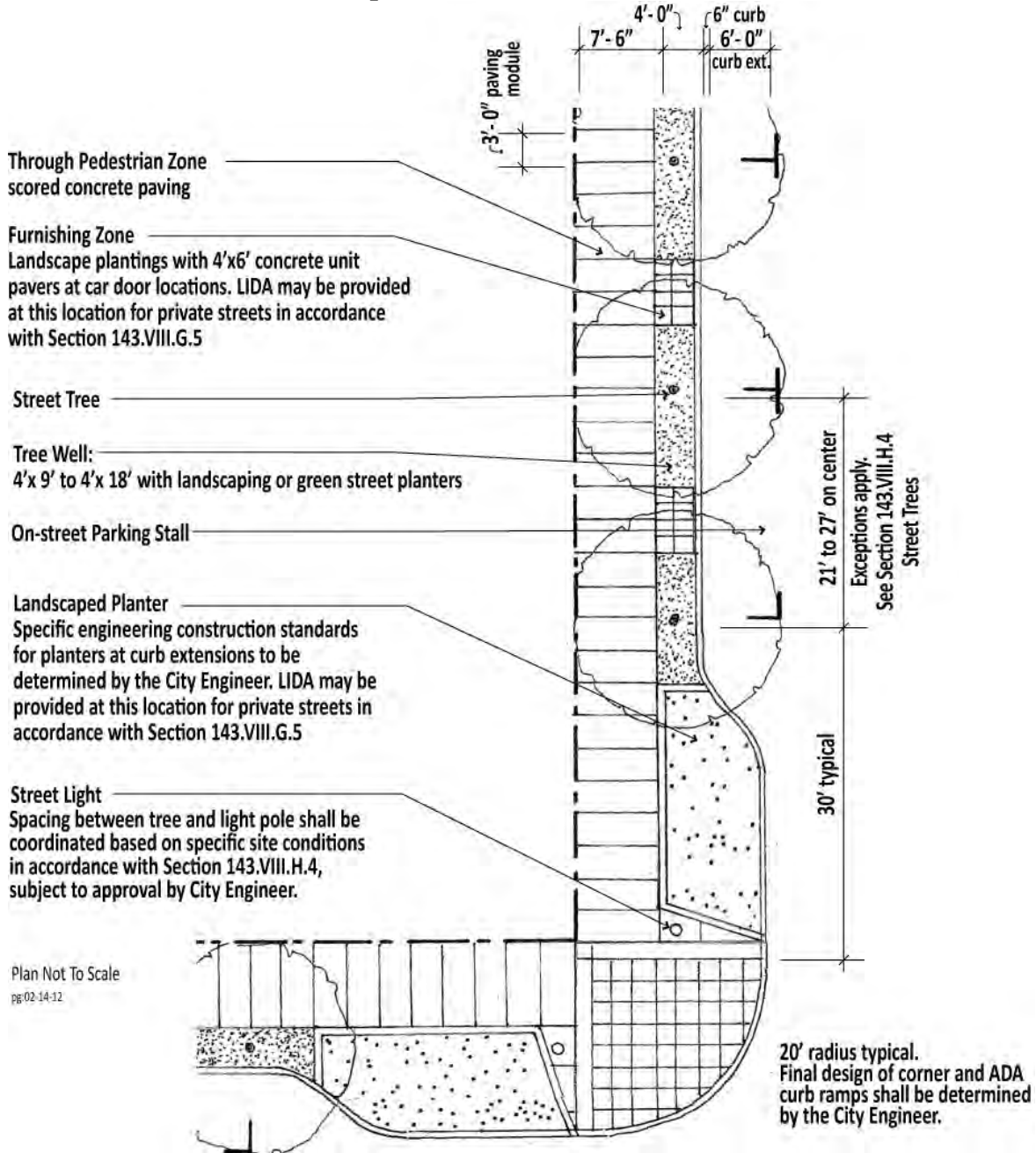
4 **B. Residential Focus Streetscape Standards.**

- 5 1. Streetscape requirements illustrated in Figure 12.64.650-B apply to all streets shown on
6 Figure 12.64.640-A except:
- 7 a. Streets designated as Retail Focus Frontage areas on Figure 12.64.540-A.
 - 8 b. Mixed-Use Commercial Streets identified in Figure 12.64.640-A.

- 1 2. Sidewalk dimensions may be reduced to 10 feet for Private streets based on the following
2 minimum widths, as illustrated on Figure 12.64.650-B:
 - 3 a. Building frontage zones shall be a minimum of 1 foot 6 inches in width;
 - 4 b. Through pedestrian zones shall be a minimum of 4 feet in width;
 - 5 c. Furnishing zones shall be a minimum of 4 feet in width; and
 - 6 d. The curb shall be a minimum of 6 inches in width.
- 7 3. Where Residential Focus Streetscape Standards apply and retail Uses and services are
8 proposed on the adjacent street frontage, the Commercial Focus Streetscape Standard may be
9 applied through a Type II or a Type III approval process.
- 10 4. Sidewalk design shall include paving in 3-foot modules and shall define a pedestrian through
11 zone and a sidewalk furnishing zone (located between the curb and pedestrian through zone,
12 except at curb extensions). A building frontage zone shall be defined for all Mixed-Use
13 Commercial Streets identified on Figure 12.64.640-A.
- 14 5. Street trees, street lights, regulatory signs, bike racks, street furnishings, and landscape
15 plantings shall be located in the sidewalk furnishing zone.
- 16 6. Vegetated stormwater planters may be used on Private streets and Green Access Lanes.
- 17 7. Bulb-outs or curb extensions are required at all full street intersections.
- 18 8. Street Trees in Residential Focus Areas. In Residential Focus Areas, numbers of street trees
19 per block shall be maximized by applying the following standards in addition to the standards
20 in Section 12.64.630. Where these standards conflict with Section 12.64.630, these standards
21 shall prevail.
 - 22 a. Street tree spacing shall be consistent with the growth and spread of actual species and
23 based on a 3-foot module.
 - 24 b. Street tree spacing shall be based on the street lighting layout. Street trees shall not be
25 planted within 20 feet of a street light.
 - 26 c. Street trees shall not be planted within the sight distance / vision clearance triangle at any
27 street or driveway intersection.
 - 28 d. Street tree well sizes shall meet the following dimensions:
 - 29 i. 4 feet by 6 feet on retail and commercial frontages where Commercial Focus
30 Streetscape Standards are applied under Subsection 12.64.650.A; or
 - 31 ii. In all other locations, from 4 feet by 9 feet to 4 feet by 15 feet with landscape
32 plantings, with 4 foot by 6 foot concrete unit pavers provided at car door locations.
- 33 9. Ornamental Street Lights. Ornamental street lights shall be installed wherever public or
34 Private street improvements are required as part of a development. Light poles and
35 luminaries from Portland General Electric’s “Option B” materials shall be used as follows:
 - 36 a. Luminaire: Hadco Utility Westbrooke; flared; black.
 - 37 b. Pole: Hadco Techtra; Black; with Shepherd’s Hook Style Mast Arm.

1 10. Street Furniture. Benches, trash receptacles, drinking fountains, bollards and other street
 2 furniture items shall be of the same general design and quality as those used at the Hillsboro
 3 Civic Center. As an alternative, street furniture items of a complementary design may be
 4 provided as identified on an adopted streetscape plan approved by the Transportation
 5 Committee and the Planning Director.

6 **Figure 12.64.650-B:**
 7 **Streetscape Plan Detail – Residential Focus**



8

1 **12.64.700 Stormwater Management and Site Grading.** Stormwater management and site grading
2 standards for the AmberGlen Plan District include the following sections:

- 3 12.64.710 Purpose
- 4 12.64.720 General Provisions
- 5 12.64.730 Consolidated Stormwater Facilities
- 6 12.64.740 Site Grading
- 7 12.64.750 Low Impact Development Approach Guidelines

8 **12.64.710 Purpose.** Stormwater standards in the AmberGlen Plan District are intended to protect
9 the water quality of creeks and wetlands associated with watershed basins in a comprehensive manner
10 by:

- 11 A. Accomplishing stormwater treatment at the district level in consolidated regional water quality
12 facilities;
- 13 B. Integrating stormwater conveyance and regional facilities into the public parkways and open
14 space framework; and
- 15 C. Designing stormwater system facilities to consider potential aesthetic functions to contribute to
16 the character of the district.

17 **12.64.720 General Provisions.**

- 18 A. Stormwater management and drainage shall be provided in accordance with the more restrictive
19 of (a) City drainage master plan requirements/design standards, or (b) Clean Water Services
20 Resolution and Order No. 07-20 (“CWS Design Standards”). The City Engineer may impose
21 conditions to ensure that stormwater is drained from the development site in compliance with the
22 applicable standard, or with any other drainage standards subsequently adopted by the City
23 Council.
- 24 B. Drainage plans shall be reviewed and approved by the City Engineer for conformance with the D
25 & C Standards prior to construction.
- 26 C. Any project that meets the definition of “development” as contained in the CWS Design
27 Standards shall comply with the applicable provisions contained in that document.

28 **12.64.730 Consolidated Stormwater Facilities.**

- 29 A. To consolidate the number of facilities and minimize gross acreage devoted to such use, regional
30 stormwater treatment facilities are identified in the AmberGlen Stormwater Management Plan.
- 31 B. Developers shall work with adjacent property owners to achieve consolidation of the water
32 quality facilities into regional usage to the extent practicable.
- 33 C. Consolidated stormwater facilities shall meet the following standards:
 - 34 1. Design and construction of the facility shall be integrated into site design as a component of
35 the landscaping, open space, or water features;
 - 36 2. The facility shall accommodate all ranges of flows as required by the June 2007 CWS Design
37 Standards including any overflow requirements; and

1 3. Water depth in the facility shall not exceed 24 inches unless the facility is fenced as required
2 by the Oregon Residential Specialty Code.

3 D. Where construction of consolidated regional water quality facilities is not practicable due to
4 topography, other site conditions, or other reasons deemed sufficient by the City Engineer, a
5 private water quality facility may be approved by the City Engineer.

6 **12.64.740 Site Grading.**

7 A. Final construction drawings shall include grading plans confirming that site grading will not
8 impede or impound existing storm drainage from surrounding properties.

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

15 **12.64.750 Low Impact Development Approach Guidelines.**

16 A. Low Impact Development Approaches (LIDAs), as defined by the July 2009 CWS LIDA
17 Handbook, may be used in stormwater facility construction to provide sustainability benefits,
18 LEED credits, or other development objectives.

19 B. Construction of LIDA facilities shall not reduce the size or need to use consolidated regional
20 water quality facilities as set forth in Section 12.64.730. Where construction of such public
21 facilities is not practicable, LIDA may be incorporated into the design of a private water quality
22 facility as approved by the City Engineer.

23 C. When provided, LIDAs should be designed in accordance with the techniques and specifications
24 provided in the July 2009 CWS Low Impact Development Approaches Handbook, ~~as amended.~~
25 Specific approaches should be selected based on their suitability to the soil and drainage
26 characteristics of individual development sites.

27

1 **12.64.800 Building Design Standards.** Building design standards for the AmberGlen Plan District
2 include the following sections:

- 3 12.64.810 Purpose
- 4 12.64.820 Applicability
- 5 12.64.830 Massing and Form
- 6 12.64.840 Building Design and Character
- 7 12.64.850 Pedestrian Active Use Requirements
- 8 12.64.860 Structured Parking
- 9 12.64.870 Green Construction Requirements

10 **12.64.810 Purpose.** The building design standards in the AmberGlen Plan District are intended to
11 accomplish the following purposes:

- 12 A. Establish a unique and distinctive character and quality of development in the District;
- 13 B. Promote the use of sustainable building materials and development practices; and
- 14 C. Promote compatibility in the scale of development between zones.

15 **12.64.820 Applicability.** Unless otherwise specified, the provisions of Section 12.64.800 shall
16 apply as follows:

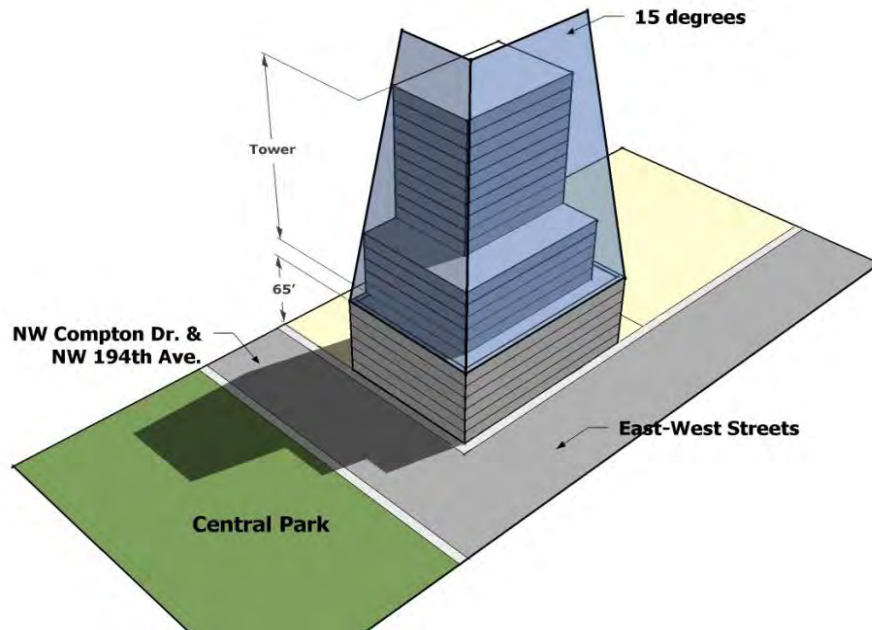
- 17 A. To all new development in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones; and
- 18 B. To all redevelopment or expansion of existing structures as of July 5, 2012 in the UC-RM, UC-
19 MU, UC-AC, UC-NC, and UC-OR zones, that increase the gross floor area of the existing
20 structure by more than 20 percent.
- 21 C. Pursuant to Subsection 12.64.020.B, expansions of gross floor area by less than 20 percent shall
22 comply with either of the following standards, at the applicant's election:
 - 23 1. The provisions of Section 12.64.800; or
 - 24 2. The development standards applicable to the structure prior to July 5, 2012.
- 25 D. The provisions of Section 12.64.800, Building Design Standards, do not apply in the UC-RP
26 zone.

27 **12.64.830 Massing and Form.**

- 28 A. Height Transitions.
 - 29 1. In addition to the maximum building heights established in the UC base zones standards in
30 Subchapter 12.24, transitions in height shall be provided as follows:
 - 31 a. No portion of a building located within 100 feet of a property zoned UC-RM or UC-RP
32 may exceed 55 feet in height except as provided in Subsection 12.50.140.E.3;
 - 33 b. No portion of a building located within 100 feet of a UC-NC zone may exceed 65 feet in
34 height;
 - 35 c. No portion of a building located within 200 feet of Central Park may exceed 105 feet in
36 height; and

- d. No portion of a building located within 50 feet of 206th Avenue, Stucki Avenue south of NW Gibbs Drive, or the UC-RP zone may exceed 35 feet in height.
 - 2. To meet the requirements in Subsection 1, above, height transitions shall be accomplished 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.
- B. **Bulk Plane Requirements.** To preserve views to the Central Park and to preserve solar access at the street level and for upper stories, a bulk plane shall be established over the properties in the UC-MU zone that abut all east/west streets and all north/south streets that abut the Central Park. The bulk plane shall begin at a height of 65 feet measured at the property line at the street frontage and shall extend upward at a 15-degree angle, as illustrated in Figure 12.64.830-A.

**Figure 12.64.830-A:
Example of Bulk Plane Geometry Requirements**

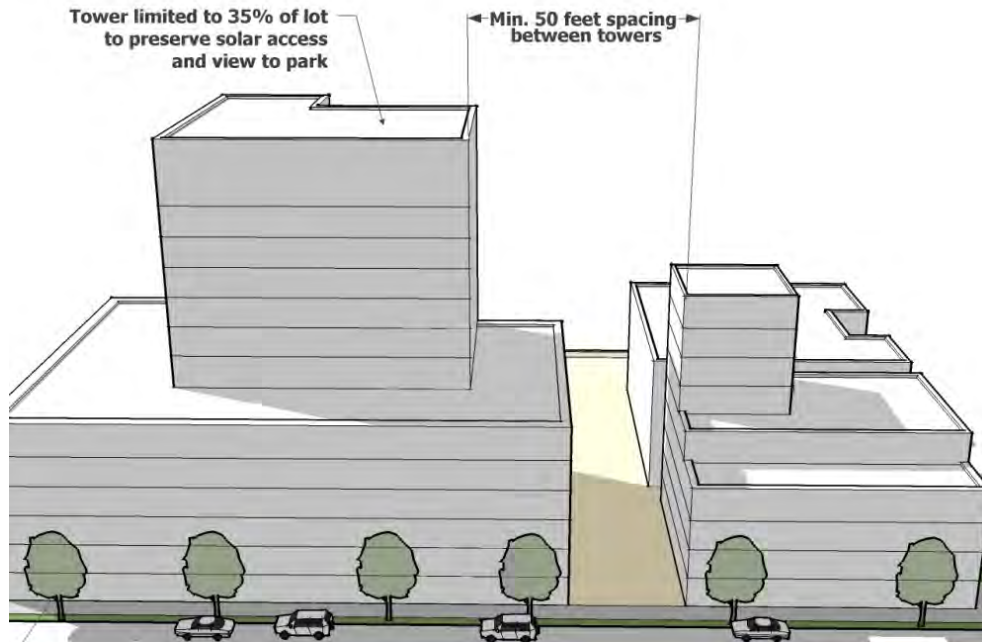


C. **Maximum Tower Lot Coverage.**

- 1. **Purpose.** The standards in this Subsection are intended to preserve generalized solar access to surrounding properties and to protect views into the Central Park area for properties located farther from the Park.
- 2. **Standards.** In the UC-MU zone, portions of buildings that exceed 65 feet in height shall meet the following standards:
 - a. The footprint of the building over 65 feet in height shall not exceed 35 percent of the lot area; and
 - b. Any portion of the building over 65 feet in height must maintain at least 50 feet in spacing from portion(s) of any adjacent building(s) that also exceed 65 feet in height, as illustrated in Figure 12.64.830-B.

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**Figure 12.64.830-B:
Example of Tower Lot Coverage and Separation Distance Standards**



3

4 **12.64.840 Building Design and Character.** In the AmberGlen Plan District, the standards in
5 Section 12.64.840 supersede the standards in Section 12.50.800, except that the latter standards shall
6 prevail where the former standards are silent.

7 A. Building Entries.

- 8 1. All ground floor tenant spaces with at least 25 feet of frontage shall have at least one building
9 entrance, opening directly to the outside, oriented toward the adjacent street.
- 10 2. If a building has frontage on more than one street, a main building entrance may be oriented
11 either toward one of the streets or toward the corner where the two streets intersect.
- 12 3. If a single tenant has 200 feet or more of frontage on a public or Private street, one additional
13 entrance shall be provided for each 200 feet of frontage on one of the public or Private
14 streets.

15 B. Building Orientation.

- 16 1. All buildings are subject to the Front Property Line Coverage requirements in Subchapter
17 12.24.
- 18 2. In the UC-NC and UC-AC zones, buildings shall be organized to create pedestrian-friendly
19 spaces and streetscapes. This shall be accomplished by using building walls to frame or
20 enclose:
 - 21 a. Major intersections;
 - 22 b. Retail Focus Frontage areas designated on Figure 12.64.640-A;
 - 23 c. Surface parking areas;

- d. Plazas, squares, and other public and Private Open Space; and
 - e. Other site features.
3. To the maximum extent feasible, all buildings shall have their front façade oriented within 30 degrees of a true east-west axis for solar access. This standard shall not apply to those buildings located along north-south streets in Retail Focus Frontage areas as shown on Figure 12.64.640-A or other north-south street frontages.

C. Ground Floor Windows.

1. Minimum Transparency by Location. A minimum percentage of the total length and area of each ground floor building façade shall be comprised of transparent windows 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 (all locations as shown on Figure 12.64.640-A).
 - a. On Ground Floor Façades in Retail Focus Frontage Areas: 75 percent of the length and 60 percent of the area of the ground level wall.
 - b. On Ground Floor Façades in All Other Locations Including Green Access Lanes: 60 percent of the length and 35 percent of the area of the ground level wall.
2. Minimum Transparency - Measurement. In application of the standard in Subsection 1.a, above, the following measurement methodology and standards apply:
 - a. In the AmberGlen Plan District, ground level wall area shall mean the area up to the finished ceiling height of the fronting space or 15 feet above finished grade, whichever is less.
 - b. All percentages shall be measured using elevation views of the building façade.
 - c. For non-residential Uses, glazing on all ground floor windows shall be transparent.
 - d. For residential Uses, glazing on ground floor windows of common hallways, foyers, or entryways shall be transparent to allow views into such areas. Glazing on ground floor windows of dwelling units may be translucent or opaque to protect privacy.
 - e. Black or mirrored glass is Not Permitted.

D. Façade Articulation and Design. Blank façades devoid of architectural detail are not permitted. The perceived mass and scale of building façades shall be reduced by incorporating design elements such as but not be limited to those below. A minimum of three of the design elements listed below shall be incorporated along all street-facing façades:

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;

- 1 8. Recessed entries; or
- 2 9. An alternative design element as approved by the Review Authority.

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

- 5 1. An accessible path of travel from the street, sidewalk, or driveway that has no steps, is at
6 minimum of 36-inches wide and is not steeper than 1:20 (5-percent grade) for walkways or
7 1:12 for ramps;
- 8 2. A “zero-step” entrance without a step or threshold;
- 9 3. 32-inch clear doorway openings and hallways that have a minimum clear width of 36-inches
10 throughout the ground floor of the unit; and
- 11 4. Clear doorway openings and clear width hallways throughout the ground floor of the unit
12 which are compliant with applicable Oregon Structural Specialty Code requirements for
13 accessibility; and
- 14 5. A half bath on the ground floor of the unit sufficiently wide and deep to allow a person in a
15 wheelchair to enter, exit and close the door.

16 F. Materials.

- 17 1. Primary building materials shall be used on at least 80 percent of the façade and may include
18 those listed in Subsections a through g, below, as approved by the Review Authority. The
19 remaining 20 percent of the façade may be non-primary materials:
 - 20 a. Brick, stone, or other natural masonry products;
 - 21 b. Cast concrete;
 - 22 c. Articulated architectural concrete masonry units (CMU);
 - 23 d. Traditional hard coat Stucco;
 - 24 e. Steel;
 - 25 f. Glass; or
 - 26 g. Comparable materials approved by the Review Authority.
- 27 2. In the UC-MU zone, glass may be used as a primary building material on portions of
28 buildings that exceed six stories in height.
- 29 3. The following materials are Not Permitted on any façade:
 - 30 a. T-111 siding;
 - 31 b. Synthetic stucco (EIFS);
 - 32 c. Untreated wood products;
 - 33 d. Cinder block;
 - 34 e. Smooth surface concrete panels not compliant with Subsection 12.64.840.D; and
 - 35 f. Fiber cement panels not compliant with Subsection 12.64.840.D.

1 **12.64.850 Pedestrian Active Use Requirements.**

- 2 A. Purpose. Pedestrian active use requirements ensure that new buildings, in key corridors and
3 nodes intended for more intense pedestrian activity, are developed to accommodate pedestrian-
4 active Uses (such as retail goods and services) in ground floor street frontages.
- 5 B. Applicability. The provisions of this Section shall apply to all primary street frontages within the
6 Retail Focus Frontage areas shown on Figure 12.64.640-A.
- 7 C. Requirements.
- 8 1. All development shall comply with all other requirements of this Code that are not
9 inconsistent with the requirements of this Section. In the event of inconsistency, the
10 provisions of Section 12.64.850 shall apply.
 - 11 2. Within each development parcel, at least 60 percent of each ground floor street frontage of
12 each primary building shall be constructed:
 - 13 a. With a floor-to-ceiling height of at least 13 feet;
 - 14 b. With a leasable area extending from the street façade of the building towards the interior
15 of the building at least 30 feet; and
 - 16 c. With at least one pedestrian access from the street to a main building entrance per 100
17 linear feet of street frontage, or part thereof, at a level no more than 3 feet above or below
18 sidewalk grade.

19 **12.64.860 Structured Parking.**

- 20 A. Structured parking within or adjacent to a primary structure shall be integrated with the overall
21 design of the primary structure it serves through the use of visually similar architectural features
22 and façade materials.
- 23 B. Free-standing parking structures shall be designed to complement surrounding buildings in terms
24 of scale, design elements, building materials, and orientation on the site.
- 25 C. Ground level structured parking with direct access from drive aisles to parking for individual
26 dwelling units shall include garage doors on the elevation where vehicles enter and exit. The
27 remaining outer side and rear walls of the structure shall be enclosed by walls or screens meeting
28 the requirements of this Section. Open-sided and open-ended carports are not permitted.
- 29 D. Vehicle access to parking structures from street frontages in Retail Focus Frontage areas shown
30 on Figure 12.64.640-A is Not Permitted; access to the structure shall be from other frontages.
- 31 E. Ground floor façades of parking structures that front Arterial, Collector streets, or streets in
32 Retail Focus Frontage areas shown on Figure 12.64.640-A shall comply with Pedestrian-Active
33 Use Requirements in Section 12.64.850.
- 34

1 F. Pedestrian-oriented design elements as approved by the Review Authority, including the
2 following, shall be incorporated into parking structures to screen cars and provide visual interest.
3 Such features are illustrated on Figure 12.64.860-A:

- 4 1. Decorative panels for window openings and/or garage entrance gates;
- 5 2. Integrated planting systems;
- 6 3. Public art;
- 7 4. Green roofs (for underground parking decks); and
- 8 5. Other features as approved by the Review Authority.

9 **Figure 12.64.860-A:**
10 **Examples of Structured Parking Design Elements**



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13 **12.64.870 Green Construction Requirements.** In all new construction projects valued at over
14 \$250,000 in hard construction costs on the building permit application, at least 75 percent of
15 construction debris shall be recycled in a facility located entirely or partly within 100 miles of the
16 project site.

1 **12.64.900 Application of Public Benefit Standards.** Public benefit standards for the AmberGlen
2 Plan District include the following sections:

- 3 12.64.910 Purpose
- 4 12.64.920 General Provisions
- 5 12.64.930 Vertical Mixed-Use Public Benefits
- 6 12.64.940 Mixed Income Housing
- 7 12.64.950 Green Buildings
- 8 12.64.960 Public Art

9 **12.64.910 Purpose.** To encourage development and redevelopment which will achieve the
10 densities necessary to support efficient transit development, the UC zone standards in Subchapter 12.24
11 and the AmberGlen Plan District standards in Subchapter 12.64 allow relatively high densities, a wide
12 range and mix of urban Uses, and waiver or reduction of minimum parking requirements. In some
13 cases, however, proposed development may not be able to meet minimum density requirements or may
14 need to exceed maximum parking limits because of the nature of the proposed use or its distance from
15 transit facilities. The standards of this Section provide for Adjustments to the development and parking
16 standards in the UC zones and in Section 12.64.300 in return for the applicant’s provision of other
17 benefits consistent with the goals and vision of the Community Plan for the plan area. The provision of
18 vertical Mixed-Use development, mixed income housing, green buildings, and public art pursuant to this
19 Section is hereby determined to be a public benefit.

- 20 A. Purpose of Vertical Mixed-Use Benefit. Development or redevelopment below minimum
21 density or intensity requirements reduces support for the new transit facility, which in turn delays
22 achievement of reduced VMT/ emissions and increased transit use. Vertical Mixed-Use offsets
23 those impacts by providing opportunity for residents to live and work in the same facility, and by
24 allowing more efficient joint use of parking spaces in return for a higher total amount of parking
25 provided.
- 26 B. Purpose of Affordable Housing Benefit. Development or redevelopment below minimum
27 residential density requirements reduces support for the new transit facility, and delays
28 opportunities for lower income households to reduce their combined housing transportation costs
29 by obtaining housing near transit facilities. Providing affordable housing can offset these
30 impacts by making affordable housing available in close proximity to transit even if residential
31 density standards have not been achieved. Although allowing increased parking consumes land
32 that could otherwise accommodate additional housing that would increase the supply and reduce
33 the cost of individual units providing affordable housing can offset these impacts even though
34 potential housing land has been used for parking.
- 35 C. Purpose of Green Buildings Benefit. Development or redevelopment below minimum base zone
36 intensity standards reduces support for the new transit facility, which in turn delays achievement
37 of reduced VMT/ emissions and increased transit use. Development of parking above maximum
38 parking limits accommodates more auto travel with associated VMT/emissions. More efficient
39 “green” buildings can offset those impacts by reducing building energy consumption and
40 emissions.

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1 D. Public Art Benefit. Development or redevelopment below minimum base zone intensity
2 standards or development of parking above maximum parking limits reduces the dense, walkable
3 urban character which is a goal of the AmberGlen Community Plan. The provision of public art
4 encourages walking (as opposed to driving) within the Urban Center zones by increasing areas
5 and destinations of pedestrian interest.

6 **12.64.920 General Provisions.**

- 7 A. Table 12.64.920-1 lists areas of flexibility in development density, intensity and parking
8 standards available in return for the provision of public benefits. Provision of these benefits is
9 intended to offset any negative impacts created by reducing development densities or intensities
10 or increasing vehicle parking.
- 11 B. Applications for Adjustments in Table 12.64.920-1 shall be submitted through a Type II
12 Development Review process.
- 13 C. The Adjustments in Table 12.64.920-1 may be applied to either residential or non-residential
14 development, but shall not be applied on any property or portion thereof within 800 feet of an
15 LRT or HCT stop.
- 16 D. The Adjustments to minimum densities and FARs in Table 12.64.920-1 and Sections 12.64.930
17 through 12.64.960 may be approved in compliance with Sections 12.64.930 through 12.64.960 as
18 an alternative to the Adjustments in minimum intensity stated in Section 12.64.120. The
19 Adjustments available in Table 12.64.920-1 shall not be used in combination with the exceptions
20 under Section 12.64.120 to further reduce minimum density or intensity in development or
21 redevelopment.
- 22 E. Adjustments to both maximum parking requirements and minimum density requirements may be
23 approved if a different type of public benefit is provided for each requested Adjustment. For
24 example, a 20 percent increase in maximum parking allowance may be approved if vertical
25 Mixed-Use is provided pursuant to Section 12.64.930, and a 10 percent reduction in minimum
26 density may be approved if a LEED gold building is constructed pursuant to Section 12.64.950.
27 Adjustments greater than 20 percent in either maximum parking or minimum density or intensity
28 shall not be approved, regardless of the number or amount of public benefits proposed.
- 29 F. In Table 12.64.920-1, increased parking approved as an Adjustment is not required to be located
30 in a parking structure.
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**Table 12.64.920-1:
AmberGlen Plan District Adjustments for Public Benefits**

Public Benefit Required	Proposed Adjustment	
	Development Below Minimum Density or Intensity Requirement	Parking Above Maximum Parking Limit
Vertical Mixed-Use	10 percent below minimum base zone standards for vertical mix of permitted Uses from two categories in the base zone	10 percent above maximum parking standard for vertical mix of permitted Uses from two categories in the base zone.
	20 percent below minimum base zone standards for vertical mix of permitted Uses from three categories in the base zone	20 percent above maximum parking standard for vertical mix of permitted Uses from three categories in the base zone.
Mixed Income Housing	20 percent below minimum base zone residential density for projects reserving 10 percent of for sale units as affordable to households at 80 percent AMI; or 10 percent of rental units as affordable to households at 60 percent AMI. Affordability must be assured for at least 30 years.	20 percent above maximum parking standard for projects reserving 10 percent of for sale units as affordable to households at 80 percent AMI; or 10 percent of rental units as affordable to households at 60 percent AMI. Affordability must be assured for at least 30 years.
Green Buildings	10 percent below minimum base zone standards for buildings achieving LEED Gold Certification or equivalent.	10 percent above maximum parking standard for buildings achieving LEED Gold Certification or equivalent.
	20 percent below minimum base zone standard for buildings achieving LEED Platinum Certification or equivalent.	20 percent above maximum parking standard for buildings achieving LEED Platinum Certification or equivalent.
Public Art	10 percent below minimum base zone standards for installation of public art costing at least 1 percent of hard construction costs for the project	10 percent above maximum parking standard for installation of public art costing at least 1 percent of hard construction costs for the project.

3 **12.64.930 Vertical Mixed-Use Public Benefits.** To meet the threshold for a 10 percent
 4 Adjustment, the vertical Mixed-Use provided must include both a permitted residential use and at least
 5 one permitted Commercial or Institutional use. To meet the threshold for a 20 percent Adjustment, the
 6 vertical Mixed-Use provided must include one permitted residential use, at least one permitted
 7 Commercial Use and at least one permitted Institutional Use.

8 **12.64.940 Mixed Income Housing.** Twenty percent reductions in minimum residential density
 9 requirements in return for setting aside 10 percent of units for purchase price affordable to households at
 10 80 percent of AMI or for rental affordable to households at 60 percent of AMI, as determined by the
 11 Review Authority. Affordability at these levels must be assured for a period of at least 30 years through
 12 a development agreement with the applicant.

1 **12.64.950 Green Buildings.**

2 A. Ten percent reductions in minimum density or 10 percent increases in maximum parking
3 permitted in return for a building receiving a LEED certification at the gold level 20 percent
4 reductions in minimum density or 20 percent increases in maximum parking permitted in return
5 for a building receiving a LEED certification at the platinum level.

6 B. To meet the thresholds in lieu of LEED certification, certification may be provided under another
7 nationally-recognized or state-recognized program (including but not limited to Energy Star or
8 Earth Advantage) that the City determines provides resource savings or sustainability benefits
9 comparable to the LEED applicable certification. In addition, applicants must execute a
10 development agreement to pursue post-construction LEED certification and if the building fails
11 to meet the required level of certification, to make any building alterations necessary to meet
12 those thresholds.

13 **12.64.960 Public Art.** Ten percent reductions in minimum density or 10 percent increases in
14 maximum parking permitted in return for the provision of public art costing at least 1 percent of the hard
15 construction costs of the project, as shown on the building permit application. For purposes of this
16 section, hard construction costs shall be as shown on the building permit application. Public Art may be
17 provided on the subject site or in a public right-of-way elsewhere within the Plan District.

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**SUBCHAPTER 12.70
PROCEDURES**

- 3 **12.70.010 Purpose and Chapter Organization**
4 **12.70.020 Summary of Review Procedures**
5 **12.70.030 Type I Procedure**
6 **12.70.040 Type II Procedure**
7 **12.70.050 Type III Procedure**
8 **12.70.060 Type IV Procedure**
9 **12.70.070 Initiation of an Application**
10 **12.70.080 Withdrawal of an Application**
11 **12.70.090 Pre-Application Conference**
12 **12.70.100 Neighborhood Meetings**
13 **12.70.110 Application Submittal and Completeness Review**
14 **12.70.120 Conditions of Approval**
15 **12.70.130 Effective Date of Decision**
16 **12.70.140 Expiration of a Decision**
17 **12.70.150 Extension of a Decision**
18 **12.70.160 Public Hearings**
19 **12.70.170 Public Hearings on Cases Remanded from LUBA**
20 **12.70.180 Appeals**
21 **12.70.200 Transportation Studies**
22 **12.70.210 Traffic Management Plan**
23 **12.70.220 Traffic Impact Analysis**
24 **12.70.230 Transportation Planning Rule Compliance**
25

1 **12.70.010 Purpose and Chapter Organization.**

2 A. Purpose. This chapter establishes decision-making procedures for review and processing of land
3 use applications and permits, for the following purposes:

- 4 1. To make the review process clear and understandable for applicants;
- 5 2. To enable the public to effectively participate in the local decision-making process; and
- 6 3. To facilitate timely review of land use applications by the City.

7 B. Chapter Organization. Details specific to each procedure type (I – IV) are included in Sections
8 12.70.030 through 12.70.060. Provisions common to multiple procedure types are included in
9 Sections 12.70.070 through 12.70.190. Sections 12.70.200 through 12.70.230 include
10 methodologies for Transportation Studies which may be required in a land use application.

11 **12.70.020 Summary of Review Procedures.**

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

15 B. Description of Procedure Types. There are four types of decision-making procedures:

- 16 1. Type I. Type I procedures apply to “ministerial” permits and applications. Decisions on
17 ministerial permits are made by City staff, based on clear and objective approval criteria, and
18 do not require exercise of policy or legal judgment. A decision to approve or deny a
19 ministerial permit must be made unless the application is withdrawn. Type I procedures
20 require notice and right to appeal only to the applicant.
- 21 2. Type II. Type II procedures apply to “administrative” permits and applications. Decisions
22 on administrative applications are made by City staff, based on reasonably objective approval
23 criteria that require only limited discretion in applying approval criteria. A decision to
24 approve or deny an administrative application must be made unless the application is
25 withdrawn. Type II procedures require public notice and an opportunity for appeal, but do
26 not require a public hearing.
- 27 3. Type III. Type III procedures apply to “quasi-judicial” applications. Decisions on quasi-
28 judicial applications are made by an elected or appointed Review Authority, and require
29 substantial exercise of discretion and judgment in applying approval criteria. A decision to
30 approve or deny a quasi-judicial application must be made unless the application is
31 withdrawn. Type III procedures require public notice and a public hearing.
- 32 4. Type IV. Type IV procedures apply to “legislative” matters. Legislative decisions are made
33 by an elected or appointed Review Authority and involve the adoption or amendment of
34 policy by ordinance. Legislative decisions may also apply to applications involving a large
35 geographic area containing many properties. No final decision to approve or deny a
36 legislative matter is required. Type IV procedures require general public notice and a public
37 hearing.

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1 C. Determination of Proper Procedure Type. Unless already specified in Table 12.70.020-1, the
2 Planning Director shall determine whether a permit or application is processed as Type I, II, III
3 or IV based on the descriptions in Subsection B, above. Questions regarding the appropriate
4 procedure shall be resolved in favor of the procedure type providing the widest notice and
5 opportunity to participate.

6 D. Consolidated Reviews.

- 7 1. At the request of the applicant, multiple Type II or III applications for a single proposal may
8 be consolidated and processed concurrently under the highest numbered procedure required
9 for any part of the application, or processed individually under the procedures identified by
10 this Code. For example, a proposal requiring both Development Review (Type II) and a
11 Planned Unit Development (Type III) application would be processed under Type III
12 procedures if consolidated at the applicant's request.
- 13 2. If the individual applications would be assigned to different Review Authorities, the
14 consolidated applications will be assigned to the highest Review Authority using the
15 following hierarchy from lowest to highest:
 - 16 a. Planning Director or designee
 - 17 b. Historic Landmarks Advisory Committee
 - 18 c. Planning and Zoning Hearings Board
 - 19 d. Planning Commission
- 20 3. When proposals are consolidated at the applicant's request, the following processes shall be
21 applied:
 - 22 a. Separate responses to the applicable criteria shall be submitted for each application;
 - 23 b. The public notice shall identify each application to be decided; and
 - 24 c. Separate findings and decisions shall be made on each application.
- 25 4. If the consolidated proposals include an application for a Comprehensive Plan Land Use Map
26 amendment, the final decision on the Plan Map amendment shall precede any decision on a
27 proposed Zone Change and all other decisions on a proposed development. Similarly, the
28 final decision on a Zone Change shall precede a decision on a proposed Development
29 Review or any other action.

30 E. Summary Table. Table 12.70.020-1 summarizes land use applications and permits by procedure
31 type, decision authority and appeal authority.

32 F. Application Elevation. Notwithstanding Table 12.70.020-1 or the Planning Director's
33 determination, an applicant may choose to elevate a Type I or II application to a higher
34 numbered procedure type, provided the applicant pays the appropriate fee for the selected
35 procedure type and the Director determines that statutory timelines for reaching a final decision
36 can be met.

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**Table 12.70.020-1:
Land Use Applications, Procedures, and Review Authorities**

Permit/Application	Procedure Type ¹	Neighborhood Meeting Required	Review Authority ²		Primary Code Sections
			Decision ³	Appeal	
Adjustment, Type II	II		PD	PC	12.80.154
Adjustment, Type III	III		PC or PZHB	CC	12.80.156
Annexation	III		CC (D)	LUBA	Metro Ch. 3.09
CDC Text Amendment	IV		PC (R) CC (D)	LUBA	12.80.140
Conditional Use	III	✓	PZHB	CC	12.80.020
Cultural Resources					12.80.030
• Nomination to or Removal from the Inventory	III		HLAC (R) PC (R) CC (D)	LUBA	12.80.030 12.27.330 12.27.340
• Minor Alteration	II		PD	PC	12.80.030 12.27.360
• Major Alteration, Demolition, or Relocation	III		HLAC (R) PC (D)	CC	12.80.030 12.27.370
Development Review	II		PD	PC	12.80.040
Director's Interpretation					
• Site specific	II		PD	CC	12.80.050
• Not site specific	I		PD	CC	12.80.050
Extension of Approval					
• First extension	I		PD	PC	12.70.150
• Additional Extensions	II		PD	PC	12.70.150
• Extensions for multi-phase projects	III		PC	CC	12.70.150
Fence Permit	I		PD	PC	12.80.060 12.50.250
Floodplain Activity (Minor)	II		PD	PC	12.80.070 12.27.130

¹ Type I – Ministerial; Type II – Administrative; Type III – Quasi Judicial; Type IV – Legislative

² 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

³ (R) – Recommendation; (D) – Decision

Permit/Application	Procedure Type ¹	Neighborhood Meeting Required	Review Authority ²		Primary Code Sections
			Decision ³	Appeal	
Floodplain Activity (Major)	III	✓	PC	CC	12.80.070 12.27.135
Home Occupation Permit	I		PD	PC	12.80.080
Lot Consolidation	I		PD	PC	12.80.094
Modifications of Type II/III approvals (Minor)	I/II		PD	PC	12.80.100
Modification of Type II/III Approvals (Major)	II/III	✓	PD	PC/CC	12.80.100
Non-conforming Use or Structure Expansion	III	✓	PZHB	CC	12.80.110
Pre-existing Structure or Use Expansion (AmberGlen Plan District):					
• < 10% existing gfa	I		PD	PC	12.64.020
• >10% but <20% existing gfa	II		PD	PC	12.64.020
• >20% existing gfa	II		PD	CC	12.64.020
Partition (preliminary plat)	II		PD	PC	12.80.096
Partition (final plat)	I		PD	PC	12.80.096
Planned Unit Development	III	✓	PC	CC	12.80.120
Planned Unit Development Implementation (by DR or final plat)	I		PD	PC	12.80.122
Property Line Adjustment	I		PD	PC	12.80.092
Significant Natural Resource Permit, Major	III	✓	PC	CC	12.80.130 12.27.220
Significant Natural Resource Permit, Minor	II		PD	PC	12.80.130 12.27.220
Subdivision (Minor, Preliminary Plat)	II	✓	PD	PC	12.80.098
Subdivision (Minor, Final Plat) (see also PUD)	I		PD	PC	12.80.098
Subdivision (Major, Preliminary Plat)	III	✓	PC	CC	12.80.098
Subdivision (Major, Final Plat) (see also PUD)	II		PD	CC	12.80.098
Variance					
• In Mixed-Use or SCPA Zone	III	✓	PC	CC	12.80.152

Permit/Application	Procedure Type ¹	Neighborhood Meeting Required	Review Authority ²		Primary Code Sections
			Decision ³	Appeal	
• In standard zones	III	✓	PZHB	CC	12.80.152
Zone Change					
• Owner Initiated	III		PZHB (R) CC (D)	LUBA	12.80.160
• Annexation-related	III		CC (R) CC (D)	LUBA	12.80.160
• City Initiated	III		PZHB s(R) CC (D)	LUBA	12.80.160
• City-initiated in conjunction with a CDC Text Amendment	IV		PC (R) CC (D)	LUBA	12.80.140

1 G. Application of Days in Procedures. Timelines in this section are expressed in 24-hour calendar
2 days, unless the deadline for an action fall on a weekend or legal holiday, in which case the
3 deadline will be considered to be the (calendar) day after the weekend or holiday.

4 **12.70.030 Type I Procedure.**

5 A. General Description. Type I procedures apply to “ministerial” permits. Decisions on ministerial
6 permits are made by City staff, based on clear and objective approval criteria, and do not require
7 interpretation or the exercise of policy or legal judgment. A decision to approve or deny a
8 ministerial permit must be made unless the application is withdrawn. Type I procedures require
9 notice and right to appeal only to the applicant.

10 B. When Applicable. Table 12.70.020-1 identifies Type I applications. Applications not listed on
11 Table 12.70.020-1 may be identified as Type I by the Planning Director based on the General
12 Description in this Section.

13 C. Pre-Application Conference. A pre-application conference is not required for Type I
14 applications.

15 D. Neighborhood Meeting. A neighborhood meeting is not required for Type I applications.

16 E. Application Requirements.

- 17 1. Type I applications shall be submitted on application forms provided by the Director. The
18 application forms shall list applicable submittal requirements as required by Subsection
19 12.70.110.C.
- 20 2. Type I application forms shall include a Decision Section in which the Planning Director or
21 the Director’s designee will note the Decision, supporting findings, and appeal provisions.
- 22 3. Type I applications shall be accompanied by the required fee.
- 23 4. Type I applications are subject to the completeness review procedures set forth in
24 Subsections 12.70.110.D and E.

- 1 F. Public Notice. Type I applications do not require public notice or an opportunity for comment.
- 2 G. Review Authority. The review authority for Type I applications shall be the Planning Director.
- 3 The Planning Director shall approve, approve with conditions or deny a Type I application
- 4 within 15 days after the application was determined to be complete.
- 5 H. Notice of Decision. Written Notice of the Decision for Type I applications shall consist of either
- 6 the approved Permit, or a copy of the application form marked “Denied”. Either Notice shall be
- 7 signed by the Planning Director or the Director’s designee. The completed Notice of Decision
- 8 shall be provided to the applicant by mail or hand-delivery within five days after the application
- 9 is approved or denied. Together with the Permit or the application form, the Notice of the
- 10 Decision shall:
- 11 1. Include a brief summary of the proposal, the approval or denial of the application, and any
 - 12 applicable conditions of approval;
 - 13 2. State the facts upon which the Director relied to determine whether the application satisfied
 - 14 or failed to satisfy each applicable approval criterion and/or standard; and
 - 15 3. State that the decision is the final local decision unless an appeal is filed as provided in
 - 16 Section 12.70.190. The notice of decision shall state the date and time by which an appeal
 - 17 must be filed.
- 18 I. Appeal.
- 19 1. Only an applicant may appeal a Type I decision. Appeal authorities are identified in Table
 - 20 12.70.020-1 and appeal requirements and procedures are set forth in Section 12.70.190. If
 - 21 the applicant does not file an appeal within the time specified in Section 12.70.190, the
 - 22 decision is final.
 - 23 2. If the applicant appeals the Planning Director’s decision, the appeal authority’s decision is
 - 24 the final local decision on the application.

25 **12.70.040 Type II Procedure.**

- 26 A. General Description. Type II procedures apply to “administrative” permits and applications.
- 27 Decisions on administrative applications are made by City staff, based on reasonably objective
- 28 approval criteria that require only limited discretion. A decision to approve or deny an
- 29 administrative application must be made unless the application is withdrawn. Type II procedures
- 30 require public notice and an opportunity for appeal, but do not require a public hearing.
- 31 B. When Applicable. Table 12.70.020-1 identifies Type II applications. Applications not listed on
- 32 Table 12.70.020-1 may be identified as Type II by the Planning Director based on the General
- 33 Description in this Section.
- 34 C. Pre-Application Conference. Pre-application conferences are not required for Type II
- 35 applications, but are strongly encouraged. Guidelines for pre-applications conferences are set
- 36 forth in Section 12.70.090.
- 37 D. Neighborhood Meeting. Neighborhood meetings are strongly encouraged for Type II
- 38 applications, but are not required. Section 12.70.100 sets forth requirements and procedures for
- 39 neighborhood meetings. These procedures should be considered guidelines for voluntary
- 40 neighborhood meetings for a Type II application.

1 E. Application Requirements.

- 2 1. Type II applications shall be submitted on application forms provided by the Planning
3 Director. The application forms shall list applicable submittal requirements as required by
4 Subsection 12.70.110.C.
- 5 2. Type II applications shall be accompanied by the required fee.
- 6 3. Type II applications are subject to the completeness review procedures set forth in
7 Subsections 12.70.110.D and E.

8 F. Public Notice and Comment Period. Public notice is required for all Type II applications. This
9 notice invites affected parties to participate by providing area property owners and other
10 interested parties with an opportunity to submit written comments on the application before a
11 Notice of Decision is issued.

- 12 1. After a Type II application has been accepted as complete under Subsection 12.70.110.E, the
13 Planning Department shall mail a written public notice to the following parties:
- 14 a. The applicant(s) and/or authorized representative(s);
- 15 b. The owner(s) or contract purchaser(s) of record of the subject property or properties;
- 16 c. Property owners of record within 200 feet of the perimeter property line of the property
17 or properties subject to the application, using the most recent property tax assessment
18 roll of the Washington County Department of Assessment and Taxation to determine the
19 property owner(s) of record; and
- 20 d. Any governmental agency which is entitled to notice under an intergovernmental
21 agreement entered into with the City.
- 22 2. Written public notice of the pending application shall include the following information:
- 23 a. The case file number for the application, the name of the applicant and a concise
24 description of the nature of the request;
- 25 b. A vicinity map and description of the subject site reasonably sufficient to inform the
26 reader of its location, including map and tax lot number and site address, if available;
- 27 c. A list of the relevant approval criteria applicable to the decision by Code section
28 number;
- 29 d. A statement that the application and all documents and evidence submitted by the
30 applicant are available for review, and copies can be obtained at reasonable cost;
- 31 e. A brief summary of the decision-making process for the application;
- 32 f. The place, date, and time that written comments on the application are due, and the
33 name and telephone number of the city representative to contact about the application;
- 34 g. A statement that comments received after the close of the public comment period will
35 not be considered by the Planning Director;
- 36 h. A statement that issues which may provide the basis for an appeal to the Land Use
37 Board of Appeals (LUBA) must be raised in writing prior to the expiration of the
38 comment period with sufficient specificity to enable the applicant and review authority
39 to respond to the issue;

- i. 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
 - j. 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.
3. Public notices for Type II applications shall include a minimum period of 14 days from the date the notice was mailed for the submission of written comments before a Notice of Decision is issued.

G. Review Authority. The review authority for Type II applications 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.

H. Notice of Decision.

1. Within seven days after the Planning Director has issued it, a Notice of Decision shall be sent by mail to the following parties:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any person or group who submitted written comments during the comment period, or who submitted a written request to receive notice of the decision; and
 - d. Any governmental agency which is entitled to the Notice of Decision under an intergovernmental agreement with the City, and other agencies that provided comments during the application review period.
2. The Notice of Decision shall include the following information:
 - a. A brief summary of the proposal, the Decision, and any conditions of approval;
 - b. 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;
 - c. 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;
 - d. A statement that the decision is final, unless appealed as provided in Section 12.70.190;
 - e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed; and
 - f. A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review; and the name and telephone number of the city representative to contact about reviewing the case file.

I. Appeal.

1. The Planning Director's decision may be appealed by the applicant or any person who provided comments during the public comment period.

2. The Decision shall become final unless an appeal is filed.
3. The review authority for an appeal of a Type II application is identified in Table 12.70.020-1.
4. The appeal shall follow the requirements and procedures of Section 12.70.190.
5. 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).

12.70.050 Type III Procedure.

- A. General Description. Type III procedures apply to “quasi-judicial” applications. Decisions on quasi-judicial applications are made by an elected or appointed Review Authority, and require 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.
- B. When Applicable. Table 12.70.020-1 identifies Type III applications. Applications not listed on Table 12.70.020-1 may be identified as Type III by the Planning Director based on the General Description in this Section.
- C. 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 12.70.090.
- D. Neighborhood Meeting. Neighborhood meetings are mandatory for most Type III applications, as specified in Table 12.70.020-1. When required, neighborhood meetings shall follow the requirements and procedures in Section 12.70.100.
- E. Application Requirements.
 1. Type III applications shall be submitted on forms provided by the Planning Director. The application forms shall list applicable submittal requirements as required by Subsection 12.70.110.C.
 2. Type III applications shall be accompanied by the required fee.
 3. Type III applications are subject to the completeness review procedures set forth in Subsections 12.70.110.D and E.
- F. 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.
 1. After the application has been deemed complete under Subsection 12.70.110.E, the Planning Department shall mail a written notice of the public hearing to the following parties:
 - a. The applicant(s) and/or authorized representative;
 - b. The owner(s) or contract purchaser(s) of record of the subject property or properties;

- c. Owners of record of properties within 500 feet of the perimeter property line of the property or properties subject to the application, using the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation to determine the property owner(s) of record; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
2. Notice of public hearings for certain applications shall also be mailed as shown in Table 12.70.050-1 to the following parties:

**Table 12.70.050-1:
Additional Notice on Specific Type III Applications**

Application Characteristics	Additional Parties for Notification
The only access to a proposed development is a highway/railroad crossing	The applicable road authority; or the rail authority and the rail owner, in accordance with ORS 197.794.
A proposed zone change on property within 1020 feet of the AU Airport Use zone on the Portland-Hillsboro Airport	The Port of Portland, in accordance with ORS 227.175
A proposed zone change affecting a manufactured home or mobile home park	All mailing addresses within the park in accordance with ORS 227.175.
A proposed Zoning Map amendment (ZC) or Planned Unit Development (PUD)	DLCD, in compliance with applicable state law and administrative rules.

3. The written notice of the public hearing on the pending application shall include the following information:
- a. The review authority for the application and the date, time, and place of the hearing;
 - b. The case file number for the application, and the name and address of the applicant or the applicant’s representative;
 - c. A concise description of the nature of the proposed use or development and the specific approvals requested;
 - d. A vicinity map and description of the subject site reasonably sufficient to inform the reader of its location, including Assessor’s Tax Map, Tax Lot number, and site address if available;
 - e. A list of the applicable approval criteria by Code section number;
 - f. 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;
 - g. 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;
 - h. The name and telephone number of the city representative to contact about the application;
 - i. A brief summary of the decision-making process for the application;

- 1 j. A general explanation of the requirements to submit testimony and the procedure for
2 conducting public hearings;
- 3 k. A statement that all interested persons may appear and provide testimony at the public
4 hearing, and that only those participating at the hearing, or in writing, are entitled to
5 appeal; and
- 6 l. A statement that failure to raise an issue at the hearing, in person or by letter, or failure
7 to provide sufficient specificity to enable the review authority to respond to the issue,
8 precludes an appeal based on that issue.
- 9 4. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the
10 hearing.
- 11 5. An affidavit of mailing of the public notice, including the notice, the mailing date and a list
12 of parties to whom the notice was mailed, shall be prepared and made a part of the case file.
- 13 G. Published Notice of Public Hearing for Certain Applications. Notice of the public hearing for
14 certain Type III applications shall be published one time in a newspaper of general circulation in
15 the City, at least 14 days before the public hearing. The newspaper's affidavit of publication of
16 the notice shall be included in the case file.
- 17 H. Decision Authority. Table 12.70.020-1 identifies the decision authority for each Type III
18 application.
- 19 I. Public Hearing Procedure. The public hearing shall be conducted in accordance with the
20 requirements and procedures in Section 12.70.170.
- 21 J. Notice of Decision.
- 22 1. Following a decision on the application by the Review Authority, a written decision in the
23 form of an Order or Minute Order shall be prepared by the Planning Department or the
24 Review Authority. The Order or Minute Order shall include the following information:
- 25 a. The decision to deny or to approve the application and if approved, any conditions of
26 approval necessary to ensure compliance with applicable criteria;
- 27 b. A list of the applicable approval criteria by Code section number;
- 28 c. A statement or summary of the facts upon which the Review Authority relied to
29 determine whether the application satisfied or failed to satisfy the applicable approval
30 criteria; and to justify any conditions of approval. The Review Authority may adopt or
31 incorporate by reference a staff report or written findings prepared by any party to the
32 proceeding into the Order to satisfy this requirement; and
- 33 d. A statement of conclusions based on the facts and findings.
- 34 2. The Notice of Decision including the full Order shall be mailed to the applicant and to all
35 parties of record within seven days of the date of the decision. Failure of any person to
36 receive mailed notice shall not invalidate the decision, provided that a good faith effort was
37 made to mail the notice.
- 38

- 1 3. The Notice of Decision shall contain the following information:
- 2 a. A summary of the Decision and a list of any conditions of approval;
- 3 b. A description of the subject site reasonably sufficient to inform the reader of its location,
- 4 including Assessor’s Tax Map, Tax Lot number, and site address if available;
- 5 c. A statement that the decision of the review authority is final unless appealed as provided
- 6 in Section 12.70.190;
- 7 d. The requirements for filing an appeal of the Decision, including a statement of the date
- 8 and time by which an appeal must be filed; and
- 9 e. A statement noting that only those persons who made an appearance of record are entitled
- 10 to appeal the decision.
- 11 4. Notices of Action on Zone Changes and PUDs. Notices of Action on zone changes and
- 12 Planned Unit Developments shall state that the Planning and Zoning Hearings Board Order
- 13 or the Planning Commission Order is a recommendation to the City Council and is not
- 14 subject to appeal. Parties of record before the Hearings Board or Planning Commission may
- 15 request that the City Council hold a public hearing on the zone change or Planned Unit
- 16 Development. If the City Council chooses to hold a public hearing upon the request of a
- 17 party of record, the City Council public hearing shall follow the requirements and procedures
- 18 in Section 12.70.190.

19 K. Appeal.

- 20 1. The decision of the Review Authority may be appealed to the City Council. Only the
- 21 applicant or persons who made an appearance of record at the public hearing before the
- 22 Review Authority have standing to appeal.
- 23 2. The appeal shall follow the requirements and procedures in Section 12.70.190.
- 24 3. The City Council decision shall be the final local decision on all appeals. Any further appeal
- 25 shall be made to the Land Use Board of Appeals.

26 **12.70.060 Type IV Procedure.**

- 27 A. General Description. Type IV procedures apply to “legislative” matters. Legislative decisions
- 28 are made by an elected or appointed Review Authority and involve the adoption or amendment
- 29 of policy by ordinance. Legislative decisions may also apply to applications involving a large
- 30 geographic area containing many properties. No final decision to approve or deny a legislative
- 31 matter is required. Type IV procedures require general public notice and a public hearing.
- 32 B. When Applicable. Table 12.70.020-1 identifies Type IV applications. Applications not listed on
- 33 Table 12.70.020-1 may be identified as Type IV by the Planning Director based on the General
- 34 Description in this Section.
- 35 C. Pre-Application Conference. Pre-application conferences are not required for Type IV
- 36 applications, but are strongly encouraged. Guidelines for pre-application conferences are set
- 37 forth in Section 12.70.090.
- 38

- 1 D. Neighborhood Meeting. Neighborhood meetings are not required for Type IV applications, but
2 are strongly encouraged. The City may schedule general neighborhood or public meetings to
3 provide information on a Type IV application in advance of the formal notice and public hearing
4 process.
- 5 E. Application Requirements. Type IV applications may be initiated only by Planning Commission
6 Order or City Council Order. Unlike Type I, II or III applications, Type IV applications cannot
7 be initiated by a private party. Type IV applications are not subject to payment of a fee or to the
8 completeness review procedures in Section 12.70.110.
- 9 F. Mailed Notice of Public Hearing.
- 10 1. Notice to DLCD. Notice of the public hearing on a proposed CDC text amendment and/or a
11 city-initiated zone change in conjunction with a CDC text amendment shall be mailed to
12 DLCD on the forms provided by that Department. The notice to DLCD of a proposed CDC
13 text amendment (and zone change if applicable) shall be mailed in compliance with
14 applicable state law and administrative rules. A copy of the DLCD notice, including the
15 mailing date, shall be made a part of the case file.
 - 16 2. Measure 56 Notice. Notice of the public hearing on a proposed CDC amendment (and zone
17 change if applicable) shall be mailed to owners of record of properties within the City for
18 which the proposed amendment if adopted may, in the Planning Director's opinion, affect the
19 permissible Uses of such properties. Such notice shall be mailed at least 20 but no more than
20 40 days before the public hearing. To send this notice, the Planning Department shall use the
21 most recent property tax assessment roll of the Washington County Department of
22 Assessment and Taxation to determine the property owner(s) of record. The notice of the
23 public hearing on a proposed CDC text amendment (and zone change if applicable) shall
24 include the following information:
 - 25 a. The date, time, and location of the hearing;
 - 26 b. The case file number or title of the proposed CDC text amendment (and zone change if
27 applicable), and the name and telephone number of a city representative to contact about
28 the amendment;
 - 29 c. A concise summary of the nature of the proposed amendment, including changes to
30 existing standards or requirements, and the location or character of any affected
31 properties;
 - 32 d. A listing of the applicable approval criteria by Code section numbers;
 - 33 e. The location and hours where copies of the proposed amendment are available for
34 review, and a statement that copies thereof can be obtained at reasonable cost;
 - 35 f. A statement that the staff report will be available for inspection at no cost at least seven
36 days prior to the hearing, and that copies will be provided at reasonable cost;
 - 37 g. A brief summary of the decision-making process for the application;
 - 38 h. The address where written comments on the proposed amendment can be submitted;
 - 39 i. A general explanation of the requirements for submission of testimony and the procedure
40 for conduct of legislative hearings;

- 1 j. A statement that all interested persons may appear and provide testimony at the public
2 hearing, and that only those participating at the hearing, or in writing, are entitled to
3 appeal;
- 4 k. A statement that failure to raise an issue in a public hearing, in person or by letter, or
5 failure to provide statements or evidence sufficient to afford the Review Authority an
6 opportunity to respond to the issue, precludes an appeal to LUBA based on that issue;
- 7 l. If required by ORS 227.186 (Measure 56), a statement in bold type across the top of the
8 first page of the notice that reads as follows: “This is to notify you that the City shall
9 consider a proposed land use regulation that may affect the permissible Uses of your
10 land”; and
- 11 m. If applicable, a statement that the proposed amendment is a result of an order of the Land
12 Conservation and Development Commission (LCDC) or the Metropolitan Service
13 District (Metro);
- 14 n. An affidavit of mailing of the Measure 56 notice, including the notice, the mailing date,
15 and a list of parties to whom the notice was mailed, shall be made a part of the case file.

16 G. Published Notice of Public Hearing. Notice of the public hearing shall be published two times in
17 a newspaper of general circulation in the City, at least 5 days but not more than 20 days before
18 the public hearing. The newspaper’s affidavit of publication of the notice shall be included in
19 the case file.

20 H. Public Hearing Procedure. The Planning Commission shall conduct the public hearing on a
21 proposed CDC amendment pursuant to the public hearing requirements and procedures in
22 Section 12.70.170.

23 I. Recommendation Authority.

- 24 1. Following receipt of testimony and deliberation at the public hearing, the Planning
25 Commission shall provide a recommendation to the City Council for all proposed CDC
26 amendments. The Planning Commission may recommend that the City Council reject or
27 adopt the amendments with or without certain changes. The Planning Commission’s
28 recommendation shall be issued as an Order, and shall include findings supporting the
29 recommendation, based on public testimony and the amendment’s satisfaction or failure to
30 satisfy the applicable criteria.
- 31 2. Following the adoption of the Planning Commission Order of recommendation, the Planning
32 Department shall mail a Notice of Action to parties of record who appeared orally or in
33 writing before the Planning Commission prior to the closing of the public record. The notice
34 shall contain at least the following information:
 - 35 a. The case file number of the proposed amendment and the Order number of the Planning
36 Commission recommendation;
 - 37 b. A summary of the Planning Commission recommendation for approval, denial, or
38 modification;
 - 39 c. The date, time, and location of the City Council’s consideration of the proposed
40 amendment. The notice shall be mailed not less than seven days prior to the date of the
41 Council’s consideration;

- d. 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;
- e. The telephone number of a city representative to contact about the order; and
- f. 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 (and zone change if applicable).

J. Decision Authority.

1. Upon receiving the Planning Commission's Order of recommendation, the City Council may choose whether 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 12.70.170.
2. 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:
 - a. Continue Council consideration to a date, time, and location certain;
 - b. Remand the proposed amendment to the Planning Commission for additional deliberation;
 - c. Approve the proposed amendment, with or without certain changes;
 - d. Reject the proposed amendment; or
 - e. Table the proposed amendment indefinitely.
3. 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.
4. 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.

K. Notice of Decision.

1. Not more than five days after the date of the City Council adoption or rejection of a proposed CDC amendment (and zone change if applicable), the Planning Director shall mail a Notice to DLCD on the forms provided by that Department.
2. 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.
3. The Notice of Decision shall include the following information:
 - a. The date and nature of the City Council decision;
 - b. A brief summary of the decision, and whether it confirmed, modified or overturned the Planning Commission's recommendation;

- c. The location and hours where the Decision and related findings may be reviewed; and
- d. A summary of the deadline for appealing the City Council decision to the Land Use Board of Appeals (LUBA).

L. Appeal. The final decision of the City Council to approve or deny a Type IV amendment may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

12.70.070 Initiation of an 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. A Type III zone change application may also be initiated by the Planning Commission or the City Council.
- B. A Type IV CDC text amendment (and an associated zone change if applicable) can be initiated only by Planning Commission Order or City Council Order.

12.70.080 Withdrawal of an 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 have consented in writing to withdraw the application; and
 - 2. The application is not intended to correct an identified CDC 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.
- D. If a Type III application is withdrawn within five days of the scheduled public hearing, written notice shall not 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.
- E. 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.

12.70.090 Pre-Application Conference.

- A. Purpose. 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;

- 1 2. To advise the applicant or representative of previous land use applications or earlier issues
2 associated with the site; and
- 3 3. To provide opportunity for the applicant and City staff to identify and resolve potential
4 concerns at the earliest opportunity in the development process.

5 B. Pre-application conferences are strongly advised for all applications.

6 C. Pre-application conferences are intended to be advisory only, and are specifically not intended to
7 be an exhaustive review of all potential issues. Participation in a pre-application conference does
8 not absolve an applicant of any responsibility for legal or technical due diligence investigation.

9 D. Participation in a pre-application conference does not bind the City to provision of any level of
10 service or approval, nor does it preclude the city from enforcing all applicable regulations or
11 from applying regulations differently than may have been indicated at the pre-application
12 conference.

13 E. Pre-Application Conference Guidelines.

- 14 1. Applicants should provide any available plans for the proposed development, including but
15 not limited to: intended Uses; site plans; building elevations; site circulation plans;
16 preliminary infrastructure plans; and phasing plans if applicable. Any plans provided to the
17 City before, during, or after during the pre-application conference may be considered public
18 information.
- 19 2. The Planning Director or the Director's designee should coordinate attendance by City staff
20 responsible for development review, infrastructure and building construction requirements,
21 and natural or cultural resource protection as applicable.
- 22 3. Pre-application conferences are not open to the general public.
- 23 4. Either the City or the applicant may provide a checklist or brief written summary of the pre-
24 application conference. The purpose of the written summary is to provide a preliminary
25 assessment of a proposal and shall not to be construed as a final recommendation by the City
26 or by any other outside agency or service provider on the merits of the proposal.
- 27 5. The applicant or the City may request additional pre-application conferences to identify and
28 address issues arising from preparation of more detailed development plans, or to discuss
29 concerns arising since the earlier conference.

30 F. Pre-Application Conference Validity Period.

- 31 1. If an application for a proposed development action is not submitted within 12 months of a
32 pre-application conference on that development, or if the applicant chooses to modify a
33 proposed development in such a way that additional Code sections may be applicable, the
34 applicant should schedule a new pre-application conference.
- 35 2. Participation in a pre-application conference does not vest an application against
36 amendments to this Code made after the pre-application conference but prior to the submittal
37 of the application under Section 12.70.110.

1 **12.70.100 Neighborhood Meetings.**

- 2 A. Purpose. Neighborhood meetings encourage citizen participation early in the development
3 process. They provide an opportunity for the applicant, surrounding neighbors and interested
4 parties to meet, review a development proposal, identify issues, and possibly revise the
5 application to address the issues prior to application submittal, in a manner consistent with the
6 City's requirements. Neighborhood meetings are intended to encourage submittal of applications
7 that are more responsive to neighborhood concerns, thereby expediting the review process and
8 reducing continuances and appeals.
- 9 B. Applicability. Neighborhood meetings are encouraged for all Type II and Type III applications,
10 but are required only for those Type III applications so specified in Table 12.70.020-1.
- 11 C. Neighborhood Meeting Procedures.
- 12 1. Neighborhood meetings shall be held at a location accessible to the participants in the closest
13 practicable proximity (not to exceed 2 miles radius) to the subject site. The meeting shall be
14 held on a weekday evening after 6:00 p.m. or on weekends between 9:00 a.m. and 8:00 p.m.
15 and shall not be held on a national holiday. Mailed notice of the meeting shall be provided
16 by the applicant to the surrounding neighborhood between 7 and 30 days prior to the
17 meeting, to the same notification radius required by the City for that type of application. The
18 applicant shall also post notice of the neighborhood meeting on the site within clear view of a
19 public street at least 7 days before the meeting. If no one arrives within 30 minutes of the
20 scheduled starting time for the neighborhood meeting, the applicant may close the meeting
21 and this requirement will be considered met upon the applicant's submittal of documentation
22 to that effect.
- 23 2. At the neighborhood meeting, the applicant shall provide preliminary details of the major
24 elements of the development, including number and type of dwellings if applicable, proposed
25 Uses, street, lotting, and parking layouts, approximate building locations and heights, and
26 approximate locations for open space and natural resource preservation as applicable. The
27 applicant shall also note if the development proposal includes multiple or consolidated
28 applications. Opportunity shall be provided for attendees to ask questions regarding the
29 proposal. The applicant shall prepare meeting notes of major points, issues, and responses
30 concerning the development proposal that were discussed at the meeting. Only one
31 neighborhood meeting per development proposal is required, but more meetings may be held
32 at the applicant's discretion.
- 33 D. Neighborhood Meetings Materials Submitted with Application. The neighborhood meeting
34 notes, list of parties notified, affidavits of mailing and posting notices, copies of all materials
35 provided by the applicant at the meeting, and a signature sheet of attendees shall be included
36 with the development application upon submittal. If the development proposal is revised after
37 the neighborhood meeting, with the addition of one or more tax lots or the substantial revision of
38 major elements as cited in Subsection C.2 above, a second neighborhood meeting with a new
39 notice shall be required before the revised application is submitted.
- 40 E. Neighborhood Meeting Validity Period. Applications shall be submitted to the City within 180
41 days of the neighborhood meeting. If an application is not submitted in this time frame, the
42 applicant shall be required to hold a new neighborhood meeting.

1 F. Compliance with Requirements. Compliance with the provisions of Section 12.70.100 is a
2 requirement of this Code. Applications shall not be submitted without this documentation, or
3 submitted prior to the neighborhood meeting. If submitted, such applications shall be deemed
4 incomplete under Subsection 12.70.110.F.

5 **12.70.110 Application Submittal and Completeness Review.**

6 A. Application Forms and Checklists.

- 7 1. Forms for the submittal of all land use applications shall be available in the Planning
8 Department. The City shall assure that these forms comply with applicable standards in state
9 law and this Code.
- 10 2. Land use applications shall include checklists or information sheets detailing specific
11 information and plans to be contained in that application, including document formats and
12 number of copies.

13 B. Fees. A fee schedule for land use applications and other Planning Department services provided
14 by the City shall be set by resolution of the City Council. Required fees shall be paid at the time
15 of application submittal or at the time of request for a particular service. Payment of the
16 appropriate application fee is a jurisdictional requirement of this Code.

17 C. Application Submittal. Land use applications or permits required under this Code shall be
18 submitted on the appropriate forms from the Planning Department. Submittal of a land use
19 application on the appropriate form, signed by the property owner, is a jurisdictional requirement
20 of this Code.

21 D. Application Materials. All of the following items must be submitted to initiate the 30 day
22 completeness review of the application. All information supplied on the application form and
23 accompanying the application shall be complete and correct as to the applicable facts:

- 24 1. Completed application form, including the original wet ink signature of the property owner;
- 25 2. Payment in full of the appropriate land use application or permit fee(s), based on the fee
26 schedule in effect on the date of application submittal;
- 27 3. Documentation of compliance with neighborhood meeting procedures, if required by Table
28 12.70.020-1 for that application;
- 29 4. A written narrative listing the criteria and development standards applicable and relevant to
30 the application and stating the evidence demonstrating the application's compliance with the
31 each criterion and standard. If compliance with a criterion or standard is stated to be
32 demonstrated in a plan, drawing, or technical study in the application, the citation in the
33 narrative to the demonstration must be sufficiently specific to allow convenient reference;
- 34 5. Required plans and drawings for the particular type of application as noted on the application
35 checklist. Such plans generally include, but are not limited to, the following:
- 36 a. Existing site conditions plan;
- 37 b. Site development plan, showing building footprints and on-site circulation;
- 38 c. Building elevations and floor plan(s);
- 39 d. Landscaping plan;

- e. Fencing and lighting plan;
 - f. Grading and erosion control plan;
 - g. On site and adjacent infrastructure plan.
6. Required technical reports for the particular type of application as noted on the application checklist (e.g., transportation study, floodplain or wetland delineation, significant natural resource report, tree survey, noise study, etc.). Minimum specifications for transportation studies are listed in Sections 12.70.200 through 12.70.230. 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:
 - a. The scale of the development would likely require traffic safety and other public facility or development site improvements;
 - b. The proposal could have significant adverse impacts on Goal 5 resources identified by the Comprehensive Plan;
 - c. The proposal would be located on, or could have significant adverse impacts upon natural hazard areas identified by the Comprehensive Plan; or
 - d. 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 non-jurisdictional 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.

E. Determination of Completeness and Commencement of Review.

1. To be deemed complete, an application must include all materials, information and fees listed in Section 12.70.110.D.1-7, unless a specific waiver has been granted by the Planning Director under Section 12.70.110.D.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 days after the city receives the submittal.
3. 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.
4. 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.

- 1 5. If an application was complete when first submitted, approval or denial of the application
2 shall be based on the Code standards and criteria that were in effect at the time the
3 application was first submitted.
- 4 6. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120
5 days from the date the application is determined to be or deemed complete unless the
6 applicant agrees to extend the 120 day time line or unless State law provides otherwise.
- 7 7. Pursuant to ORS 227.178, the 120 day timeline may be extended at the written request of the
8 applicant. The total of all extensions may not exceed 245 days beyond the first 120 day
9 extension, or 365 days from the date the application was deemed complete.

10 **F. Determination of Incompleteness.**

- 11 1. If an application is determined to be incomplete, that determination shall be based solely on
12 failure to pay required fees, failure of the applicant's narrative to address the relevant
13 approval criteria or development standards, or failure to supply the required information
14 listed on the application checklist. A determination of incompleteness shall not be based on
15 differences of opinion as to the quality or accuracy of the application.
- 16 2. If an application is deemed incomplete, the incompleteness notice shall list what information
17 is missing and allow the applicant to submit the missing information. The incompleteness
18 notice shall also include a statement to the applicant of the need to indicate to the Planning
19 Director whether or not the applicant intends to amend or supplement the application.
- 20 3. If an application is deemed incomplete upon initial submittal, it shall be deemed complete for
21 purposes of this section when the City receives the following:
 - 22 a. All of the missing information listed in the completeness notice; or
 - 23 b. Some of the missing information, together with written notice from the applicant that no
24 other information will be provided; and a request to proceed with review of the
25 application; or
 - 26 c. Written notice from the applicant that none of the missing information will be provided,
27 and a request to proceed with review of the application.
- 28 4. If the applicant submits the additional information within 180 days of the date the application
29 was first submitted, approval or denial of the application shall be based on the Code
30 standards and criteria that were in effect at the time the application was first submitted.
- 31 5. The application will be deemed void if it has been on file with the City for more than 180
32 days and the applicant has not submitted, pursuant to paragraph 3 above, some or all of the
33 required additional information and/or a request to proceed with application review.

34 **12.70.120 Conditions of Approval.**

- 35 A. Imposition of Conditions. The Review Authority may impose conditions on any Type II or III
36 approval to ensure that the proposal complies with the relevant approval criteria and the relevant
37 standards of this Code, including standards set out in City overlay districts, master plans, and
38 adopted design standards, and to mitigate the impacts of the development. Such conditions may
39 include, but are not limited to, the following:

- 1 1. Landscaping;
 - 2 2. Screening or fencing;
 - 3 3. Off-street parking;
 - 4 4. Joint use/access agreement;
 - 5 5. Access limitations;
 - 6 6. Street dedication abutting/within the development area;
 - 7 7. Street improvements abutting/within the development area;
 - 8 8. Utility easements;
 - 9 9. Improvement agreements for the installation of necessary on-site public facilities;
 - 10 10. Storm drainage improvements;
 - 11 11. Off-site public improvements when the proposed development or redevelopment will
 - 12 contribute to the need for such off-site public improvements;
 - 13 12. Financial assurances;
 - 14 13. Payment of fee-in-lieu of improvements of public infrastructure, if approved by the Review
 - 15 Authority; and/or
 - 16 14. Waiver of remonstrance against the formation of a local improvement district, where the
 - 17 review authority deems such a waiver necessary to provide needed improvements to serve
 - 18 the proposed development.
- 19 B. Request for Conditions by Applicant. In addition to the conditions imposed pursuant to
- 20 Subsection A above, an applicant may request conditions of approval from the Review
- 21 Authority. Conditions requested by the applicant are valid and enforceable when the applicant
- 22 accepts the condition by:
- 23 1. Requesting the condition in the Record (as defined in Section 12.01.500) before the Review
 - 24 Authority;
 - 25 2. Consenting to the condition in writing or on the Record;
 - 26 3. Submitting plans or other application materials reflecting compliance with the condition that
 - 27 are reviewed and approved by the Review Authority; or
 - 28 4. Allowing the decision to become final without appealing the requested condition.
- 29 C. Nexus and Proportionality of Conditions. All conditions imposed by the Review Authority must
- 30 have a clear nexus with the development's impacts. Certain conditions must also be proportional
- 31 to the development's impacts if the conditions affect interests in real property.
- 32 D. Challenge to Condition(s). If an applicant asserts that he/she cannot legally be required, as a
- 33 condition of land use approval, to provide improvements or real property interests at the level
- 34 required by this Code, the applicant shall provide a "development impact analysis" report,
- 35 prepared by a qualified civil or traffic engineer, as appropriate, showing:
- 36 1. The estimated extent to which the improvements will be used by persons served by the
 - 37 building or development, whether the use is for safety or for convenience;

2. The estimated level of improvements needed to meet the estimated extent of use by persons served by the building or development;
3. The estimated impact of the building or development on the public infrastructure system of which the improvements will be a part; and
4. The estimated level of improvements needed to mitigate the estimated impact on the public infrastructure system.

- E. Development Impact Analysis Consideration. The development impact analysis 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.
- F. 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 in a form acceptable to 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.
- G. Modification of Conditions. Modification of conditions of approval may be sought by any of the following methods:
1. Upon appeal of the original application, pursuant to Section 12.70.190 E 4;
 2. In the case of a Planned Unit Development or a Subdivision, through application for a modification of the conditions of approval pursuant to Section 12.80.100; or
 3. As a new development application, processed through the same procedure which imposed the original conditions.
- H. 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.

12.70.130 Effective Date of Decision.

- A. Land use action and permit decisions shall become effective the day after the appeal period expires if no appeal is filed.
- B. If an appeal is filed on a decision, the decision shall become final and effective upon the date of the written decision of the final local appeal body.
- C. 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.

1 **12.70.140 Expiration of Decision.**

- 2 A. Unless a different period of time is established within the Decision, or under Subsection D
 3 below, land use actions and permits granted pursuant to this chapter shall expire and become
 4 void automatically as provided under Table 12.70.140-1 unless one of the following
 5 circumstances has occurred:
- 6 1. Substantial construction has begun in compliance with the land use action or permit
 7 approval; or
 - 8 2. The approved land use has begun and is continuing operation in compliance with any
 9 applicable conditions of approval; or
 - 10 3. An application for a subsequent land use action has been submitted to the Planning
 11 Department as provided under Section 12.70.110; or
 - 12 4. An extension has been granted pursuant to Section 12.70.150.
- 13 B. If multiple applications are processed concurrently, the Review Authority shall specify in the
 14 Notice of Decision a uniform expiration period for the concurrent applications.
- 15 C. If a final local decision is on appeal, the effective date of the decision and corresponding valid
 16 period before expiration shall begin when the final decision is issued on the appeal.

17 **Table 12.70.140-1:**
 18 **Expiration and Extension of Decisions**

Procedure Type	Valid period before Expiration	Extension Allowed?	Maximum Valid Period with Extension(s) , before Expiration
Type I	2 years	No	Not applicable
Type II	2 years	Yes, see Section 12.70.150	3 years (with one 1-year extension)
Type III	2 years	Yes, see Section 12.70.150	4 years (with one 2-year extension)
Type IV	No expiration date	Not applicable	Not applicable

- 19 D. Zone changes processed under Section 12.80.160 are not subject to expiration or extension.

20 **12.70.150 Extension of a Decision.**

- 21 A. Written Request for Extension Required. A written request to extend the expiration date of a
 22 decision made pursuant to this Code may be filed by the applicant only before the decision
 23 expires. The written request must be submitted to the Review Authority which granted the
 24 original approval.
- 25 B. First Extension. A first extension may be granted for the applicable period of time as specified
 26 in Table 12.70.140-1. If granted, the extension is vested against any Code changes adopted since
 27 the original decision. The first extension is subject to the following approval criteria:
- 28 1. The extension is necessary because it is not practicable to begin development within the
 29 allowed time for reasons beyond the reasonable control of the applicant; and

1 2. The previous land use decision will not be modified in design, use, or conditions of approval.

2 C. Second or Longer Extension. A written request for a second extension of a Type II or Type III
3 decision, or an extension longer than specified in Table 12.70.020-3, is subject to the following
4 approval criteria:

5 1. The second or longer extension is necessary because it is not practicable to begin
6 development within the allowed time for reasons beyond the reasonable control of the
7 applicant; and

8 2. The previous land use decision will not be modified in design, use, or conditions of approval;
9 and

10 3. There have been no changes in circumstances, applicable regulations or statutes likely to
11 necessitate modification of the previous land use decision or conditions of approval since the
12 effective date of the previous land use decision.

13 D. Extensions for Multi-phase Projects. Phasing schedules are required as part of the initial
14 decision for multi-phase projects. Longer approval periods for multi-phase projects may be
15 authorized if approved by the Planning and Zoning Hearing Board or the Planning Commission.

16 1. Completion of a phase automatically extends approvals of the remaining phases.

17 2. Phasing extensions shall be approved by the Planning and Zoning Hearing Board or the
18 Planning Commission through the Type III procedure. The Review Authority may modify or
19 add conditions of approval.

20 3. At the discretion of the Review Authority, phasing extensions may be vested against Code
21 changes adopted since approval of the original decision.

22 **17.70.160 Public Hearings.**

23 A. Purposes. The purposes of this section are:

24 1. To describe rules of conduct, order of proceedings, and action required for legislative and
25 quasi-judicial hearings; and

26 2. To provide clear and consistent rules to ensure the legal rights of individual property owners
27 and the general public are protected.

28 B. Applicability. The provisions of this section shall apply to all proceedings on land use
29 applications requiring public hearings under the procedures of this subchapter.

30 C. Responsibilities of the Planning Director for Public Hearings. For all land use applications
31 requiring public hearings, the Planning Director shall:

32 1. Schedule the land use application for review and public hearing before the appropriate
33 review authority as required by Table 12.70.020-1;

34 2. Provide public notice of the public hearing or appeal hearing as provided in Sections
35 12.70.050 E; 12.70.060 E; or 12.70.180 E;

36 3. Prepare and make available to the public a staff report summarizing the proposal, the relevant
37 criteria and issues, and any comments received prior to the public hearing;

- 1 4. Mail notice of the decision to those entitled to such notice as specified for the particular
2 application procedure type;
- 3 5. Maintain a record of the proceedings; and
- 4 6. Prepare minutes of the proceedings, including the decision on the matter heard.

5 D. Provision of Public Notice. Notice of public hearings issued by mail, by site posting, and/or by
6 publication in a newspaper of general circulation in the city shall be provided for Type II, III, or
7 IV applications or appeals as specified in the applicable section of this Code, based on the
8 procedure type.

9 E. Compliance with Notice Requirements.

- 10 1. Mailed notice shall be deemed to have been provided upon the date the notice is deposited in
11 the mail or personally delivered, whichever occurs first. Failure of the addressee to receive
12 such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that
13 such notice was given.
- 14 2. Published notice shall be deemed to have been provided on the date when the notice appears
15 within a newspaper of general circulation within the City of Hillsboro.

16 F. Rules of Procedure. Public hearings shall be conducted in accordance with the rules of
17 procedure adopted by the applicable Review Authority, if any, and with applicable state law.

18 G. Procedural Rights. Subject to the specific standards and limitations set forth in this code, the
19 following procedural rights shall be provided at the public hearing:

- 20 1. A reasonable opportunity for those persons participating in the decision to present and rebut
21 evidence; and
- 22 2. An impartial review authority.

23 H. Review Authority Disclosures. Prior to the beginning of a public hearing, the Review Authority
24 members shall disclose any ex parte contacts, biases or conflicts of interest.

- 25 1. Review Authority members shall disclose the substance of any significant pre-hearing ex-
26 parte contacts regarding the application as early as reasonably possible during the public
27 hearing on the application, so that persons wishing to participate in the hearing have an
28 opportunity to respond. The member shall state whether the contact has impaired his/her
29 impartiality or ability to vote on the matter and shall participate or abstain accordingly.
- 30 2. A member of the Review Authority shall not participate in any proceeding or action in which
31 member has an actual conflict of interest as defined in state law. Any actual or potential
32 conflicts of interest shall be disclosed at the meeting of the Review Authority where the
33 action is being taken.
- 34 3. A review authority member may be disqualified due to actual conflicts of interest or actual
35 bias based on a motion if a majority of the review authority members present and voting
36 approve such a motion. The member who is the subject of the motion may not vote.

37

1 I. Presentations.

- 2 1. The Review Authority may set reasonable time limits for oral presentations. The Review
3 Authority may choose not to receive cumulative, repetitious, immaterial, derogatory or
4 abusive testimony. Persons may be required to submit written testimony in lieu of oral
5 testimony.
- 6 2. No testimony shall be accepted after the close of the public hearing unless the Review
7 Authority sets a deadline for receipt of such testimony and provides an opportunity for
8 review and rebuttal prior to making a decision.
- 9 3. Counsel for the Review Authority may be consulted on legal or procedural issues without
10 reopening the public hearing. Objections alleging that counsel is discussing or testifying as
11 to factual matters shall be heard at the discretion of the Review Authority.
- 12 4. Staff may confer with the Review Authority after the close of the record on technical review
13 or procedural matters, but may not engage in argument or present additional evidence.
- 14 5. The presiding officer shall preserve order at all public hearings and shall decide questions of
15 order subject to a majority vote of the Review Authority. Persons who become disruptive or
16 abusive may be removed from the hearing.

17 J. Continuance of Public Hearing. Public hearings may be continued in accordance with the rules
18 of procedure adopted by the applicable Review Authority, if any, and with applicable state law.

19 K. Evidence and Argument. Evidence and argument shall be received and reviewed in accordance
20 with the rules of procedure adopted by the applicable Review Authority and with applicable state
21 law.

22 L. Burden of Proof. Except for Type IV legislative proceedings, the applicant shall bear the burden
23 of proof that the proposal complies with all applicable approval criteria and development
24 standards.

25 M. Action by Review Authority Following Public Hearing.

- 26 1. An action of the Review Authority on a land use application or appeal may be to:
27 a. Approve the application as submitted or uphold the appeal;
28 b. Approve the application with conditions or uphold the appeal with conditions;
29 c. Approve the application with modified conditions or approve the appeal with modified
30 conditions; or
31 d. Deny the application or the appeal.
- 32 2. Findings in support of any decision shall be made in accordance with the Review Authority's
33 adopted rules of procedure and with applicable state law.

34 N. Record.

- 35 1. Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of
36 the hearing shall be made. In addition, written minutes accurately citing the statements of the
37 participants shall be taken. Such minutes may substitute for a verbatim record in the event of
38 mechanical failure or inadvertent error.

2. An interested party may request a verbatim transcript of the recorded proceedings before the Planning Commission or the Planning and Zoning Hearings Board on the matter. 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 interested party.

12.70.180 Public Hearings on Cases Remanded from LUBA.

- A. The procedures in this section shall be used for hearings involving cases either voluntarily or involuntarily remanded from the Land Use Board of Appeals (LUBA).
- B. Upon receipt of the remand Opinion, the Planning Director shall present the Opinion directly to the City Council. 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 a lower review authority (e.g., Planning and Zoning Hearings Board or Planning Commission); or
 2. Set a date to decide the matter without re-opening the public hearing on the case; or
 3. Set a hearing date and re-open the public hearing for consideration.
- C. When considering a remand, the Review Authority may consider the case in whole or in part.
- D. Procedures for public notice and order of proceedings for remands shall comply with Section 12.70.170. In cases where a public hearing is held, required notices shall be mailed a minimum of 20 days in advance of any public hearing on the remand.
- E. If requested by the applicant, City of Hillsboro decisions remanded from LUBA shall be heard and decided within the time frame required by State law.

12.70.190 Appeals.

- A. In General. Table 12.70.020-1 identifies the decision authority and appeal authority for each application type. A decision on a Type I permit may be appealed only by the applicant. A decision on a Type II or Type 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. There is no local appeal of a Type IV decision.
- B. Notice of Appeal. Notices of Appeal shall be filed with the Planning Director. At a minimum, the Notice shall include the following items:
 1. Identification of the decision being appealed, including the case file number, the Review Authority which made the decision, and the date of the Decision;
 2. Documentation that the appellant was a party to the initial proceedings;
 3. A detailed statement on the basis of the appeal, including which approval criteria, development standards, or conditions of approval were allegedly improperly evaluated or applied to the decision; and
 4. Payment of the appropriate fee, as established by City Council resolution.

- 1 C. Failure to File Notice of Appeal. Failure to file a notice of appeal that fully complies with
2 Subsection B above, by 5:00 p.m. on the due date, with the fee specified in the Notice of
3 Decision, shall be a jurisdictional defect.
- 4 D. Request for Transcript. Pursuant to Subsection 12.70.170.N.2, the appellant or any interested
5 party may request a verbatim transcript of the recorded proceedings before the Planning
6 Commission or the Planning and Zoning Hearings Board on the matter.
- 7 E. General Procedures Applicable to All Appeals.
- 8 1. Public Hearing Required for Appeals. Appeal hearings before the appropriate review body
9 as specified in Table 12.70.020-1 shall be conducted in accordance with the public hearing
10 provisions in applicable state law and in Section 12.70.170 of this Code.
- 11 2. Notice of Public Hearing on Appeal. Notices of appeal hearings shall be sent in accordance
12 with the notification requirements for the procedure type of the application under appeal, in
13 Subsection 12.70.040.F for Type II applications and Subsection 12.70.050.F for Type III
14 applications.
- 15 3. Staff Report. At least 7 days before the date of the appeal hearing, the Director shall prepare
16 and make available to the public a copy of the staff report regarding the appeal. A copy of
17 the staff report and recommendation shall be provided to the appeal body, the applicant and
18 to the appellant. Copies of the staff report shall also be provided at reasonable cost to the
19 public upon request to the Planning Department.
- 20 4. Action of Appeal Body. At the conclusion of the hearing on the appeal, the appeal body
21 shall take one of the following actions:
- 22 a. Reverse or affirm the decision under appeal at the conclusion of the initial appeal
23 hearing, with or without conditions or changes; or
- 24 b. Continue the appeal hearing to a date, time, and location certain, which shall be
25 announced by the presiding officer. Notice of the date, time, and location certain of the
26 continued hearing is not required to be mailed or published;
- 27 c. Continue the appeal hearing without announcing a date, time and location certain, in
28 which case notice of the continued hearing shall be provided as was the notice for the
29 initial hearing;
- 30 d. Provisions for continuing an appeal hearing or holding the record open as set forth in
31 Subsection 12.70.170 J shall apply under this Code in a manner consistent with state law.
- 32 5. Written Decision of Appeal Body. After the public record on the appeal closes, a written
33 decision regarding the appeal shall be prepared. The written decision shall contain the
34 following:
- 35 a. A statement of the facts relied upon by the appeal body, which demonstrate the reasons
36 why the decision under appeal is reversed or affirmed based on the applicable criteria
37 and/or standards;
- 38 b. A statement of conclusions based on the findings; and
- 39 c. An explanation of the basis for any changes in the earlier decision:
- 40 i. Denial reversed to approval; with or without conditions;

- 1 ii. Approval changed to denial; or
- 2 iii. Additions, deletions or revisions to conditions of approval.

3 6. Mailing Notice of Decision. Following the adoption of a decision by the appeal authority,
4 the Planning Department shall mail the signed and dated decision to the appellant, the
5 applicant, and any other persons who appeared orally or in writing in the record of the
6 appeal.

7 F. Specific Provisions for Appeal of a Type I Decision.

- 8 1. A Type I decision may be appealed only by the applicant.
- 9 2. The Director shall mail written notice of the appeal hearing to the applicant/appellant not less
10 than 20 days prior to the appeal hearing.
- 11 3. The appeal hearing shall be “de novo”, meaning new evidence and argument can be
12 introduced in writing and/or orally.
- 13 4. The scope of the appeal hearing shall be limited to the approval criteria and/or the conditions
14 of approval, and reasons why a finding and/or condition of approval are or are not in error as
15 a matter of fact and/or law.
- 16 5. The decision of the designated appeal body for appeal of a Type I decision is the final City
17 decision.

18 G. Specific Provisions for Appeal of a Type II Decision.

- 19 1. A Type II decision may be appealed by the applicant or any person who submitted written
20 comments prior to the decision by the Director, pursuant to Table 12.70.020-1 and
21 Subsection 12.70.040 F.
- 22 2. The Director shall mail written notice of the appeal hearing to the parties listed in Subsection
23 12.70.040.F at least 20 days before the appeal hearing.
- 24 3. The appeal hearing shall be “de novo”, meaning new evidence and argument can be
25 introduced in writing and/or orally.
- 26 4. The scope of the appeal hearing of a Type II decision shall be limited to the approval criteria,
27 written comments provided under Subsection 12.70.040.F, and/or the conditions of approval,
28 and reasons why a finding and/or condition of approval are or are not in error as a matter of
29 fact and/or law. This limitation on the scope of Type II appeals is intended is to encourage
30 persons with standing to submit their specific concerns in writing during the original 14-day
31 comment period.
- 32 5. The decision of the designated appeal body for the appeal of a Type II decision is the final
33 City decision.

34 H. Specific Provisions for Appeal of a Type III Decision.

- 35 1. A Type III decision may be appealed by the applicant or any person who participated by
36 providing either oral or written evidence on the record leading to the decision by the Review
37 Authority. All appeals of Type III decisions shall be heard by the City Council.

- 1 2. Unless a de novo hearing is requested and accepted under Subsections 3 and 4 below, the
2 appeal hearing of a Type III decision shall be “on the record,” meaning a review of the record
3 with the right of argument, but without submittal of new evidence. The record shall include
4 the following information:
 - 5 a. A factual report prepared by the Planning Department;
 - 6 b. All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by
7 any party and reviewed or considered in reaching the decision under review; and
 - 8 c. The minutes and/or transcript (if any) of the hearing below and a detailed summary of the
9 evidence; and
 - 10 d. A recommendation by the Planning Director.
- 11 3. A party to the appeal, or the Planning Director, may request that the City Council conduct a
12 de novo hearing on the appeal. If made by the appellant, the request must be included in the
13 Notice of Appeal pursuant to Subsection 12.70.190.B. If made by any other party including
14 the Planning Director, the request must be made no more than seven days after the deadline
15 for filing the notice of appeal has expired. Any request for a de novo hearing on appeal must
16 indicate the reasons for the request without addressing the merits of the land use action.
17 When practicable, the party requesting the de novo hearing shall advise the other parties to
18 the appeal and attempt to gain their consent to the de novo hearing.
- 19 4. A request for a de novo appeal hearing shall be decided by the City Council as a non-public
20 hearing item. The City Council may grant the request upon findings that:
 - 21 a. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant
22 to the proposed development action;
 - 23 b. The substantial rights of the parties will not be significantly prejudiced; and
 - 24 c. The request is not necessitated by improper or unreasonable conduct of the requesting
25 party or by a failure to present evidence that was available at the time of the initial Type
26 III public hearing.
- 27 5. The Director shall mail written notice of the appeal hearing to the parties listed in Subsection
28 12.70.050.F at least 20 days prior to the appeal hearing. The written notice shall include the
29 date, time and place of the public hearing, and shall specify whether the hearing on appeal
30 will be on the record or de novo.
- 31 6. The decision of the City Council on the appeal of a Type III decision shall be the final City
32 decision.

33 I. Withdrawal of an Appeal.

- 34 1. At any time before the close of an appeal hearing held by any Review Authority, any
35 appellant may withdraw his/her appeal. Withdrawal of the appeal is subject to the following:
 - 36 a. If requested before the hearing, the withdrawal must be submitted in writing;
 - 37 b. Any unexpended portion of the appeal fee will be refunded only if the withdrawal is
38 received before the public notice of the hearing has been sent; and
 - 39 c. Where multiple people or parties sign and file a single Notice of Appeal, all the parties
40 must consent to the withdrawal of the appeal.

- 1 2. A withdrawn appeal cannot be re-filed by any party.
- 2 3. If all appeals in a matter are withdrawn, no decision by the Review Authority is necessary.
- 3 4. If all appeals are withdrawn, the Planning Department shall issue a Notice of Appeal
- 4 Withdrawal to the applicant, the appellant, and the parties listed in Subsection 12.70.050.F.
- 5 The Notice of Appeal Withdrawal shall specify the new effective date of the original decision
- 6 to be the date of the withdrawal of the appeal(s).
- 7

1 **12.70.200 Transportation Studies.**

- 2 A. Purposes. This sub-chapter establishes procedures for traffic management plans, traffic impact
3 analyses, and Transportation Rule Compliance Studies. These procedures are necessary to:
- 4 1. Evaluate the identified traffic impacts of proposed development, including traffic capacity
5 and traffic safety;
 - 6 2. Identify potentially adverse impacts; and
 - 7 3. Determine the need for transportation services and improvements related to the development.
- 8 B. Applicability. Land use applications shall provide the analyses listed below (or limited elements
9 thereof) as required by the Review Authority and/or an affected Road Authority. Such analyses
10 shall be provided prior to a land use application being deemed complete under Subsection
11 12.70.110, unless approved otherwise by the City Engineer.
- 12 1. For Traffic Management Plans: Subsection 12.70.210.A;
 - 13 2. For Traffic Impact Analyses Subsection 12.70.220.A; and
 - 14 3. For Transportation Planning Rule Compliance Studies: Subsection 12.70.230.
- 15 C. Terminology and Acronyms. Terms used in this subsection are defined in the 2000 Highway
16 Capacity Manual and in Section 12.01.500. As used in this subsection, “within” means any
17 street, alley, bikeway, intersection, site access, or pedestrian facility interior to the project site,
18 and “adjacent” means any such facility which borders on or abuts any portion of the site and may
19 be impacted as a result of the development. Acronyms used in the subsection are listed in
20 Section 12.01.600.
- 21 D. Transportation Studies in General. To comply with the requirements of this section,
22 transportation studies shall meet the following standards:
- 23 1. Study Components. The analyses listed in Section B above shall distinguish between the
24 following:
 - 25 a. Traffic safety improvements found necessary due to the impacts of the project (or phase
26 thereof); and
 - 27 b. Roadway capacity improvements necessary because of the traffic volume generated by
28 the project (or phase thereof).
 - 29 2. Software Parameters. The traffic analysis software parameters for signalized and
30 unsignalized intersection performance evaluation shall be in compliance with the Traffic
31 Analysis Procedures as specified in the City of Hillsboro Design and Construction Standards.
 - 32 3. Intersection Capacity Determination. Intersection capacity performance and identification of
33 50th and 95th percentile queue requirements shall be determined for the peak hour and peak
34 15-minute period using the 2000 Highway Capacity Manual.
- 35

- 1 4. When Intersection Simulation Required. When downstream deficiencies impact upstream
2 operations during the peak 15-minutes of peak hour operations, evaluation of upstream
3 operational performance shall include traffic simulation analysis utilizing SimTraffic, Vissim
4 or alternate software and methodology as approved by the City Engineer. Simulation
5 analysis shall be undertaken to determine intersection movement delays, and average and 95th
6 percentile queue length to determine turn lane storage and channelization requirements,
7 unless otherwise approved by the City Engineer.
- 8 5. Alternative Analysis Permitted. An alternative intersection analysis method may be
9 approved for use at the sole discretion of the City Engineer when the applicant demonstrates
10 that the alternative method will achieve the objectives of this sub-chapter.
- 11 6. Safety Improvements Evaluation. Transportation safety mitigation improvements shall be
12 identified based upon an evaluation of the past three-year available crash history for recurrent
13 deficiencies and an assessment of potential future safety deficiencies including but not
14 limited to an evaluation of traffic signal warrants, turn lane warrants, and turn lane storage
15 lengths required to accommodate the Highway Capacity Manual calculated 50th and 95th
16 percentile queues or the average and 95th percentile queues from simulation.
- 17 7. County/State Roads Included. Upon written request by the County Engineer or ODOT
18 Region 1 Engineer or their designee(s), any off-site improvements identified by the study as
19 affecting a County road and/or the State highway system shall be included.
- 20 8. Proportionality Estimate Required. The transportation study shall include an analysis of the
21 rough proportionality of the estimated impact of the project (or phase thereof) as compared to
22 the safety and capacity improvements identified as required to comply with the standards of
23 this section.

24 E. Signalized Intersection Analysis: Procedures and Standards.

- 25 1. Signal Timing. Signal timing and phasing assumptions in the study shall be included in the
26 study, and are subject to the approval of the Road Authority with management responsibility
27 for the signalized intersection. Signal progression shall also be considered in the analysis.
- 28 2. Standards for Signalized Intersections. The impacts of development on a signalized
29 intersection shall identify mitigation necessary to maintain the following standards:
 - 30 a. The peak hour Volume-to-Capacity (V/C) ratio for each lane group shall be no greater
31 than 0.99 unless approved otherwise by the City Engineer. If the intersection is under
32 County or ODOT jurisdiction, the V/C ratio shall not exceed the standards imposed by
33 that jurisdiction or the City standards, whichever is more restrictive.
 - 34 b. Peak hour intersection control delay shall be maintained at 80 seconds per vehicle or less,
35 using a signal cycle length not to exceed 120 seconds, unless a greater cycle length is
36 approved by the Road Authority with management responsibility for the signalized
37 intersection.
 - 38 c. In the event existing control delay or V/C ratio of an intersection exceeds the standards of
39 this subsection, the impacts of development shall be mitigated to maintain or reduce the
40 respective control delay or V/C ratio to pre-development conditions, unless approved
41 otherwise by the City Engineer.

- 1 3. Limitations on Mitigation. Intersection mitigation improvements shall not assume lane
2 improvements by approach greater than two left turn lanes, two through lanes, and two right
3 turn lanes unless otherwise approved by the Road Authority. Use of supplemental auxiliary
4 lanes may be considered with approval of the Road Authority where operational analysis
5 identifies their need to facilitate safe and efficient traffic operations.

6 F. Unsignalized Intersection Analysis: Procedures and Standards.

- 7 1. Signal Warrant Analysis. If the existing control delay or V/C ratio of an intersection
8 approach lane group is greater than the standards in subsection 4 below, a gap availability
9 study, an alternative access route study, and/or signal warrant analysis shall be completed to
10 establish the appropriateness of intersection signalization.
- 11 2. Standards for Unsignalized Intersections. The impacts of development on a unsignalized
12 intersection shall identify mitigation necessary to maintain the following standards:
- 13 a. Peak hour V/C ratio for each lane group shall be no greater than 0.99 unless otherwise
14 approved by the City Engineer. If the intersection is under County or ODOT jurisdiction,
15 the V/C ratio shall not exceed the standards imposed by that jurisdiction or the City
16 standards, whichever is more restrictive.
- 17 b. Peak hour control delay by approach lane group shall be maintained at 50 seconds per
18 vehicle or less, unless approved otherwise by the City Engineer.
- 19 c. In the event existing control delay or V/C ratio of an intersection exceeds the standards of
20 this subsection, the impacts of development shall be mitigated to maintain or reduce the
21 respective control delay or V/C ratio to pre-development conditions, unless approved
22 otherwise by the City Engineer.

23 G. Roundabout Intersection Analysis: Procedures and Standards.

- 24 1. Determining Control Delay. Roundabout control delay shall be determined utilizing a
25 methodology approved by the City Engineer and as more particularly described in the Traffic
26 Analysis Procedures specified in the City of Hillsboro Design and Construction Standards.
- 27 2. Capacity for Each Lane Group to be Identified. The V/C ratio for each lane group shall be
28 identified and considered in the determination of intersection performance.
- 29 3. Standards for Roundabout Intersections. The impacts of development on a roundabout
30 intersection shall identify mitigation necessary to maintain the following standards:
- 31 a. Peak hour control delay by lane group at 50 seconds per vehicle or less, unless otherwise
32 approved by the City Engineer.
- 33 b. Peak hour V/C ratio for each lane group at 0.80 or less unless otherwise approved by the
34 City Engineer. If the intersection is under County or ODOT jurisdiction, the V/C ratio
35 shall not exceed the standards imposed by that jurisdiction or the City standards,
36 whichever is more restrictive.
- 37 c. In the event existing control delay or V/C ratio of a roundabout exceeds the standards of
38 this subsection, the impacts of development shall be mitigated to maintain or reduce the
39 respective control delay or V/C ratio to pre-development conditions, unless approved
40 otherwise by the City Engineer.

1 H. Transportation Studies as Basis for Mitigation. The Review Authority shall require appropriate
2 safety, capacity, and roadway improvements within or adjacent to the project (or phase thereof)
3 if the Traffic Management Plan, Traffic Impact Analyses, or Transportation Planning Rule
4 Compliance Study indicates that on- or off-site mitigation is necessary to meet the standards
5 listed below.

6 1. On-Site and Adjacent Mitigation. Appropriate safety, capacity, and roadway improvements
7 within or adjacent to the project or phase of a project if the Transportation Study indicates
8 that any of the following thresholds are met as determined by the City Engineer or Road
9 Authority:

- 10 a. The project or phase of a project will cause unsafe conditions at site accesses or on the
11 roadways or at intersections within or adjacent to the project or phase of a project;
- 12 b. The required peak hour V/C ratio or required delay for an approach lane group will be
13 exceeded for any impacted site access, intersection, or roadway within or adjacent to the
14 project;
- 15 c. The proposed off-street parking is insufficient and will increase off-site parking in
16 adjacent neighborhoods or on the adjacent road or street system; or
- 17 d. Traffic calming measures beyond those proposed by the applicant are necessary to
18 address safety concerns.

19 2. Off-Site Mitigation. Appropriate safety, capacity, and roadway improvements not within or
20 adjacent to the project or phase of a project if the Transportation Study indicates that any of
21 the following thresholds are met:

- 22 a. The project or phase of a project will contribute toward the need for safety improvements
23 at intersections or on the roadway system other than within or adjacent to the project
24 (known as the “off-site impact area”), or
- 25 b. The peak hour V/C ratio or control delay by intersection approach lane group for any
26 such impacted intersection or roadway segment within the off-site impact area will be
27 degraded below the required minimum standards defined in Subsection C as a result of
28 the project or phase of a project.

29 3. Construction of Off-Site Improvements Required.

- 30 a. The Review Authority may condition approval of the land use application to require
31 either the construction of, or payment of a proportionate financial share towards
32 construction of, off-site capacity and/or safety improvements necessary to eliminate the
33 unsafe condition identified in the study and return the street/roadway segment and/or
34 intersection to compliance with required performance standards defined in Subsections E,
35 F or G above.
- 36 b. Upon written request by the County Engineer or ODOT Region 1 Engineer or their
37 designee(s), off-site improvements identified by the study as affecting a County road
38 and/or the State highway system may be made a part of the Review Authority’s
39 conditions of approval.

1 I. Approval or Denial on Basis of Off-Site Mitigation Construction.

- 2 1. If any of the following circumstances exist, the Review Authority shall either deny the land
3 use application or condition the approval as specified in Subsections 2 through 4 below:
- 4 a. Construction of the identified off-site improvements within the Study Area will not be
5 guaranteed by the applicant or by the City and/or the County as provided in Subsection H
6 3 above;
- 7 b. A traffic safety hazard is created or exacerbated on any street, roadway segment, or
8 intersection within the impact area as a direct result of the project (or phase thereof); or
- 9 c. The V/C ratio exceeds the standards in subsections E, F, or G on any street, roadway
10 segment, or intersection within the impact area as a direct result of the project (or phase
11 thereof).
- 12 2. If any of the circumstances cited in Subsection 1 above exist, approval of the land use
13 application(s) may include a condition or conditions stipulating that only the portion or
14 phase(s) of the proposed project which can be constructed without exceeding the acceptable
15 performance standard may be built under the current approval.
- 16
- 17 3. In the case of transportation facilities that are already failing, any improvements shall either
18 mitigate back to pre-project levels, or shall only be allowed to build that portion of the or
19 phase(s) of the project that can be mitigated back to pre-project levels.
- 20 4. If the Review Authority restricts construction under subsection 2 or 3 above, an applicant may
21 apply for approval of additional portions or subsequent phases of the project when traffic and
22 street conditions have changed to the degree where the remainder of the project or phase of a
23 project can meet the safety and performance standards cited in this section. Any such
24 application shall be accompanied by the appropriate transportation study as otherwise
25 required in this subsection, and will be processed in the same manner as the original
26 application.

27 J. Applicant's Election to Provide Transportation Mitigation.

- 28 1. On their own initiative, an applicant may propose (either alone or in conjunction with other
29 parties) to construct and/or finance the construction of identified off-site improvements
30 beyond the limits described in Subsection I above if such improvements would mitigate
31 identified traffic safety hazards or achieve an acceptable V/C ratio.
- 32 2. If such a proposal is made by the applicant, the Review Authority may approve the
33 application provided the off-site improvements are guaranteed by methods acceptable to the
34 City Attorney and to the City Engineer and are completed prior to any occupancy within the
35 project (or phase thereof).

36 **12.70.210 Traffic Management Plan.**

- 37 A. Threshold. Where a proposed development would add 20 or more trips in any hour onto a
38 residential street, but does not trigger the need for a Traffic Impact Analysis, a Traffic
39 Management Plan acceptable to the City Engineer shall be included in the application submittal.
40 In this case, a residential street is any portion of a street classified as a Local Residential Street or
41 Neighborhood Route and having abutting property zoned single family residential (see
42 Subchapter 12.21)

- 1 B. Engineering Certification. The Traffic Management Plan shall be prepared and certified by a
2 traffic engineer or civil engineer licensed in the State of Oregon.
- 3 C. Study Area. The Traffic Management Plan Study Area shall include:
- 4 1. Site access points;
- 5 2. Intersections and roadway links along the site frontage(s) (both sides of the street) and
6 extending out to the nearest intersection with a collector or arterial; and
- 7 3. The City Engineer may identify additional locations for study if existing traffic operation,
8 safety, or performance is marginal or substandard.
- 9 D. Plan Components. For each development application for which a Traffic Management Plan is
10 required, the plan shall identify:
- 11 1. Description of Proposed Development. The Traffic Management Plan shall provide a
12 comprehensive project description including but not limited to the following:
- 13 a. Vicinity map.
- 14 b. Site plan.
- 15 c. Project phasing.
- 16 d. Time schedule.
- 17 2. Existing Conditions. The Traffic Management Plan shall provide an evaluation of existing
18 conditions and include maps and/or tables displaying the following information for the Study
19 Area and any additional locations previously identified by the City Engineer:
- 20 a. Street system including street names and functional classifications.
- 21 b. Pavement and shoulder widths.
- 22 c. Multi-use paths, sidewalks, and accessways.
- 23 3. The hours during which the added trips from the development are forecast to be 20 or more
24 vehicles per hour.
- 25 4. The existing volume of trips on the residential street during each of those same hours.
- 26 5. The volume of trips that the development is forecast to add on the residential street during
27 each of those same hours.
- 28 6. An estimate of existing and proposed Average Daily Traffic and peak hour traffic on
29 roadway Links between the development site and the nearest Collector or Arterial roadway.
- 30 7. The recommended traffic management strategies designed to City standards to mitigate the
31 multi-modal traffic safety impacts of the increased trips attributed to the development.
32 Potential traffic management strategies include, but are not limited to, any combination of
33 curb extensions, intersection treatments, pedestrian and bike facility improvements, street
34 improvements, and traffic control devices.
- 35

1 **12.70.220 Traffic Impact Analysis.**

- 2 A. Thresholds. For each development proposal that exceeds any of the analysis thresholds listed
3 below, the land use application for land use or design review approval shall include a Traffic
4 Impact Analysis, based on the type and intensity of the proposed land use change or development
5 and its estimated level of impact to the existing and future local and regional transportation
6 systems.
- 7 1. A Traffic Impact Analysis is required when the proposed land use change or development
8 will generate 200 or more average daily vehicle trips or more than 50 peak hour vehicle trips;
9 or
- 10 2. A Traffic Impact Analysis or some elements of a Traffic Impact Analysis may be required
11 when the volume threshold under subsection 1 above is not met, but the City Engineer finds
12 that the traffic impacts attributable to the development have the potential to significantly
13 impact the safe and efficient operation of the existing public transportation system.
- 14 B. Engineer Certification. The Traffic Impact Analysis shall be prepared and certified by a traffic
15 engineer or civil engineer licensed in the State of Oregon.
- 16 C. Scoping Memorandum. Prior to preparation of the Traffic Impact Analysis, the applicant shall
17 obtain from the City Engineer a list of In-Process developments and associated trip generation
18 where available for consideration in the Traffic Impact Study. The applicant shall submit a
19 memorandum to the City Engineer and affected Road Authorities detailing the proposed scope of
20 the analysis including the proposed Study Area, development and phasing schedule, trip
21 generation, trip reduction assumptions, trip distribution, and analysis methodology. The City
22 Engineer in consultation with the affected Road Authorities shall determine whether the scope of
23 the analysis, analysis methodology, and associated Traffic Impact Analysis assumptions are
24 adequate.
- 25 D. Study Area. The Traffic Impact Analysis Study Area for developments will be defined by any
26 contiguous or non-contiguous road link where traffic generated by the proposed development
27 equals or exceeds 10% of the sum of peak hour Existing Traffic, In-Process Traffic, and
28 Background Traffic, as defined in Section 12.01.500, but including at a minimum those access
29 roads lying adjacent to and between the development and the nearest Collector or Arterial road.
30 The following intersections/access points shall be analyzed:
- 31 1. Site access points;
- 32 2. Intersections along the site frontage(s) (both sides of the street) and extending out from the
33 site on fronting streets to a distance of 600 feet;
- 34 3. Intersections along links within the Study Area must be analyzed if the link is intersecting
35 with an Arterial, Collector or Neighborhood Route, or where an existing intersection or
36 private access on the link is signalized; and
- 37 4. The City Engineer may identify additional locations for study if existing traffic operation,
38 safety, or performance is marginal or substandard.
- 39

- 1 E. Contents of the Traffic Impact Analysis. The Traffic Impact Analysis shall contain the following
2 information organized in a logical format:
- 3 1. Executive Summary. An Executive Summary of no more than four single-sided pages shall
4 be included at the beginning of the Traffic Impact Analysis report. The Executive Summary
5 shall summarize the analysis and conclusions and identify recommended transportation
6 improvements.
 - 7 2. Description of Proposed Development. The Traffic Impact Analysis shall provide a
8 comprehensive project description including but not limited to the following:
 - 9 a. Vicinity map;
 - 10 b. Site plan;
 - 11 c. Project phasing;
 - 12 d. Time schedule;
 - 13 e. Intended use of the site, including the range of uses allowed without additional land-use
14 approvals; and
 - 15 f. Intensity of use.
 - 16 3. Existing Conditions. The Traffic Impact Analysis shall provide a complete evaluation of
17 existing conditions and include maps and/or tables displaying the following information for
18 the Study Area and any additional locations previously identified by the City Engineer:
 - 19 a. Street system including street names and functional classifications.
 - 20 b. Pavement and shoulder widths;
 - 21 c. Multi-use paths, sidewalks, and accessways;
 - 22 d. Striping and channelization;
 - 23 e. Driveways (both sides of streets for site frontage plus 600 feet minimum in each
24 direction);
 - 25 f. Designated Freight Routes;
 - 26 g. Intersections;
 - 27 h. Traffic volumes;
 - 28 i. Existing traffic shall be measured within twelve months prior to the land use
29 application submittal date for the morning and afternoon peak periods. Mid-day
30 period shall also be provided if the peak traffic period for the existing street, the
31 proposed development, or the composite of both is greater than the morning and
32 afternoon peak periods.
 - 33 ii. Traffic volumes shall be based on data from a typical Tuesday through Thursday
34 weekday of a week without holidays and during which public schools are in session,
35 unless otherwise approved by the City Engineer. In addition, data shall be provided
36 for weekends if weekends are the peak traffic period for either the existing adjacent
37 street or the proposed development.

- 1 iii. Seasonal variations in traffic volumes shall be considered if required by an effected
2 Road Authority.
- 3 i. Existing intersection performance indicators including Volume to Capacity (V/C) ratio,
4 control delay, and 95th percentile queue length;
- 5 j. Transit information including existing stop and shelter locations, route numbers,
6 headways, pull outs, and times of service; planned transit routes and service frequency;
7 and
- 8 k. Crash data for the most recent three-year period, including but not limited to Safety
9 Priority Index System (SPIS) data, for which reported collision data is available.
- 10 4. Traffic Forecasts. The Traffic Impact Analysis shall provide forecasts of future traffic within
11 the Study Area and any additional locations previously identified by the City Engineer.
12 Traffic forecasts shall be provided for the Buildout Year as defined in Subsection
13 12.70.220.E.4.a. The report shall include complete documentation of trip generation
14 calculations including Institute of Transportation Engineers (ITE) Trip Generation (9th
15 Edition) use code(s) or an alternative basis of trip generation approved by the City Engineer,
16 and the rationale for using the alternative.
- 17 a. Build-Out Year Analysis. Buildout Year forecasts shall be based upon Total Traffic at
18 the time of anticipated completion and occupancy of each phase of the development and
19 at the time of completion and occupancy of the entire development. The City shall
20 provide traffic information on other developments to consider in the calculation of In-
21 Process Traffic.
- 22 b. Traffic Forecast Analysis Assumptions.
- 23 i. Trip Generation. Estimates of the proposed development’s trip generation shall be
24 made for peak period traffic. Selection of the peak period used in the analysis shall be
25 justified and shall consider, at a minimum, the peak period for the proposed
26 development and the peak period for surrounding streets. The City Engineer may
27 require review of other time periods based on known or anticipated marginal or
28 substandard traffic capacity or traffic safety. Trip generation estimates shall be based
29 on ITE’s Trip Generation 9th Edition. The City Engineer may approve different trip
30 generation rates when trip generation rates are not available in ITE’s Trip Generation
31 or different rates are justified. Consideration of trip generation rate reductions due to
32 alternative mode use, mixed land use interaction, and transportation demand
33 management methods shall be approved by the Review Authority.
- 34 ii. Trip Distribution and Assignment. Traffic generated by the proposed development
35 shall be logically distributed and assigned according to professional accepted practice
36 to the street system within the Study Area and any additional locations previously
37 identified by the City Engineer. Trip distribution and assignment shall be based on
38 trip distribution information from Washington County, ODOT, Metro, analysis of
39 local traffic patterns based on data less than 12 months old, or on an alternative data
40 source approved by the City Engineer.
- 41

- 1 c. Intersection and Highway Interchange Analysis. Intersection and highway interchange
2 analysis shall conform to the method for operations analysis described in the 2000
3 Highway Capacity Manual published by the Transportation Research Board and as
4 further described in the requirements of Section 12.70.200.C. The analysis shall evaluate
5 the impacts of queuing from adjacent intersections or traffic restrictions and shall
6 consider existing and planned interconnected signal system effects. Analysis of weave
7 and merge conditions may also be required at the sole discretion of the Road Authority.
- 8 5. Traffic Impacts. The Traffic Impact Analysis shall evaluate access, safety, operation,
9 capacity, circulation, level of service, and performance of the transportation system within
10 the Study Area of the proposed development and any additional locations previously
11 identified by the City Engineer for both the Build-Out Year and any phases thereof.
12 Performance analysis shall be based on the methodology requirements and intersection
13 performance standards of Section 12.70.200.C.
- 14 a. Safety considerations shall be evaluated. Potential safety problems resulting from
15 conflicting turning movements between and among driveways, intersections, and internal
16 traffic shall be addressed. Distance to the nearest driveways on both sides of streets
17 fronting the site and in both directions from site access points shall be shown. On-Site
18 driveway queuing impacts shall be assessed. The potential for shared access with
19 adjacent development shall be assessed.
- 20 b. Geometric design and operational improvements including but not limited to acceleration
21 lanes, deceleration lanes, turning lanes, traffic signals, roundabouts, channelization, and
22 on-site vehicular circulation design shall be considered, evaluated, and recommended
23 when determined necessary by standards and practices adopted by ODOT, Washington
24 County, the City, and as described in Section 12.70.200, or approved by the City
25 Engineer.
- 26 c. Adequacy of sight distance shall be addressed at the proposed road access point(s) for
27 both the existing road configuration and for the ultimate road configuration based on
28 improvements planned for the development and improvements identified in the
29 Comprehensive Plan Transportation Element. Sight distance shall meet City standards as
30 defined in the City of Hillsboro Design and Construction Standards.
- 31 d. The analysis shall also identify and evaluate related impacts on bicycle, pedestrian, and
32 transit access, circulation, and facilities.
- 33 e. Other operational, circulation, safety, and capacity issues shall be evaluated and
34 addressed as required by this Code and by the City Engineer.
- 35

- 1 6. Mitigation Identification. In order to protect the public transportation system from
2 potentially adverse impacts of the proposed development, to fulfill an identified need for
3 public services within the Study Area related to the development, or both, the Traffic Impact
4 Analysis shall identify methods of mitigating on-site and off-site deficiencies for present and
5 proposed phases of the development. The analysis shall make recommendations for
6 improvements necessary for safe and efficient traffic flow and bicycle, pedestrian, and transit
7 movement, and access. Build-Out Year and project phasing impacts shall be considered.
8 The proportional share of impact at all Study Area intersections shall be identified in the
9 Traffic Impact Analysis. Mitigation shall be consistent with improvements identified in the
10 Comprehensive Plan Transportation Element, unless approved otherwise by the City
11 Engineer or Road Authority. At a minimum, the Traffic Impact Analysis shall consider
12 ultimate planned rights-of-way and additional streets, bicycle, and pedestrian connections
13 and extensions and intersection improvements that are identified in Comprehensive Plan
14 Section 14 Figures 14-1a through 14-7. Mitigation measures may also include, but are not
15 limited to, additional street connections and street extensions, turn lanes, signalization, signal
16 modifications, roundabouts, traffic calming measures, installation of medians, shared access
17 and other access management strategies, geometric improvements such as lane geometry
18 improvements, intersection realignments, and transportation demand management methods.
19 Where unsignalized intersections or roundabouts do not meet the minimum intersection
20 performance standards of Subsections 12.70.200.C.5 and C.6, alternative measures shall be
21 evaluated including, but not limited to, signalization, additional street connections or street
22 extensions.
- 23 7. Recommendations. The Traffic Impact Analysis report shall clearly state the mitigation
24 measures recommended by the analysis to address safety deficiencies and measures
25 recommended to address capacity deficiencies, shall summarize how the recommended
26 mitigation measures address the identified impacts, and shall address the rough
27 proportionality and estimated costs of the recommended improvements as compared to the
28 identified traffic impacts. The recommended street and highway safety and capacity
29 mitigation measures shall be shown on a scaled drawing or as a reasonably scaled overlay to
30 an aerial base drawing that depicts existing and recommended improvements.

31 **12.70.230 Transportation Planning Rule Compliance Analysis.**

- 32 A. Applicability. Compliance with Transportation Planning Rule (TPR) Oregon Administrative
33 Rule (OAR) 660-012-0060 shall be analyzed for any of the following:
- 34 1. Zone Change applications;
 - 35 2. Planned Unit Development applications in which increases in residential density or
36 nonresidential intensity (as measured by increased lot coverage or building height above the
37 standards of the underlying zone) are proposed; and
 - 38 3. Community Development Code (CDC) Text Changes affecting uses permitted in a base
39 zone, which may affect future traffic generation from sites in that zone.

40 If the proposed application meets the criteria for exemption from TPR analysis as cited in the
41 OAR 660-012-0060, TPR Analysis is not required.

- 1 B. Analysis Components. The TPR Analysis must include a comparison for the Forecast Year of
2 the reasonable worst case scenario under existing zoning for the subject property or properties to
3 the reasonable worst case scenario for the proposed Zone, Planned Unit Development, or change
4 in permitted uses. The Forecast Year shall be the Forecast Year of the Comprehensive Plan
5 Transportation Element, or 15 years from the date of the analysis, whichever is greater, or an
6 alternate year approved by the City Engineer.
- 7 C. Traffic Impact Analysis Threshold. If the TPR Analysis indicates that the proposed Zone
8 Change, Planned Unit Development, or CDC Text Change will not result in an increase in trip
9 generation from the site over the existing zoning in the Forecast Year, a Traffic Impact Analysis
10 is not required unless another threshold is met. If the proposed Zone Change, Planned Unit
11 Development, or CDC Text Change will result in an increase in trip generation over the existing
12 zoning in the Forecast Year, a Traffic Impact Analysis is required. If required, the Traffic
13 Impact Analysis shall follow the requirements of Section 12.70.220 and shall include the
14 following
- 15 1. An evaluation of whether the development or any phase thereof would change the timing and
16 and/or scope of any long-range transportation needs projected for the Forecast Year in the
17 Comprehensive Plan Transportation element or alternative timeframe as approved by the
18 City Engineer; and
 - 19 2. The extent to which traffic from the proposed development contributes to the long-range
20 improvement needs.
- 21 D. Mitigation Improvements. If the Traffic Impact Analysis identified the need for on- or off-site
22 mitigation, such mitigation may be required by the Review Authority, subject to the approval of
23 the City Engineer, as a condition of approval pursuant to Section 12.70.200.H and I.

1 **SUBCHAPTER 12.80**
2 **APPLICATIONS**

- 3 **12.80.005 Purpose**
4 **12.80.010 Annexation**
5 **12.80.020 Conditional Use**
6 **12.80.030 Cultural Resource Alterations, Relocations, and Demolitions**
7 **12.80.040 Development Review**
8 **12.80.050 Director’s Interpretation**
9 **12.80.060 Fence Permit**
10 **12.80.070 Floodplain Activity**
11 **12.80.080 Home Occupation Permit**
12 **12.80.090 Land Divisions, Property Line Adjustments, and Lot Consolidations**
13 **12.80.092 Property Line Adjustment**
14 **12.80.094 Lot Consolidation**
15 **12.80.096 Partition**
16 **12.80.098 Subdivision**
17 **12.80.100 Modification of Approved Plans and Permits**
18 **12.80.110 Nonconforming Use or Structure Expansion**
19 **12.80.120 Planned Unit Development**
20 **12.80.122 Planned Unit Development Implementation through Development Review or**
21 **Subdivision Approval**
22 **12.80.130 Significant Natural Resource Permit**
23 **12.80.140 Text Amendment**
24 **12.80.150 Variances and Adjustments**
25 **12.80.152 Variances**
26 **12.80.154 Type II Adjustments**
27 **12.80.156 Type III Adjustments**
28 **12.80.158 Standard-Specific Approval Criteria for Variances and Adjustments**
29 **12.80.160 Zone Change**
30

1 **12.80.005 Purpose.**

- 2 A. Purpose. This chapter establishes approval criteria for each type of land use application and
3 provides cross-references to the procedure type that governs the decision-making process (Type
4 I, II, III or IV) and to the Code standards specific to the particular application.
- 5 B. Summary Table. Table 12.70.020-1 in Subchapter 12.70 lists the procedures types, decision and
6 appeal authority for applications included in this chapter.
- 7 C. Approval Criteria.
- 8 1. Approval criteria define the burden of proof that an applicant must meet for approval of an
9 application. Approval criteria also set parameters for issues that may be raised by the City or
10 affected parties.
 - 11 2. When an approval criterion refers to a requirement to meet a specific threshold, such as
12 provision of adequate services or absence of significant detrimental environmental impacts,
13 satisfaction of that criterion includes any proposed or conditioned improvements, mitigation
14 measures, and limitations. All proposed or conditioned improvements, mitigation measures
15 and limitations must be identified prior to a final decision by a Review Authority.
 - 16 3. Review against the goals and policies of the Comprehensive Plan is not required unless
17 specifically stated as an approval criterion.

18 **12.80.010 Annexation.**

- 19 A. Purpose. For purposes of this Code, the annexation application process creates efficient urban
20 development and provides economic development opportunities by facilitating transfer of
21 jurisdiction of properties within the city's Urban Growth Boundary from Washington County to
22 the City of Hillsboro. The process is intended to comply with the requirements of ORS 268 and
23 Metro Code Section 3.09.
- 24 B. Procedure. Annexation applications are subject to a modified Type III procedure, including
25 public notice and a public hearing. However, the specific requirements of Section 12.70.050 are
26 superseded by the provisions of Metro Code 3.09.
- 27 C. Submittal Requirements. The submittal requirements for an annexation application are set forth
28 in Metro Code 3.09.
- 29 D. Zone Change Process Concurrent with Annexation Application.
- 30 1. Pursuant to Subsection 12.80.160.C, the Planning Commission may initiate a zone change on
31 properties for which an annexation application has been received and deemed complete. The
32 Planning Commission action to initiate the zone change shall include a recommended zone or
33 zones, based on the approval criteria in Subsection 12.80.160.E, and shall be forwarded to
34 the City Council in conjunction with the annexation application. The Council may approve
35 or deny the Planning Commission's recommendation. The City Council may also condition
36 the zone change consistent with Subsection 12.80.160.F.
 - 37 2. Property owners in disagreement with the zone recommended by the Planning Commission
38 may apply for a zone change to an alternative zone. An owner-initiated zone change
39 application for annexed property shall be processed under Section 12.80.160.

- 1 E. Approval Criteria. The approval criteria for an annexation application are set forth in Metro
2 Code 3.09.
- 3 F. Conditions of Approval. Approval of an annexation application cannot be conditioned by the
4 City.
- 5 G. Appeal of a Decision. Annexation applications may be appealed to the Land Use Board of
6 Appeals.
- 7 H. Expiration of a Decision. Annexation applications are not subject to expiration.
- 8 I. Extension of a Decision. Annexation applications are not subject to extension.

9 **12.80.020 Conditional Use.**

- 10 A. Purpose. Although they may have beneficial effects and serve important public interests, certain
11 uses are identified in this Code as conditional uses rather than uses permitted outright. The
12 purpose of the Conditional Use (CU) application is to allow a higher level of review for uses that
13 may be consistent with the purpose of the underlying zone, but require review on a case-by-case
14 basis because of their size, operational characteristics, or other factors. The conditional use
15 review process provides an opportunity to allow the use without conditions where it has minimal
16 impacts, to allow it with conditions to address identified concerns, or to deny the use if the
17 concerns cannot be resolved.
- 18 B. Procedure. Conditional Use applications are subject to the Type III procedure, as described in
19 Section 12.70.050.
- 20 C. Submittal Requirements.
- 21 1. Type III application submittal requirements are set forth in Section 12.70.050. Specific
22 submittal requirements are provided on application forms and checklists as authorized in
23 Section 12.70.110.
- 24 2. At a minimum, an application for Conditional Use approval shall include the following:
- 25 a. An application form signed by the applicant or applicant's representative, and the
26 property owner or owner's representative;
- 27 b. Full payment of the application fee, based on the fee schedule in effect on the date of
28 submittal;
- 29 c. Existing Conditions Plan;
- 30 d. Site Development Plan;
- 31 e. Landscape Plan;
- 32 f. Building Elevations (for new construction);
- 33 g. Phasing Plan (if phasing is proposed);
- 34 h. Transportation Studies pursuant to Section 12.70.200; and
- 35 i. Narrative addressing compliance with each approval criterion and applicable standard.
- 36

1 D. Approval Criteria. To approve a CU, the Review Authority shall make findings of fact, based on
2 evidence provided, that all of the following criteria are satisfied:

- 3 1. The proposed use is listed as a conditional use in the underlying zone;
- 4 2. The proposed conditional use complies with any special use standards for that particular use
5 set forth in Subchapter 12.40, if applicable;
- 6 3. Approving the CU would meet some public need or convenience;
- 7 4. The characteristics of the site (size, shape, location, topography, and location of
8 improvements and natural features) are suitable for the proposed CU;
- 9 5. The proposed CU will not change the character of the surrounding area in a way which limits
10 or precludes use of the surrounding properties consistent with the provisions of the
11 underlying zone;
- 12 6. The proposed CU addresses adequacy of transportation systems and public facilities and
13 services that exist or are planned for the area affected by the use; and
- 14 7. The proposed CU satisfies any applicable goals and policies of the Comprehensive Plan.

15 E. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
16 conditions on a CU approval to ensure compliance with the approval criteria. Any of the
17 following conditions, stipulations or limitations may be attached to a CU approval:

- 18 1. Street dedication and/or street improvements abutting/within the development area;
- 19 2. Joint use/access agreement or limitations on access;
- 20 3. Improvement agreements for the installation of necessary on-site public facilities and/or off-
21 site public improvements based on proportional impacts;
- 22 4. Utility easements;
- 23 5. Landscaping, screening, fencing;
- 24 6. Off-street parking;
- 25 7. Storm drainage improvements;
- 26 8. Surety/performance bond;
- 27 9. Non-remonstrance clause.

28 F. Appeal of a Conditional Use Decision. Refer to Section 12.70.190.

29 G. Expiration of a Decision. Refer to Section 12.70.140.

30 H. Extension of a Decision. Refer to Section 12.70.150.

31 I. Annual Report or Planning Commission Review.

- 32 1. The Planning and Zoning Hearings Board may require an annual report for any conditional
33 use to ensure that the use remains in compliance with the imposed conditions of approval and
34 with all applicable Code requirements.

35

2. If the Planning Commission determines that sufficient grounds are present to warrant a review, the Commission may initiate a review of the operation of any Conditional Use and may call for a public hearing to determine whether the use is in compliance with applicable standards and conditions. If the conditional use is found non-compliant with conditions of approval or applicable Code standards, the property owner shall be directed to submit a compliance schedule and to fully comply with applicable conditions and standards within forty-five (45) days. If the Commission determines there is a cause for emergency action based on threats to the public health, safety, or welfare, the Commission may require more expedient compliance. Failure to submit a compliance schedule or to comply with a submitted schedule will result in revocation of the conditional use approval.

12.80.030 Cultural Resource Alterations, Relocations and Demolitions.

- A. Purpose. Cultural Resource Alteration, Relocation and Demolition (CRAs) applications implement the provisions of the Cultural Resource Overlay zone. The provisions of this section shall be read in concert with Section 12.27.300 of this Code.
- B. Where Required. CRAs are required for alteration (as defined in Section 12.01.500), demolition, or relocation of designated structures within the Cultural Resource Overlay zone which are included on the Cultural Resource Inventory as described in Section 12.27.300.
- C. Procedures. There are two types of CRAs applications, as described in Section 12.27.300:
 1. Minor Cultural Resource Alterations are subject to the Type II procedure, as described in Section 12.70.040.
 2. Major Cultural Resource Alterations, Relocations and Demolitions are subject to the Type III procedure, as described in Section 12.70.050.
 3. Prior to the determination of application completeness, the Planning Director may decide that a Minor CRA application which would otherwise meet the standards of Section 12.27.350 warrants review as a Major CRA due to the following factors:
 - a. The likelihood of significant interest or opposition from surrounding property owners or affected agencies; orThe presence of issues requiring significant discretion during the review process; or
The submittal of concurrent applications such as Adjustments.
- D. General Submittal Requirements. General submittal requirements for Type II and Type III applications are set forth in Sections 12.70.040 and 12.70.050, respectively. At a minimum, an application for a CRA shall include the following:
 1. An application form signed by the applicant or applicant's representative and the property owner or owner's representative;
 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal;
 3. A site development plan;
 4. Exterior building elevations;
 5. Materials specifications; and

1 6. Narrative addressing compliance with each approval criterion and all applicable standards.

2 E. Approval Criteria for Alterations. To approve a Minor CRA or a Major CRA not involving
3 relocation or demolition, the Review Authority shall make findings, based on evidence provided,
4 that the following criteria are satisfied:

5 1. The alteration would allow the resource to be used as it was historically or to have a new use
6 requiring the least practicable change to its distinctive materials, features, spaces, and spatial
7 relationships;

8 2. The historic character of the resource property would be retained and preserved, and the
9 relocation of distinctive materials or alteration of features, spaces, and spatial relationships
10 that characterize a property will be avoided;

11 3. The alteration would recognize a physical record of the resource's time, place, and use, and
12 changes that create a false sense of historical development (such as adding features from
13 other historic properties) are not proposed;

14 4. The proposed alteration would retain and preserve changes to the resource that have attained
15 historic significance in their own right;

16 5. The alteration would preserve distinctive materials, features, finishes, and construction
17 techniques or examples of craftsmanship that characterize the resource;

18 6. Deteriorated historic features would be repaired rather than replaced. If severe deterioration
19 requires replacement of a distinctive feature, the new feature would match the old in design,
20 color, texture, and where possible, materials. Replacement of missing features would be
21 documented by historical evidence. Replacement of original features, such as wooden
22 window, doors, or siding, with features made from modern materials such as vinyl, metal, or
23 fiberglass, would be minimized;

24 7. Any proposed chemical and physical treatments would be undertaken using the gentlest
25 means possible. Treatments that cause damage to historic materials would be avoided;

26 8. Any archeological resources would be protected and preserved in place. If archeological
27 disturbance cannot be avoided, appropriate mitigation measures would be included as part of
28 the alteration;

29 9. New additions, exterior alterations, or related new construction would not destroy historic
30 materials, features, and spatial relationships that characterize the resource. To protect the
31 integrity of the resource, new work would be differentiated from the old and would be
32 compatible with the historic materials, features, size, scale and proportion, and massing;

33 10. Any new additions and adjacent or related new construction proposed in the alteration would
34 be constructed in a manner to allow their removal in the future without impairing the
35 essential form and integrity of the resource and its surroundings; and

36 11. For the review of exterior alterations of historic resources, the Historic Landmarks Advisory
37 Committee and the Planning Commission may use as supplemental information for
38 clarification the Secretary of the Interior's Standards for Rehabilitation and Guidelines for
39 Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National
40 Park Service and codified in 36 CFR 67 for use in the Federal Historic Preservation Tax
41 Incentives Program.

- 1 F. Approval Criteria for Relocation or Demolition. To approve a Major CRA involving relocation
2 or demolition of a designated Cultural Resource, the Review Authority shall make findings,
3 based on evidence provided, that the following criteria have been satisfied:
- 4 1. The designated resource has deteriorated beyond repair, and relocation or demolition is
5 structurally necessary;
 - 6 2. No prudent and feasible alternative exists to repair or use the structure in its present location;
 - 7 3. The relocation or demolition is economically necessary. To prove economic necessity, the
8 applicant must demonstrate through presentation of at least one rehabilitation option that the
9 resource cannot be reasonably rehabilitated in its present location, and that the condition of
10 the cultural resource prevents any substantial beneficial use of the property;
 - 11 4. The proposed use of the property has been found to be in compliance with all applicable city,
12 state and federal requirements including zoning and building codes; and
 - 13 5. The value to the community of the proposed use of the property outweighs the value of
14 retaining the designated Cultural Resource on its present site.
- 15 G. Conditions of Approval. Pursuant to Section 12.70.120, the Historic Landmarks Advisory
16 Committee may recommend, or the Planning Commission may require, conditions on the
17 approval of a Cultural Resource alteration, relocation or demolition to ensure compliance with
18 the approval criteria.
- 19 H. Delay of Relocation or Demolition.
- 20 1. Approval of an application for relocation or demolition may be delayed up to 60 days by the
21 Planning Commission. The Planning Commission may place any of the following conditions
22 on approval of a demolition application:
 - 23 a. Interior and/or exterior documentation of the site prior to the proposed, demolition;
 - 24 b. Preservation of selected architectural features and site landscaping; and/or
 - 25 c. A good faith effort by the applicant to sell the structure for relocation.
 - 26 2. The Planning Commission may however approve a demolition permit at any time within the
27 60 day period if it feels the applicant has made an effort in good faith to retain, document,
28 and/or preserve the culturally significant characteristics of the resource.
 - 29 3. The City Council may extend a demolition delay by an additional 60 days at the request of
30 the Historic Landmarks Advisory Committee, the Planning Commission or an interested
31 party.
- 32 I. Appeal of a Decision. Refer to Section 12.70.190.
- 33 J. Expiration of a Decision. Refer to Section 12.70.140.
- 34 K. Extension of a Decision. Refer to Section 12.70.150.
- 35

1 **12.80.040 Development Review.**

2 A. Purposes. The purposes of the Development Review (DR) approval process are to:

- 3 1. Encourage site planning in advance of construction;
- 4 2. Protect lives and property from potential adverse impacts of development;
- 5 3. Consider natural or man-made hazards which may impose limitations on development;
- 6 4. Conserve the City's natural beauty and visual character and minimize adverse impacts of
- 7 development on the natural environment as much as is reasonably practicable;
- 8 5. Assure that development is supported with necessary public facilities and services;
- 9 6. Ensure that structures and other improvements are properly related to their sites and to
- 10 surrounding sites and structures; and
- 11 7. Implement the City's Comprehensive Plan and land use regulations with respect to
- 12 development standards and policies.

13 B. Applicability. Approval of a Development Review application is required in all of the following

- 14 circumstances:
- 15 1. All new development, as defined in Section 12.01.500, excluding detached single family
 - 16 dwellings and accessory structures in the SFR or SCR-LD zones;
 - 17 2. Secondary dwelling units in all zones;
 - 18 3. Alteration, expansion, or new construction of any structure in the SCR-DNC or SCR-OTC
 - 19 zones;
 - 20 4. Expansion of existing multi-family residential, commercial, or mixed use buildings which
 - 21 increases existing floor area by 10 percent or more and is visible from a public right-of-way
 - 22 or an adjacent residential zone;
 - 23 5. Expansion of existing industrial buildings which increases existing floor area by 15 percent
 - 24 or more and is visible from a public right-of-way or an adjacent residential zone;
 - 25 6. Alteration of more than 10% of the façade of any multi-family, commercial, mixed use,
 - 26 industrial or institutional building where the façade is visible from the public right-of-way;
 - 27 7. Manufactured dwelling parks;
 - 28 8. Major site alterations on sites where construction is not anticipated for 30 days or more
 - 29 following grading; and
 - 30 9. Any other development project for which Development Review is required as a condition of
 - 31 approval of another land use approval or permit.

32 C. Optional Applicability. At the applicant's discretion, an application for any development type

33 not listed in Subsection B above may be submitted for processing in compliance with the

34 requirements of this section.

35 D. Exemptions. The activities, development and construction projects listed below are exempt from

36 Development Review approval, but are subject to all other applicable provisions of this Code:

37

- 1 1. Agricultural uses;
- 2 2. Manufactured dwellings on individual lots where allowed under Section 12.2;
- 3 3. Interior remodeling of an existing building or structure (also called tenant improvements) or
- 4 building alterations required to meet ADA or other Building Code requirements;
- 5 4. Certified or registered family child care or licensed residential senior care home;
- 6 5. Home Occupation Permits;
- 7 6. Maintenance of a building, structure, or site consistent with previous approvals;
- 8 7. Temporary structures associated with temporary uses;
- 9 8. Accessory structures not requiring a building permit but subject to other provisions of this
- 10 Code (such as accessory structures in the SCR-OTC or SCR-DNC zones);
- 11 9. Construction, alteration, or maintenance of public infrastructure including streets, traffic
- 12 control devices, drainage ways, sanitary and storm sewers, stormwater quality facilities,
- 13 water lines, electrical power or gas distribution lines, or telephone or television cable
- 14 systems; and
- 15 10. Excavation and fill involving 50 cubic yards or less which does not adversely affect drainage
- 16 patterns and is not located within a floodplain or significant natural resource area.

17 E. Procedure. Development Review applications are subject to the Type II procedure as described
18 in Section 12.70.040, unless the applicant chooses to submit a Development Review application
19 for Type III procedure.

20 F. Submittal Requirements. Type II application submittal requirements are set forth in Section
21 12.70.040 and more specific submittal requirements are provided on application forms and
22 checklists as authorized in Section 12.70.110. At a minimum, an application for Development
23 Review shall include the following:

- 24 1. An application form signed by the property owner or owner's representative and the
- 25 applicant or applicant's representative.
- 26 2. Full payment of the application fee, based on the fee schedule in effect on the date of
- 27 submittal.
- 28 3. Plans and descriptions including the following:
 - 29 a. Existing Conditions Plan;
 - 30 b. Site Development Plan, including vehicular and pedestrian connectivity within and
 - 31 adjacent to the site;
 - 32 c. Grading and Erosion Control Plan;
 - 33 d. Landscape Plan;
 - 34 e. Exterior Lighting Plan;
 - 35 f. Architectural Elevations;
 - 36 g. Floor plans; and
 - 37 h. Descriptions of materials to be used on proposed structures.

- 1 4. Narrative. A narrative clearly describing the project and addressing compliance with all
2 approval criteria and applicable standards.
- 3 5. Site Activity Statement. For commercial or industrial developments, a written statement
4 identifying:
 - 5 a. The nature of the proposed use;
 - 6 b. The planned number of shifts and the maximum number of employees per shift;
 - 7 c. Plans for treatment and disposal of industrial wastes; and
 - 8 d. Mitigation plans for traffic, noise, glare, air pollution, fire, or safety hazards.
- 9 6. Transportation Studies. Technical reports as authorized by Sections 12.70.200 through
10 12.70.230, may also be required based on the specific location and anticipated impacts of the
11 Development Review proposal. The Planning Director shall make every reasonable effort to
12 identify submittal requirements for technical reports at the pre-application conference.
- 13 G. Concurrent Applications for Type II Adjustments. An application for a Type II Adjustment to
14 any numeric development standard excluding residential density may be consolidated with and
15 processed concurrently with a Development Review application in accordance with Section
16 12.80.154. The Type II Adjustment process cannot be used to vary or take an exception from the
17 standards listed in Subsection 12.80.150.C.
- 18 H. Approval Criteria. To approve an application for Development Review, the Review Authority
19 shall make findings of fact based on evidence provided that the following criteria are satisfied:
 - 20 1. The proposal complies with all of the development standards of the base zone, unless a minor
21 adjustment has been approved concurrently with the Development Review application;
 - 22 2. The proposal complies with any applicable provisions of Subchapter 12.27;
 - 23 3. The proposal complies with any applicable provisions of Subchapter 12.40;
 - 24 4. The proposal complies with the development standards in Subchapter 12.50;
 - 25 5. The proposal complies with any applicable Plan District standards in Subchapter 12.60;
 - 26 6. The transportation system can safely and adequately accommodate the proposed
27 development;
 - 28 7. Parking areas and entrance-exit points are designed to facilitate on-site vehicular circulation
29 and pedestrian safety and avoid congestion on public streets;
 - 30 8. Public utilities can accommodate the proposed development;
 - 31 9. Any special features of the site (such as topography, hazards, vegetation, significant natural
32 and cultural resources, etc.) have been integrated into the site development plan;
 - 33 10. The design and operating characteristics of the proposed development are reasonably
34 compatible with surrounding development and land uses; and
 - 35 11. Negative impacts of the development have been sufficiently minimized or mitigated.
- 36 I. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
37 conditions on the approval of a Development Review application to ensure compliance with the
38 approval criteria.

- 1 J. Appeal of a Decision. Refer to Section 12.70.190.
- 2 K. Expiration of a Decision. Refer to Section 12.70.140.
- 3 L. Extension of a Decision. Refer to Section 12.70.150.

4 **12.80.050 Director's Interpretation.**

- 5 A. Purpose. The purpose of the Director's Interpretation application is to provide a process to
6 clarify terms or phrases within this Code which may require further interpretation as applied to a
7 specific property or use. The Director's Interpretation (DI) application process also provides a
8 means to assign new or non-categorized uses to a use category. A DI application can result in
9 Code interpretation issues in advance of, or concurrent with, an application, permit, or other
10 action.
- 11 B. Interpretation for Reasonable Accommodation. Notwithstanding any other provision of this
12 Code, the Planning Director has the authority to make an interpretation of reasonable
13 accommodations in the application of this Code when such accommodations may be necessary to
14 afford a person with a disability equal opportunity to use and enjoy a dwelling to the extent
15 required by federal or state law. In considering whether an accommodation is reasonable, the
16 Planning Director may consider whether the request puts an undue burden or expense on the city
17 and whether the proposed use creates a fundamental alteration in the Code. The Planning
18 Director may ask for, or the applicant may voluntarily submit, additional information based on
19 the requested accommodation, to determine whether the request creates an undue burden or a
20 fundamental alteration. The accommodation may result in a permitted or conditional waiver of
21 any limitation of this Code.
- 22 C. Planning Director's Authority to Decline an Application.
 - 23 1. The Planning Director has the authority to consider the request for an interpretation, and shall
24 respond within 14 days following the date of the request, as to whether or not a requested
25 interpretation will be issued. If requested, the Planning Director must issue an interpretation
26 for reasonable accommodation.
 - 27 2. Except for a requested interpretation for reasonable accommodation, the Planning Director
28 may issue or decline to issue a requested interpretation. The Director's decision to decline to
29 issue an interpretation is final when the decision is mailed to the party requesting the
30 interpretation. The decision to decline to issue an interpretation is not subject to further local
31 appeal.
- 32 D. Procedures. A Planning Director's Interpretation of reasonable accommodation is subject to the
33 Type I procedure, as described under Section 12.70.030. If the Planning Director decides to
34 issue a DI other than for reasonable accommodation, the application is subject to the Type II
35 procedure, as described in Section 12.70.040.
- 36 E. Submittal Requirements. Type I application submittal requirements are set forth in Section
37 12.70.030. Type II application submittal requirements are set forth in Section 12.70.040. More
38 specific submittal requirements are provided on application forms and checklists as authorized in
39 Section 12.70.110. At a minimum, a DI application shall include all of the following:
40

- 1 1. An application form signed by the applicant or applicant’s representative and the property
2 owner or owner’s representative.
- 3 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
4 date of submittal, unless either of the following circumstances apply:
 - 5 a. If the Planning Director finds that the interpretation has a wider public interest, the fee
6 may be waived.
 - 7 b. If the Directors’ Interpretation is submitted in conjunction and concurrent with another
8 application or permit, the separate Interpretation fee may also be waived.
- 9 3. A narrative clearly identifying the term or phrase for which interpretation is requested, and
10 an explanation why the applicant believes the term or phrase is unclear or inappropriate when
11 applied to the subject property; and either
 - 12 a. If the requested interpretation is for assignment of a use category, a narrative explaining
13 the character of the proposed use in terms of infrastructure, use, traffic and environmental
14 impacts, and operational characteristics; or
 - 15 b. If the requested interpretation is for interpretation of a commercial use in an industrial
16 zone, a narrative explaining the infrastructure, traffic and environmental impacts and the
17 operational characteristics of the use, and explaining how the commercial use is oriented
18 toward and supports surrounding industrial uses rather than attracting customers city-
19 wide; or
 - 20 c. If the requested interpretation is for reasonable accommodation, a narrative explaining
21 the following:
 - 22 i. The specific standard(s) from which accommodation is/are requested;
 - 23 ii. How the use of the subject site with the proposed accommodation(s) will be
24 generally consistent with the purpose of the subject zone; and
 - 25 iii. How the use of the subject site with the proposed accommodation will be generally
26 consistent with the characteristics of the permitted (or conditionally permitted) uses
27 in the subject zone. Examples of characteristics include, but are not limited to:
28 structural setbacks; height limitations; lot coverage; number of persons per
29 household; number of vehicle trips per day to be generated; number of off-street
30 parking spaces to be provided.

31 F. Standards for Assignment of a Use Category. The assignment of a use to a particular use
32 category by the Planning Director shall be based on findings that the proposed use:

- 33 1. Shares common characteristics with other examples in the use category;
- 34 2. Has intensity, density and off-site impacts similar to other examples in the use category; and
- 35 3. Has impacts on public facilities, including streets; sewer, water and stormwater systems;
36 schools; and police and fire services similar to other examples in the use category.

37 G. Limitations on Director’s Interpretation.

- 38 1. The Planning Director may interpret provisions of this Code, but shall not issue any legal
39 opinion or interpretation of case law.

1 2. A DI does not establish precedent, and does not bind the Planning and Zoning Hearings
2 Board, the Planning Commission, or the City Council in current or future decisions regarding
3 the subject property or application or similar properties or applications.

4 3. A DI does not run with the land unless the development is substantially consistent with the
5 description in the Director's Interpretation.

6 H. Expiration of a Decision. A DI does not expire unless superseded by a subsequent Director's
7 Interpretation or a Text Amendment. A Director's Interpretation for Reasonable
8 Accommodation cannot be superseded, but may be subject to review and/or revocation if it is
9 demonstrated that the use of the site has changed and is no longer consistent with the statements
10 made in the application for Reasonable Accommodation.

11 I. Appeal of a Decision. Refer to Section 12.70.190.

12 J. Interpretations on File. The Planning Director shall keep a record of all Interpretations on file in
13 the Planning Department.

14 **12.80.060 Fence Permit.**

15 A. Purpose. The purpose of a Fence Permit is to provide ensure that fences are installed in
16 accordance with the requirements of this Code, thereby providing certainty to property owners
17 prior to installation of the fence.

18 B. Procedure. Fence applications are subject to the Type I procedure as described in Section
19 12.70.030.

20 C. Submittal Requirements. Type I application submittal requirements are set forth in Section
21 12.70.030 and more specific submittal requirements are provided on application forms and
22 checklists as authorized in Section 12.70.110. At a minimum, a fence permit application shall
23 include the following:

24 1. An application form signed by the applicant or applicant's representative;

25 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
26 date of submittal;

27 3. A scaled site plan of the property and any abutting public or private streets, showing the
28 location of the proposed fence(s); and

29 4. A drawing illustrating the height, materials, and general appearance of the fence.

30 D. Approval Criteria. In order to approve a fence permit, the Review Authority shall make a
31 determination based on evidence provided that the height and location of the fence are consistent
32 with the provisions Section 12.50.250 Fences, Free-Standing Walls, Hedges and Berms, and
33 Section 12.50.260 Sight Distance / Vision Clearance.

34 E. Conditions of Approval. The Review Authority may impose conditions on approval of a fence
35 permit to ensure compliance with the approval criteria.

36 F. Appeal of a Decision. Refer to Section 12.70.190.

37 G. Expiration of a Decision. Refer to Section 12.70.140.

38 H. Extension of a Decision. Refer to Section 12.70.150.

1 **12.80.070 Floodplain Activity.**

- 2 A. Purpose. Floodplain Activity (FA) approvals implement the provisions of the Regulatory
3 Floodplain Overlay. This section shall be read in concert with Section 12.27.100.
- 4 B. Where Required. FA approvals are required for development in the Regulatory Floodplain
5 Overlay as described in Section 12.27.100.
- 6 C. Procedures. There are two types of FAs as described in Section 12.27.100:
- 7 1. Minor FAs are subject to the Type II procedure, as described in Section 12.70.040.
 - 8 2. Major FAs are subject to the Type III procedure, as described in Section 12.70.050.
 - 9 3. Prior to the determination of application completeness, the Planning Director may decide that
10 a Minor FA application which would otherwise meet the standards of Table 12.27.130-1
11 warrants review as a Major FA due to the following factors:
 - 12 a. The likelihood of significant interest or opposition from surrounding property owners or
13 affected agencies; or
 - 14 b. The presence of issues requiring significant discretion during the review process; or
 - 15 c. The submittal of concurrent applications such as Adjustments.
- 16 D. General Submittal Requirements. General submittal requirements for Type II and Type III
17 applications are set forth in Sections 12.70.040 and 12.70.050, respectively. At a minimum, an
18 application for a FA shall include the following:
 - 19 1. An application form signed by the applicant or applicant's representative and the property
20 owner or owner's representative;
 - 21 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
22 date of submittal; and
 - 23 3. Plan(s) and narrative(s) addressing compliance with each applicable standard. The standards
24 for a Minor FA are listed in Section 12.27.130. The standards for a Major FA are listed in
25 Section 12.27.135.
- 26 E. Approval Criteria. In order to approve a Minor or Major FA the Review Authority shall make
27 findings of fact, based on evidence provided, that the following criteria are satisfied:
 - 28 1. For a Minor FA, the proposed use or activity is listed as permitted in Table 12.27.130-1 and
29 complies with the standards listed in Table 12.27.130-1;
 - 30 2. For a Major FA, the proposed use or activity is listed as permitted in Table 12.27.135-1 and
31 complies with the standards listed in 12.27.135-1;
 - 32 3. The proposal complies with the additional standards of Section 12.27.140; and
 - 33 4. The proposal complies with the conditional use approval criteria in Section 12.80.020.
- 34 F. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
35 conditions on the approval of the FA to ensure compliance with the approval criteria and special
36 use standards of Section 12.27.100.
- 37 G. Appeal of a Decision. Refer to Section 12.70.190.

1 H. Expiration of a Decision. Refer to Section 12.70.140.

2 I. Extension of a Decision. Refer to Section 12.70.150.

3 **12.80.080 Home Occupation Permit.**

4 A. Purpose. The purpose of a Home Occupation Permit (HOP) is to allow residents an opportunity
5 to use their homes to conduct small-scale business activities, while establishing criteria and
6 standards to ensure that home occupations are subordinate to the residential use, and are in
7 appearance and operation neither detrimental nor disruptive to neighboring properties and
8 residents.

9 B. Procedure. HOP applications are subject to the Type I procedure as described in Section
10 12.70.030.

11 C. Submittal Requirements. Type I application submittal requirements are set forth in Section
12 12.70.030 and more specific submittal requirements are provided on application forms and
13 checklists as authorized in Section 12.70.110. At a minimum, a HOP application shall include
14 the following:

- 15 1. An application form signed by the applicant or applicant's representative and the property
16 owner or owner's representative;
- 17 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
18 date of submittal;
- 19 3. A scaled plot plan of the proposed Home Occupation site, and a floor plan of any buildings to
20 be used for the Home Occupation; and
- 21 4. A narrative addressing compliance with the approval criteria and special use standards in
22 Section 12.40.170.

23 D. Approval Criteria. In order to approve a HOP, the Review Authority shall make findings of fact,
24 based on evidence provided, that the following criteria are satisfied:

- 25 1. The zoning of the subject property lists a home occupation as an allowed use;
- 26 2. The proposal complies with the standards for Home Occupations in Section 12.40.170
27 Special Uses.

28 E. Conditions of Approval. The Review Authority may impose conditions on approval of a HOP to
29 ensure compliance with the approval criteria. Such conditions may include a requirement to
30 obtain a city business license pursuant to Municipal Code Subchapter 5.04.

31 F. Appeal of a Decision. Refer to Section 12.70.190.

32 G. Expiration of a Decision. Refer to Section 12.70.140.

33 H. Extension of a Decision. Refer to Section 12.70.150.

34 I. Invalidation of a Decision. Approval of an HOP is site-specific to the property and the original
35 applicant. If an applicant moves, the HOP becomes invalid unless a new HOP is approved for
36 the subsequent occupant of the property.

- 1 J. Revocation of a Decision. A business license for a permitted home occupation is subject to
2 revocation at any time by the City Council for cause pursuant to Municipal Code Subchapter
3 5.04 under the following circumstances:
- 4 1. There is a violation of any provision of this Code;
 - 5 2. There is a violation of any term or condition of any applicable permit;
 - 6 3. Failure to pay the City business license fee when due.
- 7 K. Waiting Period for Re-Application. When a business license for a home occupation permit is
8 revoked due to violation of the standards of this Section, or any condition of approval attached to
9 the permit, a minimum period of 60 days shall elapse before another application for a home
10 occupation permit on the subject property will be considered.

11 **12.80.090 Land Divisions, Property Line Adjustments, and Lot Consolidations.**

- 12 A. Purpose. Land Division, Property Line Adjustment, and Lot Consolidation applications establish
13 regulations, procedures, and standards for land divisions and property line reconfiguration, to
14 assure that newly created or reconfigured lots meet the standards of this Code. Authorization
15 and minimum standards for this Section are provided by ORS Chapter 92 Subdivisions and
16 Partitions.
- 17 B. Applicability. These land division regulations apply to all partitions, subdivisions, and property
18 line adjustments.
- 19 C. Application Types. There are four types of applications under this Section: Property Line
20 Adjustment (PLA); Lot Consolidation (LC); Partition (PAR); and Subdivision (SUB).
- 21 D. Expedited Land Divisions. Applications for expedited land divisions to partition residentially
22 zoned land will be processed according to the standards and procedures in ORS 197.360 through
23 197.380 rather than this Code.
- 24 E. Period of Vesting. Pursuant to ORS 92.040 (2), construction on lots created through land
25 division is vested against changes to this Code approved subsequent to the City's final decision
26 on the land division, unless the applicant elects otherwise.

27 **12.80.092 Property Line Adjustment.**

- 28 A. When Applicable. An application for Property Line Adjustment (PLA) shall be required to
29 relocate a common boundary between lots of record without creating or reducing the number of
30 lots.
- 31 B. Procedure. PLA applications are subject to the Type I procedure, as described in Section
32 12.70.030.
- 33 C. Submittal Requirements. Type I application submittal requirements are set forth in Section
34 12.70.030 and more specific submittal requirements are provided on application forms and
35 checklists as authorized in Section 12.70.110. At a minimum, a PLA application shall include
36 the following:

1. An application form signed by the owners of both properties to be modified by the PLA;
2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal;
3. A scaled plot plan showing the following:
 - a. Location of all existing property lines and structures;
 - b. The proposed location of the adjusted property lines,
 - c. Setbacks from the structures to existing and proposed property lines;
 - d. The location of any public or private easement; and
 - e. A calculation of the square footage of the lots before and after the PLA.

D. Approval Criteria. In order to approve a PLA, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. Both properties are lawfully established units of land, or the PLA is intended to rectify previous unlawful establishment of units of land;
2. No new parcels will result from the adjustment;
3. Both affected properties would comply with the minimum lot depth, width and area standards of the applicable zone after the proposed adjustment;
4. Existing structures on both properties would comply with the minimum and maximum setback standards of the applicable zone after the proposed adjustment; and
5. If either or both of the affected properties are eligible for additional development under existing zoning, the proposed adjustment will not:
 - a. Preclude the opportunity for such additional development; or
 - b. Reconfigure the properties in a pattern which might avoid or reduce the need to install public improvements typically required as a condition of such additional development.

E. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose conditions on the approval of a Property Line Adjustment application to ensure compliance with the approval criteria. All Property Line Adjustment decisions shall also require that:

1. The applicant shall provide evidence to the City that a conveyance instrument conforming to the approved Property Line Adjustment has been recorded at Washington County.
2. The applicant file a record of survey with the County as required by ORS Chapter 92 and provide a copy to the City.

F. Appeal of a Decision. Refer to Section 12.70.190.

G. Expiration of a Decision. Refer to Section 12.70.140.

H. Extension of a Decision. Refer to Section 12.70.150.

1 **12.80.094 Lot Consolidation.**

- 2 A. When Applicable. An application for Lot Consolidation (LC) shall be required to dissolve the
3 common property line between two or more properties in the same ownership.
- 4 B. Procedure. LC applications are subject to the Type I procedure, as described in Section
5 12.70.030.
- 6 C. Submittal Requirements. Type I application submittal requirements are set forth in Section
7 12.70.030 and more specific submittal requirements are provided on application forms and
8 checklists as authorized in Section 12.70.110. At a minimum, an LC application shall include
9 the following:
- 10 1. An application form signed by the applicant or applicant's representative and property owner
11 or owner's representative;
 - 12 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
13 date of submittal; and
 - 14 3. A scaled plot plan showing the following:
 - 15 a. Location of all existing property lines and structures;
 - 16 b. The location of the property lines proposed to be dissolved; and
 - 17 c. The location of any public or private easement.
- 18 D. Approval Criteria. To approve an LC, the Review Authority shall make findings of fact, based
19 on evidence provided, that the following criteria are satisfied:
- 20 1. Both properties are lawfully established units of land, or the LC is intended to rectify
21 previous unlawful establishment of units of land;
 - 22 2. The resulting number of parcels will be less than the existing number;
 - 23 3. All affected properties would comply with the minimum lot depth, width and area standards
24 of the applicable zone after the proposed consolidation;
 - 25 4. Existing structures on any affected property would comply with the minimum and maximum
26 setback standards of the applicable zone after the proposed consolidation; and
 - 27 5. If the resulting aggregation of affected properties is eligible for additional development under
28 existing zoning, the proposed adjustment will not:
 - 29 a. Preclude the opportunity for such additional development; or
 - 30 b. Reconfigure the properties in a pattern which might avoid or reduce the need to install
31 public improvements typically required as a condition of such additional development.
- 32 E. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
33 conditions on the approval of an LC application to ensure compliance with the approval criteria.
34 All LC approvals shall also require that:
- 35 1. The applicant shall provide evidence to the City that a conveyance instrument conforming to
36 the approved Lot Consolidation has been recorded at Washington County.

1 2. The applicant file a record of survey with the County as required by ORS Chapter 92 and
2 provide a copy to the City.

3 F. Appeal of a Decision. Refer to Section 12.70.190.

4 G. Expiration of a Decision. Refer to Section 12.70.140.

5 H. Extension of a Decision. Refer to Section 12.70.150.

6 **12.80.096 Partition.**

7 A. When Applicable. An application for Partition (PAR) shall be required for the creation of two or
8 three new parcels from at least one lot of record (parent parcel) in one calendar year.

9 B. Compliance with ORS Chapter 92. PAR applications shall conform to all state regulations set
10 forth in ORS Chapter 92, Subdivisions and Partitions.

11 C. Lot Size Limitations for Partitions. Except as provided in Subsection D below, partitions shall
12 not be processed on single lots or aggregated contiguous lots under the same ownership with
13 sufficient net buildable area to allow creation of four or more lots meeting the minimum
14 requirements of this Code.

15 D. Homestead Exception. On the larger lots cited in Subsection C above, a two-lot partition
16 application may be accepted only to divide one smaller parcel for a single family house from a
17 larger parent parcel, provided the parcel for the single family house does not have sufficient lot
18 area to allow further division under the standards of the applicable base zone. This exception
19 may also include creation of tracts for natural resource preservation or private streets, and/or
20 creation of public right-of-way.

21 E. Procedure. Partitions are reviewed through a two-step procedure, a preliminary plat and a final
22 plat.

23 1. The preliminary partition plat is subject to the Type II procedure, as described in Section
24 12.70.040.

25 2. The final partition plat is subject to the Type I procedure, as described in Section 12.70.030.

26 F. Submittal Requirements. Type II application submittal requirements are set forth in Section
27 12.70.040 and more specific submittal requirements are provided on application forms and
28 checklists as authorized in Section 12.70.110. Type I application submittal requirements are set
29 forth in Section 12.70.030 and more specific submittal requirements are provided on application
30 forms and checklists as authorized in Section 12.70.110. At a minimum, an application for a
31 preliminary partition shall include the following:

32 1. An application form, signed by the applicant or applicant's representative and the property
33 owner or owner's representative;

34 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
35 date of submittal;

36 3. Certification forms from the applicable agency or city department regarding the availability
37 of water, sanitary sewer and storm sewer;

38 4. A preliminary partition plat with all information required on the application form and/or
39 checklist;

5. A connectivity analysis demonstrating compliance with Section 12.50.520; and
6. Documentation of a neighborhood meeting (residential applications only), pursuant to Section 12.70.100.

G. Approval Criteria for a Preliminary Partition Plat. To approve a preliminary partition application, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. All proposed parcels comply with the development standards of the base zone;
2. Adequate public facilities are available or can be provided to serve the proposed parcels;
3. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan; and
4. All proposed improvements including access locations meet City and applicable agency standards.

H. Concurrent Applications for Type II Adjustments. An application for a Type II adjustment to any standards shall be made in accordance with Section 12.80.154 and shall be processed concurrently with the preliminary partition application. The Type II Adjustment process cannot be used to vary or take an exception from the standards listed in Subsection 12.80.150.C.

I. Conditions of Approval on a Preliminary Partition Plat. Pursuant to Section 12.70.120, the Planning Director may impose conditions on the approval of a preliminary partition plat to ensure compliance with the approval criteria.

J. Appeal of a Decision. Refer to Section 12.70.190.

K. Expiration of a Decision. Refer to Section 12.70.140.

L. Extension of a Decision. Refer to Section 12.70.150.

M. Final Partition Plat Submittal. An application for final partition plat shall be reviewed under the Type I procedure, as described in Section 12.70.030. At a minimum, an application for a final partition shall include the following:

1. The application form, signed by the owner of the property to be partitioned;
2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal;
3. A final plat prepared by a land surveyor or engineer licensed to practice in Oregon, incorporating any applicable conditions of approval imposed by the Director as part of the preliminary plat approval;
4. A narrative addressing compliance with the preliminary plat approval and all conditions of that approval; and
5. Signed and notarized copies of all supplemental documents required by the preliminary plat approval, such as Covenants, Conditions and Restrictions, Waivers of Remonstrance, or easements. Such document(s) shall be fully executed.

N. Final Partition Plat Approval Criterion. If the final partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the Planning Director shall sign the final plat.

1 O. Implementation of Final Plat Approval.

- 2 1. The approved final partition plat shall be recorded within one year of the decision approving
3 a preliminary partition plat, unless an extension has been approved by the Planning Director
4 pursuant to Section 12.70.150.
- 5 2. The applicant shall be responsible for all recording fees and shall provide the City with a
6 copy of the recorded plat within 15 days of recording.
- 7 3. The applicant shall provide the City with copies of any recorded supplemental documents
8 required by the preliminary plat approval, such as Covenants, Conditions and Restrictions,
9 Waivers of Remonstrance, or easements.
- 10 4. No building permit shall be issued on a parcel created by a partition plat until the approved
11 final partition plat has been recorded with the Washington County Surveyor.
- 12 5. Prior to issuance of an occupancy permit, all improvements required by the conditions of
13 approval shall be constructed or the construction shall be guaranteed through a performance
14 bond or other instrument acceptable to the City Engineer.

15 P. Appeal of a Final Decision. Refer to Section 12.70.190.

16 Q. Expiration of a Decision. Refer to Section 12.70.140.

17 R. Extension of a Decision. Refer to Section 12.70.150.

18 **12.80.098 Subdivision.**

19 A. When Applicable. An application for a Subdivision (SUB) shall be required for the creation of
20 four or more new lots from at least one lot of record in one calendar year.

21 B. Compliance with ORS Chapter 92. All subdivision proposals shall conform to all state
22 regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

23 C. Procedure. Subdivisions are reviewed through a two-step process: the preliminary plat and the
24 final plat.

25 1. The preliminary plat may be processed under Type II or Type III procedures, as described in
26 Sections 12.70.040 and 12.70.050, respectively.

27 2. The final plat is subject to the Type I procedure as described in Section 12.70.030.

28 D. Determination of Procedure Type for Preliminary Subdivision Plat.

29 1. Preliminary plat applications for residential subdivisions which do not exceed any of the
30 following thresholds may be reviewed under the Type II process:

31 a. Gross site acreage of less than 5.0 acres;

32 b. Total number of proposed lots 20 or fewer;

33 c. Total number of proposed dwelling units 20 or fewer;

34 d. Site location not within a light rail zone or conservation district; or

35 e. Site location not within the Significant Natural Resource Overlay Zone.

- 1 2. A preliminary plat application for a non-residential subdivision, or for a residential
2 subdivision that does not meet any of the thresholds listed in Subsection D.1 above, may be
3 processed under Type II procedures. However, an applicant may request processing under
4 Type III procedures for any subdivision.
- 5 3. Prior to the determination of application completeness, the Planning Director may decide that
6 an application which does not exceed any of the thresholds in Subsection D.1 above warrants
7 Type III review due to the following factors:
 - 8 a. The likelihood of significant interest or opposition from surrounding property owners or
9 affected agencies; or
 - 10 b. The presence of issues requiring significant discretion during the review process; or
 - 11 c. The submittal of concurrent applications such as Adjustments.

12 E. Submittal Requirements. General submittal requirements for Type II and Type III applications
13 are set forth in Sections 12.70.040 and 12.70.050, respectively. More specific submittal
14 requirements are provided on application forms and checklists as authorized in Section
15 12.70.110. At a minimum, an application for a subdivision preliminary plat shall include the
16 following:

- 17 1. The application form, signed by the owner of the property to be subdivided;
- 18 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
19 date of submittal;
- 20 3. Certification forms from the applicable agency or city department regarding the availability
21 of water, sanitary sewer and storm sewer;
- 22 4. A narrative addressing compliance with each approval criterion and applicable development
23 standards and architectural design and construction standards of Subchapter 12.50 as
24 applicable;
- 25 5. A vicinity map showing existing conditions within 500 feet of the proposed subdivision,
26 including topography, lotting patterns, utilities and transportation facilities;
- 27 6. A connectivity analysis, consistent with Section 12.50.520;
- 28 7. Representative sample elevations demonstrating compliance with Subsection 12.50.710 C or
29 Section 12.50.720 C as applicable, unless submitted with the final subdivision plat; and
- 30 8. Any additional information identified through a pre-application conference.

31 F. Approval Criteria for Subdivision Preliminary Plat. To approve a subdivision preliminary plat,
32 the Review Authority shall make findings of fact, based on evidence provided, that the following
33 criteria are satisfied:

- 34 1. The proposal complies with the criteria and standards of this Code, including the minimum
35 and maximum residential densities of the base zone, if applicable;
- 36 2. The proposal provides for necessary public utilities and facilities including, but not limited
37 to, water, sanitary sewer, storm sewer, streets, parks, fire protection, and police protection;
- 38 3. The proposal facilitates safe and convenient bicycle and pedestrian connections and access
39 within the proposed subdivision compliant with Section 12.50.420;

- 1 4. The proposal facilitates the efficient development of and safe access to and from the
2 proposed subdivision and to adjoining undeveloped properties compliant with Sections
3 12.50.430 and 12.50.520;
- 4 5. The proposal complies with the development and design standards in Subchapter 12.50
5 relating to street and bicycle/pedestrian design, usable open space, and development and
6 design guidelines, and with any other applicable standards identified at the pre-application
7 conference;
- 8 6. The proposal complies with the requirements of any other affected agencies, including but
9 not limited to: Washington County; CWS; DSL; and ODOT;
- 10 7. Any oversized lots within the development are configured to allow future division in
11 accordance with the requirements of this Code; and
- 12 8. Streets, driveways, and utilities will be sufficiently sized to serve the proposed development
13 and future development on any oversized lots.

14 G. Concurrent Applications for Adjustments. An application for an adjustment to any standard shall
15 be made in accordance with Section 12.80.150 and shall be processed concurrently with the
16 subdivision preliminary plat application.

- 17 1. The Type II Adjustment process can be used only in conjunction with a Minor Subdivision
18 application. The Type III Adjustment process can be used only in conjunction with a Major
19 Subdivision application.
- 20 2. Neither Type II nor Type III Adjustment processes can be used to vary or take an exception
21 from the standards listed in Subsection 12.80.150.C.

22 H. Phased Development. If the subdivision is proposed to be developed in phases, the applicant
23 shall include a phasing program with the subdivision preliminary plat application submittal. The
24 applicant shall also provide a schedule for the final platting of the various phases. If the total
25 time period for the final platting of all stages is proposed be longer than five years, approval of a
26 new preliminary subdivision plat application shall be required for the remaining unplatted
27 phases.

28 I. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
29 conditions on the approval of a preliminary subdivision plat application to ensure compliance
30 with the approval criteria.

31 J. Appeal of a Decision. Refer to Section 12.70.190.

32 K. Expiration of a Decision. Refer to Section 12.70.140.

33 L. Extension of a Decision. Refer to Section 12.70.150.

34 M. Subdivision Final Plat Submittal. An application for subdivision final plat shall be reviewed
35 under the Type I procedure, as described in Section 12.70.030. At a minimum, an application for
36 a final plat shall include the following:

- 37 1. The application form, signed by the owner(s) of the property to be subdivided;
- 38 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
39 date of submittal;

- 1 3. A final plat prepared by a land surveyor or engineer licensed to practice in Oregon,
2 incorporating any applicable conditions of approval imposed by the Review Authority under
3 the preliminary subdivision plat approval;
- 4 4. A narrative addressing compliance with the preliminary plat approval and all conditions of
5 that approval;
- 6 5. Representative sample elevations demonstrating compliance with Subsection 12.50.710 C or
7 Section 12.50.720 C as applicable, unless submitted with the preliminary subdivision plat;
8 and
- 9 6. Signed and notarized copies of all supplemental documents required by the preliminary plat
10 approval, such as Covenants, Conditions and Restrictions, Waivers of Remonstrance, or
11 easements.

12 N. Subdivision Final Plat Approval Criteria.

- 13 1. If the Planning Director determines that the final plat is consistent with the approved
14 preliminary plat, and the conditions of approval have been satisfied, the Planning Director
15 shall either:
 - 16 a. Sign the final plat as the representative of the Planning Commission in the case of a
17 minor subdivision processed as a Type II application; or
 - 18 b. Release the plat for the signature of the Planning Commission president in the case of a
19 major subdivision processed as a Type III application.
 - 20 c. If the Director determines that the final plat is not consistent with the approved
21 preliminary plat, or the conditions of approval have not been satisfied, the Planning
22 Director shall provide findings of fact stating the basis for denial. The applicant may
23 then either submit a revised final plat application or appeal the Director's decision as
24 provided in Section 12.70.190.

25 O. Implementation of Final Plat Approval.

- 26 1. The approved final subdivision plat shall be recorded within one year of the date of the
27 Planning Director's or the Planning Commission president's signature on the plat. If the
28 final plat is not recorded within this time, the final plat shall be null and void.
- 29 2. The applicant shall be responsible for all recording fees and shall provide the City with a
30 copy of the recorded plat within 15 days of the recording.
- 31 3. The applicant shall provide the City with copies of any recorded supplemental documents
32 required by the preliminary plat approval, such as Covenants, Conditions and Restrictions,
33 Waivers of Remonstrance, or easements.
- 34 4. No building permit shall be issued on a lot created by a subdivision plat until the approved
35 final subdivision plat has been recorded with the Washington County Surveyor.
- 36 5. Prior to issuance of an occupancy permit, all improvements required by the conditions of
37 approval shall be constructed or construction shall be guaranteed through a performance
38 bond or other instrument acceptable to the City Engineer.

1 **12.80.100 Modification of Approved Plans and Permits.**

2 A. Purposes. The Modification (MOD) process allows approved plans and permits to be modified
3 under an appropriate review process without initiating repetition of the original application. The
4 Modification process also allows use of two Procedure Types based on the scale of the proposed
5 modification.

6 B. Applicability. The following development applications, approved through the provisions of this
7 Code, may be modified pursuant to this Section:

- 8 1. Land Divisions (partitions or subdivisions);
- 9 2. Planned Unit Development approvals; and

10 C. Thresholds for Major Modifications. A MOD application meeting any of the following
11 thresholds shall be processed as a Major Modification:

- 12 1. Change in use category on any portion of the site;
- 13 2. Increased residential density;
- 14 3. Changes in perimeter setbacks or lot coverage;
- 15 4. Increases in proposed building height within 100 feet of single-family residential zones;
- 16 5. Reduction of usable common open space areas;
- 17 6. Changes to approved development on slopes greater than 25% and/or within Significant
18 Natural Resource Areas or Impact Areas;
- 19 7. Changes in access or parking locations affecting exterior driveway or intersection locations
20 or off-site traffic circulation;
- 21 8. Changes in traffic volume which affect the need for on-site and/or off-site traffic safety or
22 capacity improvements;
- 23 9. Decreases in pedestrian or bicycle amenities, recreational facilities, screening, and/or
24 landscaping provisions; and/or
- 25 10. Any change to a condition of approval similar to Subsections 1 through 9 which, under the
26 Planning Director's discretion is determined to have detrimental impacts on adjoining
27 properties.

28 D. Thresholds for Minor Modifications. If it meets none of the thresholds identified in Subsection
29 C above, a Modification application meeting any of the thresholds listed below shall be
30 processed as a Minor Modification:

- 31 1. Reduction in residential density within the designated range of the underlying zone;
- 32 2. Increases in pedestrian or bicycle amenities, recreational facilities, screening, and/or
33 landscaping provisions;
- 34 3. Increases in usable common open space areas; and/or
- 35 4. Any change involving a shift in building heights or locations, proposed interior streets,
36 parking or utility easement configurations, landscaping or other interior site improvements.

- 1 E. Procedure for Modifications. Major Modifications are subject to the same procedure Type as the
2 original application, either a Type II procedure as described in Section 12.70.040 or a Type III
3 procedure as described in Section 12.70.050. Minor Modification applications are subject to the
4 Type II procedure as described in Section 12.70.040.
- 5 F. Submittal Requirements. Type II and Type III application submittal requirements are set forth in
6 Sections 12.70.040 and 12.70.050, respectively. Specific submittal requirements are provided on
7 application forms and checklists as authorized in Section 12.70.110. At a minimum, an
8 application for a Minor or Major Modification shall include the following:
- 9 1. An application form signed by the applicant or the applicant's representative and the property
10 owner or owner's representative;
 - 11 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
12 date of submittal;
 - 13 3. Narrative addressing compliance with either the Major or the Minor Modification thresholds
14 listed in Subsections C and D above;
 - 15 4. Narrative addressing whether the modification affects compliance with the approval criteria
16 and applicable standards of the original application.
- 17 G. Scope of Review. The scope of review for a Modification shall be limited to the modification
18 request.
- 19 H. Approval Criteria. To approve a Minor or Major Modification application, the Review Authority
20 shall make findings of fact, based on evidence provided, that the following criteria are satisfied:
- 21 1. The location, size, and functional characteristics of the modified development can be made
22 reasonably compatible with, and would have a minimal impact on, properties surrounding the
23 subject site; and
 - 24 2. New elements are provided that functionally compensate for any negative effects caused by
25 the requested modification(s). New elements used to compensate for a negative effect shall
26 be of at least equal value to the elements proposed to be changed.
- 27 I. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
28 conditions on the approval of a Modification application to ensure compliance with the original
29 approval criteria.
- 30 J. Appeal of a Decision. Refer to Section 12.70.190.
- 31 K. Expiration of a Decision. Refer to Section 12.70.140.
- 32 L. Extension of a Decision. Refer to Section 12.70.150.
- 33

1 **12.80.110 Nonconforming Use or Structure Expansion.**

2 A. Purpose. Pre-existing legally compliant uses and structures become nonconforming when a zone
3 or development standard applicable to the use or the site changes, and the existing use or
4 structures would no longer be allowed under the changed zoning. Requiring nonconforming uses
5 or structures (NCUs) to immediately conform to the changed zoning would be a significant
6 hardship on property owners, residents, and businesses. Regulating nonconforming situations
7 such as uses and structures limits expansion of such situations and encourages future uses and
8 development toward consistency with this Code, eventually bringing such situations into
9 conformance. The provisions of this section shall be read in concert with Subchapter 12.30.

10 B. Procedure. Applications to expand nonconforming uses or structures are reviewed through the
11 Type III procedure, as described in Section 12.70.050.

12 C. Submittal Requirements. Type III application submittal requirements are set forth in Section
13 12.70.050 and more specific submittal requirements are provided on application forms and
14 checklists as authorized in Section 12.70.110. At a minimum, an application for expansion of a
15 nonconforming use or structure shall include the following:

- 16 1. An application form signed by the applicant or applicant's representative and the property
17 owner or owner's representative;
- 18 2. Payment in full of the appropriate fee, based on the fee schedule in effect on the date of
19 submittal; and
- 20 3. Narrative addressing compliance with the approval criteria.

21 D. Approval Criteria. To approve an Expansion of an NCU, the Review Authority shall make
22 findings of fact, based on evidence provided, that the following criteria are satisfied:

- 23 1. The nonconforming situation was not created unlawfully;
- 24 2. With mitigation measures, the expanded situation will have fewer or reduced detrimental
25 impacts on the surrounding area. Detrimental impacts in this context include the following:
 - 26 a. Extended hours of operation;
 - 27 b. Vehicle trips to or from the site and impacts on surrounding on-street parking;
 - 28 c. Noise, vibration, dust, odor, fumes, glare, and smoke; and
 - 29 d. Increased amount, location, and nature of any outside displays, storage or activities.
- 30 3. In a residential zone, if changes are proposed to the site, the appearance of the expanded non-
31 conforming use or structure will not adversely affect the residential character of the area,
32 taking into account all of the following factors:
 - 33 a. Building scale, location, and façade;
 - 34 b. Parking area location;
 - 35 c. Buffering and the potential loss of privacy to abutting residential uses; and
 - 36 d. Lighting and signage.

1 4. In a commercial or industrial zone, if changes are proposed to the site, the appearance of the
2 expanded non-conforming use or structure will not detract from the purpose, function and
3 character of the zone.

4 E. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
5 conditions on the approval of the Expansion of an NCU to ensure compliance with the approval
6 criteria.

7 F. Appeal of a Decision. Refer to Section 12.70.190.

8 G. Expiration of a Decision. Refer to Section 12.70.140.

9 H. Extension of a Decision. Refer to Section 12.70.150.

10 **12.80.120 Planned Unit Development.**

11 A. Purposes. The purposes of the Planned Unit Development (PUD) application and process are to:

- 12 1. Encourage flexibility, innovation, and diversity in location and design of structures and
13 improvements consistent with the Comprehensive Plan, the applicable base zone(s), and
14 applicable standards;
- 15 2. Allow consideration of special adjustments to Code standards within the context of the
16 overall development project, thereby balancing the request for the adjustments with desirable
17 results that improve community livability;
- 18 3. Allow more efficient site design for land uses, buildings, and circulation, energy and utility
19 systems;
- 20 4. Preserve existing landscape features and natural resources, and better integrate such features
21 and resources into site design;
- 22 5. Provide usable and suitably sited public and common facilities;
- 23 6. Provide greater compatibility with surrounding land uses or uses allowed by surrounding
24 zoning than a project compliant with conventional zoning; and
- 25 7. Allow simultaneous land divisions consistent with the approval criteria listed in Sections
26 12.80.096 D or 12.80.098 F as applicable.

27 B. Where Required. An applicant may request the PUD process for any development project of any
28 size in any zone. However, the PUD process is required in the following circumstances:

- 29 1. For all development projects in the SCR-V zone;
- 30 2. For any non-residential phased development within a light rail zone; or
- 31 3. Within the boundaries of the Witch Hazel Village Community Plan area.

32 C. Allowable Uses.

- 33 1. Planned Unit Developments (PUDs) in Residential Zones. In residential zones, PUD concept
34 plan approval allows development of a site with a mixture of uses. The following uses are
35 allowed with PUD approval:

- a. All uses allowed outright or conditionally in the underlying zone;
 - b. Housing types otherwise indicated as “not permitted” in the underlying zone;
 - c. Community recreation facilities or similar uses;
 - d. Outdoor recreation facilities or similar uses; and
 - e. Recreational vehicle storage areas.
2. PUDs in Commercial and Industrial Zones. In areas designated Commercial or Industrial on the Comprehensive Plan Map, PUD concept plan approval allows development of a site with mixed uses subject to the following limitations:
- a. At least 60% of the PUD area shall be occupied to uses allowed outright or conditionally by the implementing zones of the Comprehensive Plan designation; and
 - b. If retail commercial use is not allowed by the base zone, a multi-tenant retail commercial facility or structure under common ownership or common control may be approved in an industrial PUD if the square footage is 15,000 square feet or less.
- D. Phasing. Unless otherwise authorized by the Planning Commission, a phased development may not exceed five years between commencement of development on the first and final phases.
- E. Procedures. PUD applications are subject to the Type III procedure, as described in Section 12.70.050.
- F. Implementation of Planned Unit Development Concept Plan Approval. A PUD concept plan shall be implemented through either a Development Review approval under Section 12.80.040, a Land Division approval under Section 12.80.096 or Section 12.80.098, or both.
- G. Consolidated Application. An applicant may choose to submit the PUD concept plan and the implementing Development Review application, Land Division preliminary plat application, or both for concurrent review subject to addressing all approval criteria for each application.
1. If the PUD involves a land division, the applicant may request review of the preliminary subdivision or partition application as part of the PUD concept plan review. If submitted with the PUD concept plan, the preliminary subdivision or partition application shall be reviewed for compliance with the approval criteria in Sections 12.80.096 D or 12.80.098 F as applicable. If deferred, the land division application shall be subject to compliance with the approval criteria in Sections 12.80.096 D or 12.80.098 F as applicable, and with either the Type II or Type III procedure set forth in Section 12.70.040 or 12.70.050.
 2. If the PUD involves an implementing Development Review application, the applicant may request review of the Development Review application concurrent with PUD review or may defer the Development Review application.
 - a. If submitted concurrently with the PUD application, the Development Review application shall be reviewed under a Type III procedure by the Planning Commission under Section 12.70.050, and the Type III public notice for the PUD shall include the Development Review application information.

- b. If the applicant chooses to defer review of the implementing Development Review application, the PUD concept plan application must include sufficiently detailed building locations, dimensions, elevations, and building and landscaping materials palettes to clearly establish the standards by which the Development Review application will be reviewed administratively as a Type II application under Section 12.70.040.
- c. The Planning Commission may impose conditions of approval on the PUD concept plan regarding changes in detailed site plans or elevations as necessary to insure compliance with Sections 12.50.700, 12.50.800 and/or 12.50.900.

H. Planned Unit Development Submittal Requirements. Type III application submittal requirements are set forth in Section 12.70.050 and more specific submittal requirements are provided on application forms and checklists as authorized in Section 12.70.110. At a minimum, a PUD shall include the following:

1. An application form signed by the applicant or applicant's representative and the property owner or owner's representative;
2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal;
3. An Existing Conditions plan;
4. Concept Plan sets including but not limited to the following:
 - a. Pedestrian and Vehicle Site Circulation;
 - b. Development Pattern, including approximate location, acreage, type and density of proposed development, and for any residential development the housing types, unit densities, and generalized lot sizes at their proposed locations on the site;
 - c. Architectural Designs, including conceptual drawings, illustrations and building elevations, with exterior materials and color palette. (This requirement may be satisfied in a concurrent Type III Development Review application);
 - d. Open Space and Natural Resources, including percentage of site area and approximate locations of proposed parks, playgrounds or other outdoor play areas, common areas and usable open space; and natural, historic and cultural resource areas or features proposed for preservation;
5. Preliminary partition or subdivision plat if land division is included in the development proposal;
6. Preliminary phasing plan including infrastructure phasing, if project phasing is proposed;
7. Narrative statements including but not limited to the following:
 - a. Description, approximate location and timing of each proposed phase of development;
 - b. Explanation of how the proposed PUD is consistent with the purposes of this Section, the intent of the underlying zone, and any applicable Community Plan;
 - c. A Transportation Planning Rule Compliance analysis pursuant to Section 12.70.230;
 - d. A Traffic Impact Analysis pursuant to Section 12.70.220;

- e. A statement describing the impacts of the proposed development on natural resources and on any resources contained in the City’s Inventory of Cultural Resources within the proposed site; and
- f. Narrative addressing compliance with partition or subdivision approval criteria if applicable.

I. Concurrent Applications for Type III Adjustments. A PUD application may include proposals to vary development standards and design standards that would typically apply in the base zone. If requested by the applicant, special adjustments shall be clearly and specifically identified in the PUD application, which shall also include an explanation and/or drawings justifying and substantiating the need for the special adjustment from the standards. Any applications for special adjustments shall be processed concurrently with the PUD application and shall address the relevant approval criteria in Section 12.80.156.

J. Development Regulations and Design Standards not Subject to Adjustment. The PUD and Adjustment application processes cannot be used to vary or take an exception from the standards listed in Subsection 12.80.150.C.

K. Concept Plan Approval Criteria. To approve a PUD concept plan, the Planning Commission shall make findings, based on evidence provided, that the following criteria are satisfied:

1. The development concept demonstrates that the PUD has some significant advantages over a standard development allowed under base zoning standards. “Significant advantages” in this context may include, but are not limited to, one or more of the following:
 - a. The PUD is consistent with the provisions of any applicable adopted Community Plan in the Comprehensive Plan;
 - b. The PUD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;
 - c. The general arrangement of proposed uses in the PUD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles and housing types, or by providing better transitions between the surrounding neighborhood and the PUD with compatible development or open space buffers;
 - d. Any requests for Type III Adjustments included in the concept plan, including requests for increased density, comply with the applicable standards in Sections 12.80.154 and 12.80.156 as applicable;
 - e. Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PUD provide enhanced opportunities for “third place” gathering areas;
 - f. The PUD features outstanding sustainability in site design and construction; including best management practices for on-site storm water management, green building materials, water and energy efficiency, and/or urban agriculture;
 - g. Site design in the PUD will create a diverse neighborhood including age- or disability - friendly features such as “visitability; and

1 h. The PUD features enhanced opportunities for walkability or transit ridership, including
2 separated parking bays, off street walking paths, shorter pedestrian routes than vehicular
3 routes, linkages to or other provisions for bus stops, etc.

4 2. Any adjustment(s) proposed meet the approval criteria for the specific adjustment(s) as set
5 forth in Section 12.80.156; and

6 3. If a preliminary plat was submitted for approval with the PUD concept plan, then the
7 preliminary plat complied with the applicable approval criteria in Section 12.80.096 D or
8 12.80.098 F.

9 L. Conditions of Approval and Binding Elements. Pursuant to Section 12.70.120, the Review
10 Authority may impose conditions on the approval of the PUD concept plan to ensure compliance
11 with the approval criteria. PUD concept approval shall constitute preliminary approval for the
12 proposed development, with final approval implemented in the concurrent or subsequent
13 Development Review approval, Land Division approval, or both. However, the PUD approval
14 shall be binding as to the following aspects, which shall not be modified in the implementing
15 approvals:

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

18 2. Approximate location and type of permitted uses; and

19 3. Consistency with the purposes identified in this section.

20 M. Zoning Map Designation. The boundaries of an approved Planned Unit Development shall be
21 designated and applied to the Zoning Map. A separate zone change application is not required to
22 apply the Planned Unit Development Overlay.

23 N. Appeal of a Decision. Refer to Section 12.70.190.

24 O. Expiration of a Decision. Refer to Section 12.70.140.

25 P. Extension of a Decision. Refer to Section 12.70.150.

26 Q. Previously Approved Concept Development Plans Approved as Planned Unit Developments.
27 Any Concept Development Plan approval issued prior to <the effective date of this Ordinance>
28 shall be considered an approved Planned Unit Development. Subsequent modifications to any
29 such Concept Development Plan shall be processed as PUD modifications under Section
30 12.80.100.

31 **12.80.122 PUD Implementation through Development Review or Land Division Approval.**

32 A. Timing. Following Planned Unit Development (PUD) concept plan approval, an applicant may
33 submit implementing applications for Development Review, Partition or Subdivision Final Plat
34 approval, or both, consistent with the approved PUD concept plan. Applications for the
35 implementing approvals for the first phase of the PUD shall be filed within 18 months of the date
36 of the final decision approving the PUD concept plan.

37 B. Procedures. An application for an implementing Development Review application shall be
38 reviewed under a Type II procedure, as set forth in Section 12.70.040. An application for an
39 implementing final partition or subdivision plat shall be reviewed under a Type I procedure, as
40 set forth in Section 12.70.030.

1 C. Implementing Application Submittal Requirements. Specific submittal requirements for
2 Development Review (DR) and Land Division final plats are provided on application forms and
3 checklists as authorized in Section 12.70.110. Minimum application submittal requirements for
4 Development Review are provided in Section 12.80.040. Minimum application submittal
5 requirements for Subdivision Final Plats are provided in Section 12.80.098. Minimum
6 application submittal requirements for Partition Final Plats are provided in Section 12.80.096.

7 D. Approval Criteria. To approve an implementing application for Development Review, Land
8 Division Final Plat or both, the Review Authority shall make findings, based on evidence
9 provided, that the following criteria are satisfied:

10 1. The implementing application complies with all applicable requirements of Section
11 12.80.040; Section 12.80.098; and/or Section 12.80.096.

12 2. The implementing application complies with all applicable development standards in
13 Subchapter 12.50; and any applicable provisions regarding overlay zones in Subchapter
14 12.27 or Plan Districts in Subchapter 12.60.

15 3. The implementing application conforms to the PUD concept plan approval and all the
16 conditions of approval.

17 E. Limitations on Changes from Concept Plan Approval.

18 1. The Review Authority may approve an implementing application which includes minor
19 changes from the PUD concept plan, if the minor changes meet all of the following criteria:

20 a. The change does not affect a binding element under Subsection 12.80.120.L or a non-
21 variable standard under Subsection 12.80.150.C;

22 b. The change does not relate to a condition of approval or a requirement placed on the PUD
23 concept plan by the Planning Commission;

24 c. The change does not involve a change in use;

25 d. The change does not increase or decrease the overall residential density of the PUD by
26 more than 5%;

27 e. The change does not decrease the overall density of the development;

28 f. The change does not increase the average daily auto trips associated with the approved
29 plan by more than 100 trips;

30 g. The change involves a shift in the location of buildings or internal streets, parking lot
31 configuration, landscaping, or usable open space within the site and does not impact
32 properties outside the development with respect to intersection locations, utility
33 connections, increased traffic impacts, or site drainage; and

34 h. Any change in the schedule or phasing does not adversely impact or delay construction of
35 related infrastructure, streets or transportation system improvements; preclude timely and
36 efficient provision of services to adjacent properties; or adversely impact existing
37 infrastructure or transportation systems in the vicinity.

38

1 2. If the Review Authority finds that the implementing applications do not conform to the
2 approved PUD concept plan or the changes do not meet the criteria of “minor changes” as
3 listed in Subsection 1 above, the implementing applications shall be denied unless the
4 Review Authority places conditions on the implementing applications to achieve
5 conformance with the approved PUD concept plan.

6 F. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
7 conditions on the approval of the implementing applications to ensure compliance with the
8 approval criteria and the relevant standards of this Code, including standards set out in overlay
9 districts, master plans for transportation and utilities and adopted design standards, provided such
10 conditions are consistent with the PUD concept plan approval. In approving implementing DR
11 and/or Land Division applications, the Review Authority may require adequate financial
12 guarantees of compliance with the approved PUD concept plan.

13 G. Appeal of a Decision. Refer to Section 12.70.190.

14 H. Expiration of a Decision. Refer to Section 12.70.140.

15 I. Extension of a Decision. Refer to Section 12.70.150.

16 **12.80.130 Significant Natural Resource Permit.**

17 A. Purpose. Significant Natural Resource Permits (SNRPs) implement the provisions of the
18 Significant Natural Resource Overlay zone. This section shall be read in concert with Section
19 12.27.200.

20 B. Where Required. SNRPs are required for development in the Significant Natural Resource
21 Overlay zone as described in Section 12.27.200.

22 C. Procedures. There are two types of SNRPs as described in Section 12.27.200:

23 1. Minor SNRPs are subject to the Type II procedure, as described in Section 12.70.040.

24 2. Major SNRPs are subject to the Type III procedure, as described in Section 12.70.050.

25 D. General Submittal Requirements. General submittal requirements for Type II and Type III
26 applications are set forth in Sections 12.70.040 and 12.70.050, respectively. At a minimum, an
27 application for a SNRP shall include the following:

28 1. An application form signed by the applicant or applicant’s representative and the property
29 owner’s representative;

30 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
31 date of submittal;

32 3. Unless waived under Subsection G.1 below, either an Abbreviated Environmental Report or
33 a Full Environmental Report based on the type of application and the level of disturbance as
34 shown in Table 12.80.130-1.

**Table 12.80.130-1:
Environmental Report level required for SNRPs**

SNRP Type	Level of Disturbance in the SNR or Impact Area	
	Less than 500 sq. ft.	500 square feet or more
Minor SNRP (Type II)	Abbreviated	Abbreviated
Major SNRP (Type III)	Abbreviated	Full

- 3 E. Abbreviated Environmental Report Submittal Requirements. An Abbreviated Environmental
4 Report submitted for a Minor or Major SNRP shall include the following information:
- 5 1. A site plan drawn to scale showing the location of the following:
 - 6 a. Site topography at 2-foot contour intervals;
 - 7 b. Existing and proposed property lines, streets, driveways, and off-street parking and
8 loading areas;
 - 9 c. Types, species and diameters (4 feet above grade) of all trees;
 - 10 d. Types and species of native and non-native vegetation;
 - 11 e. Areas drawn to scale where existing structures are located and where new structures are
12 proposed;
 - 13 f. Areas drawn to scale where vegetation is proposed to be removed;
 - 14 g. Locations of stakes marking the areas in subsections e and f above.
 - 15 2. Photographs taken within the last 30 days of the staked locations of proposed structures or
16 vegetation removal on the site. The location and direction of the photographs shall be
17 indicated on the site plan.
 - 18 3. A narrative assessment addressing impacts of the proposed development on the Significant
19 Natural Resource (SNR) Site, its Impact Area, and the features and characteristics of the site
20 as identified in the Local Wetlands Inventory; the adopted List of Significant Goal 5 Natural
21 Resource Sites in Hillsboro; and the City of Hillsboro Goal 5 Natural Resources Inventory
22 and Assessment Report.
 - 23 4. A narrative explaining how the proposed development can be accomplished on the site in
24 conformance with applicable standards for development in SNR Sites and Impact Areas in
25 Section 12.27.200.
- 26 F. Full Environmental Report Submittal Requirements. A Full Environmental Report submitted for
27 a Major SNRP shall be prepared by one or more Qualified Natural Resources Professionals, and
28 shall include all submittal requirements of the Abbreviated Environmental Report as listed in
29 Subsection E above and the following additional information:
- 30 1. The delineated location of Significant Natural Resources and the boundaries of the
31 Significant Natural Resources Overlay designation;
 - 32 2. A delineation of each of the resources present on the site (Wetland, Riparian Corridor,
33 Upland Wildlife Habitat) and the conditions of topography, soils and vegetation found on the
34 site;

- 1 3. The location of pedestrian walkways, landscaped areas, utilities and easements on the site
2 plan;
- 3 4. Recommendations on the nature and extent to which the alterations and improvements to be
4 made could be modified in order to reduce negative impacts on the SNR to the maximum
5 feasible extent; and
- 6 5. If requested by the Planning Director, a cross-section view of the site showing the proposed
7 use, topographic alterations, slopes and other pertinent information.

8 G. Actions by the Planning Director Related to SNRP Application Submittal.

- 9 1. The Planning Director may waive the requirement for an Environmental Report or an
10 Abbreviated Environmental Report if the Director finds, based on the location of the
11 boundary of the SNR on the site, that none of the proposed development activity will take
12 place within the SNR area or its Impact Area.
- 13 2. The Planning Director may authorize the use of alternative means to establish the location of
14 Impact Area boundaries if an applicant does not have access to the Significant Natural
15 Resource site and therefore cannot conduct a delineation.
- 16 3. To evaluate the Environmental Report, the Planning Director may consult with a third-party
17 professional with appropriate expertise to evaluate either an Abbreviated or a Full
18 Environmental Report, or may rely on appropriate staff expertise.
- 19 4. If the Planning Director finds that the Environmental Report is inadequate and deficient in
20 addressing the applicable requirements in Subsections E or F above, the Director shall reject
21 the Environmental Report. Such rejection shall be grounds to deny a development or permit
22 application associated with the SNRP, involving an SNR Site or its Impact Area.

23 H. Process Requirements Specific to Significant Natural Resource Permits. As required by ORS
24 227.350, Planning staff shall send a *Wetland Land Use Notification Form* to the Department of
25 State Lands when an SNRP application is declared complete if that application is for uses or
26 activities on property wholly or partially identified as wetlands on the Statewide Wetlands
27 Inventory.

28 I. Approval Criteria. To approve a SNRP, the Review Authority shall make findings of fact, based
29 on evidence provided, that the following criteria are satisfied:

30 1. For Activities and Development in Impact Areas:

- 31 a. To the extent practicable, proposed activities are located and designed to minimize
32 potential adverse impacts to SNR functions and values. Efforts to minimize adverse
33 impacts may include, but are not limited to:
 - 34 i. Locating the Development outside the SNR Site;
 - 35 ii. Avoiding the root zone of trees within an adjacent SNR Site;
 - 36 iii. Buffering the SNR Site with additional native landscaping; and/or
 - 37 iv. Reducing impervious surfaces within the Development.
 - 38 v. Compensatory mitigation as cited in Section 12.27.250 is provided for any
39 adverse impacts to a SNR Site resulting from regulated activities within the
40 adjacent Impact Area.

- vi. Compensatory mitigation cited in Subsection b above may be waived if an applicant can show through the SNRP application that the use, activity or Development proposed within the Impact Area will have no adverse impact on the adjacent SNR Site.

2. For Activities and Development in Significant Natural Resource Sites:

- a. Within Level 1 SNR Sites, activities are located and designed to minimize potential adverse impacts to the SNR Site to the extent practicable;
- b. Within Level 2 SNR Sites, activities are located and designed to avoid potential adverse impacts to the SNR Site to the extent practicable;
- c. Within Level 3 SNR Sites, activities are avoided altogether to the extent practicable;
- d. When activity within an SNR Site cannot be avoided, the activity is located and designed to minimize potential adverse impacts to SNR functions and values as identified in the City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report; and
- e. Compensatory mitigation as cited in Section 12.27.250 is provided for all development within an SNR Site.

3. For Utilities, Streets and Stormwater Management:

- a. If a utility location is specified in an adopted facilities plan, the utility is constructed in that location. In this case, the construction is not subject to the standards and procedures of this Section or Section 12.27.200, except that compensatory mitigation as cited in Section 12.27.250 is required.
- b. If the location is not specified in an adopted facilities plan, the applicant has documented that there is no practicable alternative location for the public or private utility or street to be constructed outside an SNR Site. In this case, the construction is subject to the standards and procedures of this Section and Section 12.27.200, and compensatory mitigation as cited in Section 12.27.250 shall be required.
- c. If street alignments, driveway locations, or access points are designated or specified in an adopted transportation plan, the street, driveway or access point is in that alignment or at that location. In this case, the construction is not subject to the standards and procedures of this Section or Section 12.27.200, except that compensatory mitigation as cited in Section 12.27.250 is required.
- d. If the street alignment, driveway location, or access point is not specified in an adopted transportation plan, the street, driveway or access point may be constructed through or within an SNR Site to access buildable areas of the property if the Review Authority finds that the following requirements are met:
 - i. There is no other practicable location for the street, driveway or access point within the project boundaries or off-site through the use of easements;
 - ii. The street right-of-way or tract, driveway, or access point width is the minimum necessary within the SNR Site which allows safe passage by vehicles, bicycles and/or pedestrians;

- 1 iii. Where crossing an SNR Site is unavoidable, bridges, arched culverts, or box
2 culverts with natural bottoms are used, and the number of crossings is minimized
3 by combining access for abutting lots and use of easements to access adjacent
4 lots;
- 5 iv. Future extensions of shared access points, access easements or private streets to
6 potential new building sites are reflected in the current plans, to avoid the need for
7 future encroachment into the SNR Site.

8 J. Approval Criteria for Alternative Street Construction Methods. Street, driveway, or access point
9 construction within a SNR Site using methods other than those specified in Subsection I.3.d.
10 above may be allowed only if the Review Authority makes findings of fact that both of the
11 following criteria are satisfied:

- 12 1. A public need exists for the proposed development; and
- 13 2. Public benefit from the development outweighs the resulting adverse impacts on the SNR
14 Site.

15 K. Conditions of Approval. The Review Authority may impose conditions on the approval of a
16 Significant Natural Resource Permit to ensure compliance with the standards of Section
17 12.27.200.

18 L. Appeal of a Decision. Refer to Section 12.70.190.

19 M. Expiration of a Decision. Refer to Section 12.70.140.

20 N. Extension of a Decision. Refer to Section 12.70.150.

21 **12.80.140 Text Amendment.**

22 A. Purpose. The Community Development Code Text Amendment (CDCA) process shall be used
23 for legislative amendments to this Code. Such amendments are necessary to reflect changing
24 community conditions, needs, and desires, to fulfill regional obligations, and to address changes
25 in state law.

26 B. Procedure. CDCAs are subject to the Type IV procedure, as described in Section 12.70.060.
27 However, the Planning Director is authorized to make typographical, grammatical and cross-
28 referencing corrections to this Code as needed without initiating the CDCA process.

29 C. Submittal Requirements. Type IV application submittal requirements are set forth in Section
30 12.70.060 and more specific submittal requirements are provided on application forms and
31 checklists as authorized in Section 12.70.110.

32 D. Approval Criteria. In order to approve a Text Amendment application, the Review Authority
33 shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

- 34 1. The CDCA addresses an issue or issues of concern on a variety of properties or conditions,
35 and is not intended to resolve a property-specific or condition-specific situation;
- 36 2. The CDCA is consistent with relevant goals and policies of the Hillsboro Comprehensive
37 Plan, any applicable Community Plans, and with the provisions of this Code.
- 38 3. The CDCA is consistent with relevant provisions of the Metro Urban Growth Management
39 Functional Plan;

- 1 4. The CDCA is consistent with relevant provisions of the Statewide Planning Goals, the
2 Oregon Administrative Rules, and State statutes; and
3 5. The CDCA is deemed by the Review Authority to be desirable, appropriate, and proper.

4 E. Appeal of a Decision. Refer to Section 12.70.060.

5 F. Expiration of a Decision. Text Amendments are not subject to extension.

6 **12.80.150 Variances and Adjustments.**

7 A. Purpose. Variance and Adjustment applications allow flexibility in applying the standards in this
8 Code if a proposed development meets the intended purpose of those standards. As part of a
9 discretionary review process, Variances and Adjustments may provide opportunities for
10 provision of public benefits (pursuant to Section 12.50.900) to mitigate impacts of development.

11 B. Applicability of Provisions.

- 12 1. The Variance application (VAR) shall be used if pre-existing conditions on an existing lot
13 create a hardship in developing the lot consistent with the standards of this Code.
- 14 2. The Type II Adjustment (ADJ II) application shall be used only in conjunction with a Type II
15 Development Review application for development on existing lots, or in conjunction with a
16 Partition or Minor Subdivision application for development on proposed lots.
- 17 3. The Type III (ADJ III) application shall be used only in conjunction with a Planned Unit
18 Development application or a Type III Development Review application for development on
19 existing or proposed lots.
- 20 4. With the exception of the standards listed in Subsection C below, Variance, Type II
21 Adjustments, and Type III Adjustments may be submitted to request flexibility in the
22 application of standards as shown in Table 12.80.150-1.

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2

**Table 12.80.150-1:
Applicability of Variance and Adjustment Processes**

Standard from which flexibility is requested:	Variance	Type II Adjustment	Type III Adjustment
To allow a primary or accessory use not allowed in the base zone			X
To reduce lot size or dimensions below the base zone minimum standards (adjustments not available beyond optional variations in Section 12.50.110)	X	X	X
To reduce residential density less than 10% below the base zone minimum standard		X	X
To reduce residential density more than 10% below the base zone minimum standard			X
To increase residential density above the base zone maximum standard*			X
To reduce minimum Floor Area Ratio less than 10% below the minimum base zone standard		X	X
To reduce setbacks below the base zone minimum standards*	X	X	X
To increase setbacks above the base zone maximum standards		X	X
To increase building heights above the base zone maximum standard* (adjustment not available in Residential Compatibility Areas)		X	X
To increase lot coverage above the base zone maximum standard		X	X
To decrease Usable Open Space areas below the minimum standard for the use type*			X
To decrease landscaping coverage below the minimum standard for the use type		X	X
To reduce the number of parking spaces below the minimum standard for the use type*		X	X
To increase the number of parking spaces above the maximum standard for the use type*		X	X
To adjust requirements for undergrounding overhead utilities*		X	X
To adjust bicycle/pedestrian access way requirements*		X	X
To adjust building entrance requirements *		X	X
To adjust ground floor window transparency requirements*		X	X
To adjust other numeric design standards		X	X
To adjust non-numeric design standards			X

3 * Indicates certain criteria applicable as specified in Section 12.80.156.

4

1 C. Standards not Subject to Variance or Adjustment.

- 2 1. Variance or Adjustment applications may address any regulation in this Code except the
3 following:
- 4 e. To change a definition or use category classification;
 - 5 f. To allow a use or development type cited as “prohibited” or “not permitted;”
 - 6 g. To modify or remove a threshold for review, such as a standard which requires a
7 particular application for review of a certain project; or
 - 8 h. To change the steps of a procedure type or to change assigned procedures.
- 9 2. Adjustment applications may address any regulation in this Code regarding light rail zones
10 except the following:
- 11 a. To reduce residential density below 90 percent of the base zone minimum standard;
 - 12 b. To increase residential density above the base zone maximum standard;
 - 13 c. To reduce floor area ratio below 90% of the base zone minimum standard;
 - 14 d. To reduce Usable Open Space below 85% of the base zone minimum standard;
 - 15 e. To reduce lot frontage below the base zone minimum standard;
 - 16 f. To adjust street or alley performance standards in Section 12.50.530;
 - 17 g. To allow surface parking or loading between a building and a major pedestrian route;
 - 18 h. To allow parking catercornered from a Light Rail Station site at an intersection;
 - 19 i. To requirements for pedestrian-oriented commercial uses wrapping the ground floor of a
20 parking structure; or
 - 21 j. To increase building height in residential compatibility areas in the SCC-DT Station
22 Community Commercial - Downtown zone, as shown in Figure 12.61.400-D.

23 **12.80.152 Variances.**

- 24 A. Procedure. Variance applications are subject to the Type III procedure, as described in Section
25 12.70.050.
- 26 B. Submittal Requirements. Type III application submittal requirements are set forth in Section
27 12.70.050 and more specific submittal requirements are provided on application forms and
28 checklists as authorized in Section 12.70.110. At a minimum, an application for a Variance shall
29 include the following:
- 30 1. An application form signed by the applicant or applicant’s representative and the property
31 owner or the owner’s representative;
 - 32 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
33 date of submittal;
 - 34 3. Existing Conditions Plan;
 - 35 4. Proposed Site Development Plan; and

1 5. A narrative clearly identifying each applicable standard from which variance is requested,
2 citing the reasons for the request, and addressing compliance with each approval criterion.

3 C. Approval Criteria for Variances in Standard Zones. To approve a Variance in a standard zone,
4 the Review Authority shall make findings of fact, based on evidence provided, that the following
5 criteria are satisfied:

- 6 1. Special conditions over which the applicant has no control apply to the subject property,
7 which do not apply generally to other properties in the same zone or vicinity. Examples of
8 such special conditions may include but are not limited to lot shape, topography, or unique
9 landscape features;
- 10 2. The requested variance is the minimum necessary deviation from the applicable standard to
11 allow the proposed use of the site;
- 12 3. If more than one variance is requested, the cumulative effect of the variances results in a
13 project that is still consistent with the overall purpose of the base zone;
- 14 4. The variance complies with any applicable additional criteria in Subsection 12.80.158; and
- 15 5. Any negative impacts on surrounding properties which would result from the variance can be
16 mitigated to the extent practical; or
- 17 6. Application of the regulation in question would preclude all reasonable economic use of the
18 site.

19 D. Approval Criteria for Variances in Mixed Use or Light Rail Zones. To approve a Variance in a
20 mixed use or light rail zone, the Review Authority shall make findings of fact, based on evidence
21 provided, that the following criteria are satisfied:

- 22 1. The variation will equally or better meet the purposes of the standard to be varied;
- 23 2. The development including the variation or cumulative variations remains consistent with the
24 overall purpose and intent of the district; and ;
- 25 3. The variation will not have significant detrimental impacts on inventoried cultural resources,
26 significant natural resources or impact areas.

27 E. Approval Criteria for Variances from Regulatory Floodplain Ordinance (RFO) Standards.
28 Applications for Variances from the standards of the RFO in Section 12.27.100 shall be subject
29 to the following criteria, in addition to Subsections C or D above:

- 30 1. The variance application is for new construction and/or substantial improvements on a lot of
31 record contiguous to and surrounded by lots with existing structures constructed below the
32 base flood level, and the following factors have been considered:
 - 33 a. The danger that materials may be swept onto other lands to the injury of others;
 - 34 b. The danger to life and property due to flooding or erosion damage;
 - 35 c. The susceptibility of the proposed facility and its contents to flood damage and the effect
36 of such damage on the individual owner;
 - 37 d. The importance of the services provided by the proposed facility to the community;
 - 38 e. The necessity to the facility of a waterfront location, where applicable;

- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
2. The requested variance is for a property one-half acre in size or smaller. If a variance is requested on a larger lot, the applicant's burden of proof of technical justification for the variance increases.
 3. Approval of the variance, if affecting an area within the Floodway, will not result in any increase in flood levels during the base flood discharge.
 4. The applicant has demonstrated that the RFO variance is based on good and sufficient cause.
 5. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 6. The variance is the minimum necessary, considering the flood hazard, to afford relief.
 7. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where the Review Authority finds that approval of the variance meets the following criteria:
 - a. The proposed construction will have low potential for flood damage;
 - b. The proposed construction complies with all other variance criteria except Section 1 above, and
 - c. All improvements will be constructed to minimize flood damage, by using flood resistant materials, anchoring, and protecting on-site public and private utilities where applicable.
 8. Variances shall be approved only if the variance is found to be the minimum deviation necessary, considering the flood hazard, to afford relief.
- F. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose conditions on the approval of the Variance application to ensure compliance with the approval criteria.
- G. Appeal of a Decision. Refer to Section 12.70.050.
- H. Expiration of a Decision. Refer to Section 12.70.140.
- I. Extension of a Decision. Refer to Section 12.70.150.

1 **12.80.154 Type II Adjustments.**

2 A. Procedure. Type II Adjustment applications are subject to the Type II procedure as described in
3 Section 12.70.040. A Type II Adjustment application may be submitted only in conjunction with
4 another Type II land use application such as a Minor Subdivision or a Development Review
5 application, and shall be reviewed concurrently with the other Type II application. If Type II
6 Adjustments are requested, the primary application shall describe the Adjustments in the
7 narrative and clearly identify them on all plans.

8 B. Submittal Requirements. Type II application submittal requirements are set forth in Section
9 12.70.040 and more specific submittal requirements are provided on application forms and
10 checklists as authorized in Section 12.70.110. At a minimum, an application for a Type II
11 Adjustment shall include the following:

- 12 1. An application form signed by the applicant or applicant’s representative and the property
13 owner or the owner’s representative;
- 14 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
15 date of submittal;
- 16 3. Existing Conditions Plan;
- 17 4. Site Development Plan; and
- 18 5. A narrative clearly identifying each applicable standard from which adjustment is requested,
19 citing the reasons for the request, and addressing compliance with the approval criteria in
20 Subsection C below, and any standard-specific criteria listed in Subsection 12.80.156.D if
21 applicable.

22 C. Approval Criteria. To approve a Type II Adjustment, the Review Authority shall make findings
23 of fact, based on evidence provided by the applicant, that all of the following criteria are
24 satisfied:

- 25 1. The adjustment is for 10% or less of a numeric or dimensional standard. “Dimensional
26 standard” in this context does not include minimum or maximum residential density;
- 27 2. Granting the requested adjustment will not obstruct on- or off-site pedestrian or vehicular
28 movement;
- 29 3. City-designated significant natural or cultural resources, if present, will be preserved if the
30 adjustment is approved;
- 31 4. The development will remain consistent with the overall purpose of the base zone after the
32 adjustment or the combined adjustments if more than one is proposed;
- 33 5. Any adjustment granted is the minimum necessary to permit a reasonable use of land,
34 buildings and structures;
- 35 6. The request for the Adjustment includes building, structure, or site design features, such as
36 the public benefit standards in Section 12.50.900 or the habitat friendly practices in Section
37 12.50.930, that compensate for the requested adjustment or better meet the purpose of the
38 standard being adjusted;
- 39 7. The adjustment complies with any applicable additional criteria in Subsection 12.80.158; and

1 8. The Type II Adjustment is not a response to special conditions over which the applicant has
2 no control, which would be more appropriately addressed under a Variance procedure.

3 D. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose
4 conditions on the approval of the Type II Adjustment application to ensure compliance with the
5 approval criteria.

6 E. Appeal of a Decision. Refer to Section 12.70.190.

7 F. Expiration of a Decision. Refer to Section 12.70.140.

8 G. Extension of a Decision. Refer to Section 12.70.150.

9 **12.80.156 Type III Adjustments.**

10 A. Procedure. Type III Adjustment applications are subject to Type III procedures, as described in
11 Section 12.70.050. A Type III Adjustment application may be submitted only in conjunction
12 with another Type III land use application such as a Planned Unit Development or a Type III
13 Development Review application, and shall be reviewed concurrently with the Type III
14 application. If Type III Adjustments are requested, the primary application shall describe the
15 Adjustments in the narrative and clearly identify them on all plans.

16 B. Submittal Requirements. Type III application submittal requirements are set forth in Section
17 12.70.050 and more specific submittal requirements are provided on application forms and
18 checklists as authorized in Section 12.70.110. At a minimum, an application for a Type III
19 Adjustment shall include the following:

- 20 1. An application form signed by the applicant or applicant's representative and the property
21 owner or the owner's representative;
- 22 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
23 date of submittal;
- 24 3. Existing Conditions Plan;
- 25 4. Site Development Plan; and
- 26 5. A narrative clearly identifying each applicable standard from which adjustment is requested,
27 citing the reasons for the request, and addressing compliance with the general approval
28 criterion in Subsection 12.80.156.H, and the standard-specific criteria in Subsection
29 12.80.156 I if applicable.

30 C. Approval Criteria. To approve a Type III Adjustment, the Review Authority shall make findings
31 of fact, based on evidence provided, that all of the following criteria are satisfied:

- 32 1. Granting the requested adjustment will not obstruct on- or off-site pedestrian or vehicular
33 movement;
- 34 2. City-designated significant natural or cultural resources, if present, will be preserved if the
35 adjustment is approved;
- 36 3. The development will remain consistent with the overall purpose of the base zone after the
37 adjustment or the combined adjustments if more than one is proposed;

- 1 4. The request for the Adjustment includes building, structure, or site design features, such as
2 the public benefit standards in Section 12.50.900 or the habitat friendly practices in Section
3 12.50.930, that compensate for the requested adjustment or better meet the purpose of the
4 standard being adjusted;
- 5 5. The adjustment complies with any applicable additional criteria in Subsection 12.80.158; and
- 6 6. The Type III Adjustment is not a response to special conditions over which the applicant has
7 no control, which would be more appropriately addressed under a Variance procedure.

8 D. Appeal of a Decision. A decision on a Type III Adjustment may only be appealed as part of an
9 appeal of the primary Type III application. Section 12.70.190 outlines requirements for appeals
10 of Type III decisions.

11 E. Expiration of a Decision. Refer to Section 12.70.140.

12 F. Extension of a Decision. Refer to Section 12.70.150.

13 **12.80.158 Standard-Specific Approval Criteria for Variances and Adjustments.** In addition to
14 the criteria listed in Section 12.80.154 C or 12.80.156 C, applications for variances or adjustments from
15 the standards listed below shall comply with standard-specific criteria listed below as applicable:

16 A. Criteria for Adjustments to Increase Residential Density. An increase up to 120% of the
17 maximum density of the underlying base zone may be allowed if all of the following criteria are
18 met:

- 19 1. The proposed increase in residential density is requested in conjunction with a Planned Unit
20 Development concept plan application submitted pursuant to Section 12.80.120;
- 21 2. Existing and proposed streets and pedestrian/bicycle accessways within and connecting to the
22 development will support the proposed density;
- 23 3. Existing and proposed water, sanitary sewer and storm drainage systems within and
24 connecting to the development will support the proposed density;
- 25 4. The development demonstrates innovative site design, outstanding architectural variety, and
26 quality of construction which will mitigate the increased density;
- 27 5. The additional density will be located to minimize the visual impact on adjacent properties;
- 28 6. The increased density does not impact significant natural resource areas or necessitate
29 unnecessary topographic alterations;
- 30 7. The increased density will be mitigated by providing exceptional quality or quantity of
31 usable open space and other amenities, especially active recreational areas; and
- 32 8. The development demonstrates a high level of compliance with the habitat friendly practices
33 in Section 12.50.930 and the public benefit standards in Section 12.50.900.

34 B. Criteria for Adjustments to Building Setback Requirements. Building setbacks may be reduced
35 or increased below or above the minimum and maximum setbacks of the underlying base zone if
36 the following criteria are met:

- 1 1. The requested adjustment has been verified compliant with building codes by the Building
2 Official;
- 3 2. The requested adjustment will not adversely affect adjoining properties in terms of light, air
4 circulation, noise levels, privacy, and fire hazard; and
- 5 3. The requested adjustment provides at least one of the following:
 - 6 a. More efficient use of the site;
 - 7 b. Preservation of Significant Natural Resource Areas or Habitat Benefit Areas which will
8 be incorporated into site design; and/or
 - 9 c. Safer vehicular and pedestrian access and circulation to and within the site.

10 C. Criteria for Adjustments to Maximum Setbacks. Under Subsections 3, 4, and 5 above, setbacks
11 greater than the specified maximum of the base zone may be approved if the Review Authority
12 finds that:

- 13 1. The increased setback and the building design were approved under either a Development
14 Review or a Planned Unit Development process; and
- 15 2. The increase in setback depth is the least increase practicable to achieve the intended
16 purpose.

17 D. Criteria for Adjustments to Maximum Building Height. Building height may be increased above
18 the maximum height of the underlying base zone if the following criteria are met:

- 19 1. The transportation system can accommodate any increased traffic resulting from additional
20 floor area created by the additional building height;
- 21 2. Adequate public utilities are available to serve additional floor area created by the additional
22 building height;
- 23 3. The proposal complies with Federal Aviation Regulations Part 77; and
- 24 4. The current level of solar access is maintained to existing solar energy devices on adjacent
25 property.

26 E. Criteria for Adjustments to Required Open Space. Usable open space area for developments
27 other than detached single family residential may be reduced below the minimum development
28 standard if the following criteria are met:

- 29 1. The development is within ½ mile (measured in actual walking distance) of a publicly
30 accessible active open space area such as a public park or elementary school; or
- 31 2. The Review Authority finds that usable open space compliant with the area standards of
32 Table 12.50.210-1 cannot be located within the development consistent with the Locational
33 standards in Subsection 12.50.210 G; or
- 34 3. The Review Authority finds that usable open space compliant with the area standards of
35 Table 12.50.210-1 cannot be located within the development consistent with the Maintenance
36 and Minimum Area standards in Subsection 12.50.210 I.

37

1 F. Criteria for Adjustments to Lighting Level Standards. Lighting level standards in Section
2 12.50.240 may be adjusted if the applicant demonstrates that application of the standard is
3 inappropriate due to the specific circumstances of the development. Such circumstances may
4 include, but are not limited to, the following:

- 5 1. The development requires enhanced lighting levels due to increased need for on-site
6 surveillance through the night; or
- 7 2. The development is intended to extend hours of outdoor activity in commercial or mixed use
8 zones.

9 G. Criteria for Adjustments to Reduce Number of Parking Spaces Provided. The number of parking
10 spaces provided may be reduced below the minimum standards in Section 12.50.320 for two or
11 more uses, structures, or lots whose owners have agreed to jointly use the same parking and
12 loading spaces, provided that the following standards are met:

- 13 1. Reduced Parking Adjustment for Off-set Peak Hour Uses. Parking may be shared by two or
14 more uses where:
 - 15 a. The peak hours of parking need for two or more of the land uses are complementary and
16 do not overlap;
 - 17 b. The shared parking field is within 500 feet of all uses sharing the parking;
 - 18 c. Access to the shared parking is not blocked or impeded by the sharing uses or any other
19 use; and
 - 20 d. The location and terms of the shared parking are specified in a written agreement
21 acceptable to the city, signed and notarized by all affected property owners and filed with
22 the Planning Department.
- 23 2. Reduced Parking Adjustment for Concurrent Peak Hour Uses. On-site parking may be
24 shared by two or more uses with concurrent peak hour usage if the following standards are
25 met:
 - 26 a. The uses, structures or lots are located within 800 feet of a transit stop;
 - 27 b. The owners have provided a parking demand study which substantiates the basis for the
28 parking reduction. The parking demand study shall be prepared by a qualified parking or
29 traffic consultant, civil engineer, licensed architect or urban planner, and shall include, at
30 a minimum, the following:
 - 31 i. Size and type of uses or activities on site;
 - 32 ii. Composition of tenancy on site;
 - 33 iii. Rate of parking turnover;
 - 34 iv. Peak traffic and parking loads to be encountered;
 - 35 v. Local parking habits including proximity and convenience factors; and
 - 36 vi. Availability of public transportation.
 - 37 vii. The parking study supports the finding that the off-street parking provided will be
38 sufficient to serve the uses for which it is intended.

- 1 c. The location and terms of the shared parking are specified in a written deed, lease or
2 contract acceptable to the city, signed and notarized by all affected property owners and
3 filed with the Planning Department; and
- 4 d. Transportation demand management techniques will be used on the site. Such techniques
5 may include but are not limited to, employee carpooling or vanpooling, dedicated valet
6 parking, increased bicycle parking facilities, provision of subsidized or discounted transit
7 passes to employees, and rideshare promotions.
- 8 3. Shared Off-Site Parking. Concurrent peak hour non-residential uses may share off-site
9 parking if the shared parking is located within 800 feet of the uses. Shared parking located
10 off-site shall be signed for exclusive use by the remote development and shall be a legal
11 requirement for occupancy of the development.
- 12 4. Reductions for Bicycle Parking. Applications for change of use or expansion of existing uses
13 which include 20 or more existing off-street vehicle parking spaces may convert up to 5% of
14 the existing vehicle spaces to bicycle parking to accommodate required bicycle parking.
- 15 5. Reductions for Certain Industrial Uses. Minimum parking for high profile industrial
16 buildings or information technology centers as defined in Section 12.01.500 may be reduced
17 by up to 50% if the applicant provides documentation of actual reduced parking demand at
18 similar facilities. This documentation shall be provided to the Planning Director during
19 Development Review.
- 20 6. Reductions for Shared Carpool and Vanpool Spaces. Minimum parking for non-residential
21 uses may be reduced by 4 spaces for each automobile space signed and reserved for use by
22 shared cars and by 8 spaces for each automobile space signed and reserved for use by
23 vanpool services. If this reduction is used, the property owner is responsible for ensuring
24 that the shared car and van pool spaces are not occupied by other vehicles.
- 25 7. Other Reductions. Off-street parking for other uses may be reduced up to 30% below the
26 required minimum standard during the Development Review process if an applicant provides
27 a parking study prepared by a traffic engineer licensed in Oregon, which demonstrates that
28 transit use and/or special characteristics of the customers, clients, employees or residents of
29 the development will:
- 30 a. Reduce expected vehicle use as compared to standard ITE trip generation rates; and
31 b. Reduce expected parking demand below the minimum parking requirements.
- 32 H. Criteria for Adjustments to Increase Number of Parking Spaces Provided. The number of off-
33 street parking spaces provided may be increased above the maximum standards in Section
34 12.50.320 if the following criteria are met:
- 35 1. Within Structured Parking. Within Zone A, off-street parking may be increased by up to
36 150% of the maximum standards in Tables 12.50.320-1 through 12.50.320-5 if the additional
37 spaces are provided in structured parking and will be used by two or more uses. 100% of the
38 required bicycle parking shall be located at ground level or on the ground floor of the
39 structure.
- 40

1 2. For High Intensity Uses.

2 a. Within a light rail or mixed use zone, off-street parking may be increased above the
3 maximum standards allowed in Tables 12.50.320-1 through 12.50.320-5 if the land use
4 application includes documentation that the proposed use will be more intense than the
5 “target densities” specified in Comprehensive Plan Section 15. These target densities
6 are:

- 7 i. SCC-DT zone or urban center zones: 60 persons/net acre
8 ii. All other light rail or mixed use zones: 45 persons/net acre

9 b. If the documentation verifies that the proposed use will be more intense than the “target”
10 densities pursuant to Section 1 above, additional parking may be provided above the
11 maximum standard at the same numeric ratio as the proposed density to the target
12 density.

13 3. For Industrial Uses on Shifts. Maximum parking for industrial developments may be
14 exceeded by up to 50% for process uses with equal numbers of employees on two or more
15 shifts.

16 4. For Nearby Secondary Uses. Surface parking lots or structures may provide off-site parking
17 in excess of the maximum required, if the Planning Director finds, based on documentation
18 provided by the applicant, that the following two conditions are satisfied:

- 19 a. The surplus parking has been assigned to ~~and~~ or is available for other uses in the vicinity;
20 and
21 b. The total amount of off-site parking provided for all uses does not exceed the combined
22 maximum number required for the uses.

23 5. As Required by the City Engineer. The City Engineer may require additional off-street
24 parking above the maximum specified in Tables 12.50.320-1 through 12.50.320-5 if the City
25 Engineer determines is necessary to avoid adverse impacts to traffic flow on surrounding
26 streets.

27 I. Criteria for Adjustments to Number of Bicycle Parking Spaces. The number of bicycle parking
28 spaces provided may be adjusted from the standards in Section 12.50.410 if the following criteria
29 are met:

- 30 1. Existing development patterns preclude safe and convenient bicycle access to the proposed
31 development; or
32 2. Application of the standards is not reasonably related to the scale and intensity of the
33 development.

34 J. Criteria for Adjustments to Pedestrian/Bicycle Accessway Requirements. The pedestrian and
35 bicycle accessway standards in Subsection 12.50.430.B may be adjusted if the following criteria
36 are met:

- 37 1. Federal, state or other agency requirements prevent construction of the required accessway;
38 2. Physical or topographic conditions (such as steep slopes, wetlands or other bodies of water,
39 freeways, or railroads) make the required accessway connection impracticable;

- 1 3. The accessway would cross an area affected by an overlay district in a manner incompatible
2 with the purposes of the overlay district;
- 3 4. Buildings or other existing development on adjacent properties physically preclude a
4 connection at present or in the future upon redevelopment of the adjacent property;
- 5 5. The accessway would terminate at the urban growth boundary; and/or
- 6 6. The accessway would violate provisions of leases, easements, covenants, restrictions or other
7 agreements existing as of May 1, 1995 which preclude a required accessway connection.

8 K. Criteria for Adjustments to Utility Undergrounding Requirements. The requirements for
9 undergrounding public utilities in Subsection 12.50.620.C may be adjusted, and aerial utility
10 services (electricity, telephone, cable, etc.) may be used in new construction only where the
11 following criteria are met:

- 12 1. The development is an in-fill building or dwelling within an existing neighborhood where
13 existing utility service is provided aurally rather than underground;
- 14 2. The project is located between other utility users on the same block face;
- 15 3. It would not be practicable to serve the new project underground without also serving the
16 neighboring uses; and
- 17 4. The neighboring uses on the same block face and the utility company are unwilling to
18 relocate their services underground.

19 L. Criterion for Adjustments to Building Entrance Requirements. Where the standards in
20 Subsection 12.50.450.D.1.b or Section 12.50.830 require more than one building entrance to be
21 oriented to the street, an adjustment may be granted to allow a single secured entrance to a
22 building upon a finding that the internal security measures which are standard operating
23 procedures of the building would be irreparably harmed by this requirement.

24 M. Criteria for Adjustments to Ground Floor Window Transparency Requirements. Where the
25 Ground Floor Windows standards in Section 12.50.840 require ground floor window
26 transparency, an adjustment may be granted to allow opaque windows if the following criteria
27 are met:

- 28 1. Opaque windows or walls are necessary to avoid compromising necessary personal privacy
29 or security within the building (i.e., privacy in a medical examination room or security in a
30 pharmacy storeroom);
- 31 2. Structural designs or other demonstrable restrictions or constraints preclude alternative
32 means of providing the required personal privacy or security; an
- 33 3. The reduced ground floor transparent window area cannot be replaced elsewhere on the
34 façade.

35 **12.80.160 Zone Change.**

36 A. Purpose. Zone Change (ZC) applications provide a process for consideration of quasi-judicial
37 amendments to the zoning map to implement property designations on the Comprehensive Plan
38 Land Use Map. The Zone Change process may also be used to apply new zones reflecting
39 changing community conditions, needs, and desires.

1 B. Exceptions. The term “Zone Change” shall not include, and the zone change procedure shall not
2 apply to, any of the revisions listed in Subsection 12.01.200.C.

3 C. Procedure. Zone Change applications are reviewed through the Type III procedure, as described
4 in Section 12.70.050.

5 1. A Zone Change application may be submitted by a property owner or the owner’s authorized
6 agent. The public hearings on an owner-initiated Zone Change shall be held before the
7 Planning and Zoning Hearings Board.

8 2. A Zone Change process may be initiated by the Planning Commission or the City Council.
9 Public hearings on city-initiated Zone Changes shall be held before the Planning
10 Commission, except as provided in Subsection 3 below. A city-initiated Zone Change
11 proposal may be processed concurrently with a city-initiated Type IV Text Amendment
12 proposal.

13 3. The public hearing for a Zone Change initiated by the Planning Commission in conjunction
14 with an Annexation application pursuant to Subsection 12.80.010.D shall be held before the
15 City Council.

16 4. The public hearing for a Zone Change initiated by the Planning Commission in conjunction
17 with an Annexation application.

18 D. Submittal Requirements. Type III application submittal requirements are set forth in Section
19 12.70.050. More specific submittal requirements are provided on application forms and
20 checklists as authorized in Section 12.70.110. At a minimum, an owner-initiated application for
21 a Zone Change shall include the following:

22 1. An application form signed by the applicant or applicant’s representative and the property
23 owner or owner’s representative;

24 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the
25 date of submittal;

26 3. A narrative addressing compliance with each approval criterion;

27 4. In addition to the requirements in Subsections 1, 2, and 3 above, owner-initiated zone change
28 applications shall include a Transportation Planning Rule Compliance analysis pursuant to
29 Section 12.70.230, identifying the range of uses allowed under the proposed zoning.

30 E. Approval Criteria. To approve a Zone Change, the Review Authority shall make findings of
31 fact, based on evidence provided, that the following criteria are satisfied:

32 1. The proposed zone implements and is consistent with the Comprehensive Plan Land Use
33 Map designation for the site. A zone change to a zone not consistent with the
34 Comprehensive Plan Map designation cannot be approved prior to approval of an amendment
35 to the Comprehensive Plan Land Use Map to change the designation to one which is
36 implemented by the requested zone;

37 2. Where the Comprehensive Plan Map designation has more than one implementing zone, the
38 proposed zone is the most appropriate for the subject site, based on the purposes of each zone
39 and the zoning pattern of surrounding land;

- 1 3. Existing or planned transportation facilities are adequate or can be made available to an
2 adequate capacity to serve the site and uses allowed by the proposed zone;
 - 3 4. Existing or planned public infrastructure services (water, wastewater, stormwater, police and
4 fire protection) are adequate or can be made available to an adequate capacity to serve the
5 site and uses allowed by the proposed zone;
 - 6 5. Pursuant to Section 12.70.230, the Transportation Planning Rule Compliance analysis
7 demonstrates that traffic impacts can be reasonably mitigated at the time of development. As
8 an alternative to providing a Transportation Planning Rule Compliance analysis, the
9 applicant may provide evidence that the potential traffic impacts from development under the
10 proposed zoning are no greater than potential impacts from development under existing
11 zoning; and
 - 12 6. Any potential impacts on any designated significant natural resources, cultural resources or
13 areas within the 100-year floodplain as a result of the proposed zone change are minimal or
14 can be reasonably mitigated at the time of development.
- 15 F. Conditions of Approval. The Planning and Zoning Hearings Board or the City Council may
16 impose conditions on the approval of a zone change as set forth in Section 12.70.120 to ensure
17 compliance with the approval criteria. In order to impose conditions on a Zone Change, the
18 Review Authority must adopt findings showing that:
- 19 1. The zone change will allow uses more intensive than those allowed in the current zone;
 - 20 2. The conditions are reasonably related to impacts caused by development allowed in the
21 proposed zone or to impacts caused by the specific development proposed on the subject
22 property;
 - 23 3. The conditions will serve a public purpose such as mitigating the negative impacts of allowed
24 uses on adjacent properties; and
 - 25 4. The conditions are based upon policies or standards in the Comprehensive Plan or other
26 standards adopted by the City of Hillsboro.
- 27 G. Appeal of a Decision. Refer to Section 12.70.190.
- 28 H. Expiration of a Decision. Zone changes are not subject to expiration: refer to Section 12.70.140.
- 29 I. Extension of a Decision. Zone changes are not subject to extension: refer to Section 12.70.150.

EXHIBIT B
FINDINGS AND CONCLUSIONS

1.1 INTRODUCTION

The Community Development Code (CDC) project is a comprehensive consolidation, updating and reformatting of the city's land use regulations, now primarily contained in four separate documents: Volumes I and II of the Zoning Ordinance (HZO); the Subdivision Ordinance (HSO); and the Density, Design and Open Space (DDOS) Standards and Guidelines. These documents were written over a 49 year period. Decades of revisions, made in response to specific concerns, have kept the regulations current but have also created redundancy and inconsistency among the four documents. The regulations are therefore greatly in need of a major reorganization.

By consolidating the four volumes into one document, the CDC accomplishes several purposes:

- Resolves inconsistencies and eliminates redundancies among the four codes
- Removes archaic language and adds current terms
- Satisfies current legal requirements regarding procedures
- Streamlines application processing by codifying current practices
- Clarifies regulations by adding tables and illustrations
- Creates new administrative applications for less complex proposals
- Reformats the land use regulations for codification into the Municipal Code

In consolidating, reformatting and updating, existing provisions were retained wherever possible. The CDC is not a wholesale "re-write" of the City's land use regulations, which are sound in practice and have been used to create the majority of the city's built environment. New language in the CDC in most cases codifies current staff and Planning Commission practices in a "policy neutral" fashion. However, new language has been added where necessary to bridge gaps or provide consistency. Exhibits B-2 and B-3 list CDC sections where existing language has been revised or new language added in response to public testimony or issues raised by the staff or Planning Commission.

The findings below first identify the key changes between the City's existing regulations and the new CDC, followed by a discussion of each subchapter of the new CDC, describing its content and organizations. These findings set the context for a discussion of how the new CDC complies with applicable standards. Concluding sections contain complete findings of compliance with those standards.

1.2 OVERVIEW OF KEY CHANGES

Shift to Use Category Approach and Reformat Zones

Currently, Volumes I and II of the HZO take different approaches to describing what uses are allowed in each zone. Volume I lists permitted and conditional uses for each zone, with the assumption that any use not on the lists is prohibited. Only a handful of uses listed in Volume I are defined, which creates potential problems for interpretation. Volume II organizes uses into more general “use categories” and presents the use information in table format rather than long lists. However, Volume II does not include descriptions of the “characteristics” of each use category.

The CDC includes a new chapter (12.10) on Use Categories and standardizes the Use Tables for all zones. The new list of use categories is extensive and the use categories are mutually exclusive. The use categories are presented in consistent table form for each zone, making the information more predictable and accessible to the user.

Given the “policy neutral” approach taken in this code update, it was not the intent to impact the extent to which specific uses are permitted, conditional or prohibited in various zones. This was accomplished by a careful staff review of existing use lists in Volumes I and II to make sure they are accurately reflected in the use category tables for each zone in the CDC.

Consolidate Procedures into a Single Chapter

Information on procedures for submittal and review of applications is currently spread throughout Volumes I and II of the HZO and the HSO. Information on procedures in the existing ordinances is hard to find, incomplete, and often out of date with current land use statutes.

The CDC updates and consolidates all information on Procedures into a single chapter (12.70). In 2008, the City obtained a complete legal audit conducted by attorneys experienced in land use, which served as the guide for this chapter. A comprehensive table is included in Chapter 12.70 to provide a quick reference to the procedure type (I, II, III or IV), decision and appeal authority, and cross-reference to the applicable code section/criteria for each land use application (conditional use, development review, land division, etc.). The table also notes whether a neighborhood meeting is required for a particular type of application. The current neighborhood meeting procedures have been retained in the CDC.

Consolidate Applications into a Single Chapter

Linked with the new chapter on Procedures, all Applications are consolidated into a single chapter (12.80) in the CDC. A consistent and standardized format is used to identify the review procedure and approval criteria for each application.

Consolidate Development Standards into a Single Chapter

Currently the design standards and guidelines are spread throughout different sections of Volumes I and II of the HZO. Other design standards are included in the HSO, the DDOS Standards and Guidelines, and the Transportation System Plan. The CDC consolidates all

development and design standards into a single chapter (12.50). The objective was to review the existing standards and guidelines for consistency and then consolidate and reorganize them in a manner that makes it easier for staff, applicants, the public, and decision-makers to determine which specific standards and guidelines are applicable to a specific proposal.

2 TEXT AMENDMENT PROCEDURES

The procedures to initiate and process a Zoning Ordinance text amendment are currently found in HZO Sections 112 and 116 as shown below. Sections not relevant are omitted for brevity.

Section 112. Authorization to Initiate Amendments. Amendment to the text of this Ordinance may be initiated by the City Council or Planning Commission. Consideration of amendments to the text of this Ordinance shall be by the Planning Commission.

Section 116. Public Hearing on an Amendment. Before taking action on a proposed *[text]* amendment to this Ordinance, the Planning Commission shall hold a public hearing thereon within 40 calendar days after receiving the application.

- (1) Notice of hearing. Notice of time, place, and purpose of the public hearing before the Planning Commission, on a proposed amendment shall be given by the City Recorder in the following manner:
 - a. If an amendment to the text of this Ordinance is proposed, notice shall be by three publications in a newspaper of general circulation in the City, the first to be not more than 30 calendar days and the last not more than 10 calendar days prior to the date of hearing.
- (2) Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed or other manner, such as written evidence, in which additional information will be considered.
- (3) Action of the Planning Commission. A decision by the Planning Commission to deny an amendment shall be final unless appealed to the City Council according to the provisions of this ordinance. An action favoring an amendment shall be in the form of a recommendation to the City Council. The City Council may, on its own initiative or upon appeal, hold such hearing as it deems appropriate upon proposed amendments. The City Council may pass an ordinance amending the Zoning Ordinance text based upon the recommendation of the Planning Commission or based on findings of the City Council.

The procedures to initiate and process a Subdivision Ordinance text amendment are found in HSO Article IX as shown below. Sections not relevant are omitted for brevity.

Section 1. Amendment. Amendment to this ordinance may be initiated by the City Council or the Planning Commission. Before consideration of an amendment by the City Council, the Planning Commission shall hold a public hearing on the proposed amendment. Notice of the hearing shall be by three publications in a newspaper of general circulation in the City, the first to be at least 10 but not more than 20 days prior to the date of hearing, and the last not more than 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Commission shall forward a recommendation regarding the proposed amendment to the City Council. The Council may consider the proposed amendment without public hearing, or may wish to call a hearing on the matter. In the event Council elects to consider the matter at a public hearing, notice of such hearing shall be the same as for hearing before the Planning Commission.

The Planning Commission initiated the CDC process and text amendments to Zoning Ordinance No. 1945 and Subdivision Ordinance No. 2808 on February 27, 2013 by Planning Commission Orders No. 8082 and 8083. The Planning Commission authorized to initiate amendments to the Hillsboro Zoning Ordinance pursuant to Sections 112 and 116, and to initiate amendments to the Subdivision Ordinance pursuant to Article IX Section 1 of that Ordinance. Public hearings and work sessions before the Planning Commission (total of 40) have been continued a date certain since the public hearing was opened.

3 PUBLIC OUTREACH PROCESS

Exhibit B-1 summarizes the public outreach process conducted by the City for the CDC Project. Although neither HZO nor HSO amendments formally require public involvement or outreach (outside of publication in a general circulation newspaper), the City recognized the extent of these amendments and their impact on the community and undertook a vigorous public outreach and involvement effort to raise public awareness and solicit comments on the draft CDC.

4 AMENDMENTS BY SUBCHAPTER

This Section provides a very brief overview of each Subchapter of the CDC. Key components are summarized along with the identified benefits of the changes. Attachments B-1 and B-2 provide additional details on some of the more substantial changes in each Subchapter (if any) and more information on the rationale for specific changes.

Subchapter 12.01 General Provisions

This subchapter consolidates and supplements general provisions that are applicable throughout the CDC, several of which are carried forward from the current HZO. Key components of this Subchapter include:

- Definitions – consolidated in this subchapter from existing HZO, HSO and DDOS. New definitions have been added where gaps existed and to address current “best practices and

redundant definitions have been deleted. New figures have been added to illustrate key definitions.

- Acronyms – a new section has been added to this subchapter to reference all acronyms and abbreviations used in the CDC.
- Figures, Calculations, and Measuring Distance – a new section has been added to this subchapter to describe the purpose of Figures and to address how to determine compliance with numeric standards and measure distances specified in the Code.
- Participants – the major participants in the planning process and their roles are generally described in this subchapter. This language is based on Hillsboro Municipal Code Chapter 2.

Benefits of Subchapter 12.01 include:

- Simpler and more streamlined approach to definitions.
- Reduced risk for redundancy or inconsistency with all definitions consolidated into a single subchapter of the CDC.
- Better guidance to the public, staff and decision-makers on how to measure and interpret provisions of the Code.
- New figures supplement the text and help to explain key provisions of the Code.

Subchapter 12.10 Use Categories

This subchapter is new. Presently Volume I of the HZO uses the standard approach of listing permitted and conditional uses, while Volume II of the HZO organizes uses into more general “use categories” and presents use information in a standard table format. The CDC is based on a shift to the “use category” approach and Subchapter 12.10 provides the details on the use categories.

Key components of this Subchapter include:

- Five general use categories (Residential, Commercial, Industrial, Institutional, and Infrastructure and Utilities)
- More detailed sub-categories under each general category (32 in total)
- Each use category includes a description of: 1) use characteristics, 2) examples of uses, 3) examples of accessory uses, and 4) exceptions.
- The framework of use categories established in this subchapter is then used as the basis for consistent Use Category Tables for each base zone.
- A process for Director’s Interpretation is provided to allow unknown future uses to be categorized.

Benefits of Subchapter 12.10 and the Use Category approach include:

- The list of use categories is extensive, covering virtually all uses typically found in a community of the size, complexity, and sophistication of Hillsboro. At the same time, categories are mutually exclusive, so it is very rare that there is a question in which category a use fits.
- The standardized use categories are used in every zone. This means that a user not only is informed of uses that are allowed by right (P) and conditionally (C), but explicitly those that are prohibited (N). Moreover, this system permits the designation of “limited uses” (L), that is, those uses permitted by right subject to additional requirements or limitations.
- The use categories can be presented in table form more easily, making the information more accessible to the user.
- When compared with the existing approach of long lists of permitted uses in Volume I of the HZO, the use category approach is more adaptable to changes of uses over time.
- Use categories provide the distinction between residential uses (for example, Household and Group Living) and housing types, such as single-dwelling detached housing; single-dwelling attached including duplexes, triplexes and townhouses; multi-dwelling buildings, and accessory dwelling units. As part of adopting standardized use categories, each zone includes a table that summarizes allowed (or prohibited) housing types in each zone.
- The use categories are also used in other chapters of the Code, most notably related to vehicle and bicycle parking ratios.

Subchapter 12.21 Single-Family Residential Zones

This subchapter renames, reformats and consolidates the eight existing single-family zones into a single subchapter: SFR-10 (formerly R-10); SFR-8.5 (formerly R-8.5); SFR-7 (formerly R-7); SFR-6 (formerly R-6), SFR 4.5(formerly R-4.5); SCR-LD, SCR-OTC and SCR-DNC.

The following information is presented in a consistent and standard format for each of the Single-Family Residential Zones:

- Purpose
- Housing Types
- Use Categories
- Accessory Uses Permitted
- Development Standards
- Variances and Adjustments
- Other Pertinent Regulations.

A standard table format is used to present information on Housing Types, Use Categories and Development Standards for each zone. Development standards are typically numerical standards: minimum and maximum densities; minimum floor area ratios; minimum and maximum lot dimensions; structural setbacks; maximum building height and lot coverage. Additionally, a consistent figure is used to illustrate key Development Standards for each zone (including setbacks and building height).

Benefits of Subchapter 12.21 and the reorganized Single-Family Residential Zones include:

- A clear and consistent organization and common format for each zone and tables. This makes it easier to find key information and compare the differences between the single-family zones.
- Tables clearly convey what housing types are allowed in each zone, and cross-references are provided to relevant standards in other sections of the Code.
- The reorganized single-family zones provide clearer information on accessory uses that are permitted by right in each zone.

Subchapter 12.22 Multi-Family Residential Zones

This subchapter renames, reformats and consolidates the five existing multi-family residential zones into a single subchapter: MFR-1 (formerly A-1), MFR-2 (formerly A-2 and A-4), MFR-3 (formerly A-3), SCR-MD and SCR-HD.

Similar to the Single-Family Residential Zones, the following information is presented in a consistent and standard format for each of the Multi-Family Zones:

- Housing Types
- Use Categories
- Accessory Uses Permitted
- Development Standards
- Variances and Adjustments
- Other Pertinent Regulations.

In SCR-MD and SCR-HD, a Special Provisions Regarding Uses section revises and retains commercial uses (such as limitations on commercial building footprint, animal service facilities, etc.) from the existing HZO. Information on Housing Types and Use Categories is organized in tables and illustrated in figures.

Benefits of Subchapter 12.22 and the reorganized Multi-Family Residential Zones are the same as those highlighted above for Subchapter 12.21.

Subchapter 12.23 Commercial Zones

This subchapter renames, consolidates and reformats the five existing commercial zones into a single subchapter: C-N (formerly C-4), C-G (formerly C-1), SCC-DT, SCC-SC and SCC-MM.

Common elements for each commercial zone are presented in the same order and format as listed above for the Single-Family and Multi-Family Residential Zones.

The Special Provisions Regarding Uses sections again revise and retain specific uses (such as limitations on commercial building footprint, animal service facilities, etc.) from the existing HZO.

Benefits of Subchapter 12.23 and the reorganized Commercial Zones are the same as those highlighted above for Subchapter 12.21.

Subchapter 12.24 Mixed Use and Urban Center Zones

This subchapter consolidates and reformats the nine existing mixed use and urban center zones into a single subchapter: MU-N, MU-C, SCR-V, UC-RM, UC-MU, UC-AC, UC-NC, UC-OR and UC-RP.

A new table is included at the beginning of this subchapter to identify the Comprehensive Plan Designation(s) implemented by each Mixed Use or Urban Center Zone.

Common elements for each Mixed Use or Urban Center Zone are presented in the same order and format as listed above for the Single-Family, Multi-Family and Commercial Zones.

The Special Provisions Regarding Uses sections again revise and retain specific uses standards from the existing HZO. Development standards in each Mixed Use or Urban Center Zone are summarized in tables. Figures illustrate key development standards for each zone.

Benefits of Subchapter 12.24 and the reorganized Mixed Use and Urban Center Zones are the same as those highlighted above for Subchapter 12.21.

Subchapter 12.25 Industrial Zones

This subchapter renames, consolidates and reformats the eight existing industrial zones into a single subchapter: I-G (formerly M-2), I-P (formerly M-P), I-S, SC-BP, SCI, SSID, ESID and HSID.

Common elements for each Industrial Zone are presented in the same order and format as listed above for the Single-Family, Multi-Family, Commercial, and Mixed Use and Urban Center Zones.

The Special Provisions Regarding Uses sections again revise and retain specific uses standards (such as commercial lodging, educational services, animal service facilities, etc.) from the existing HZO.

Benefits of Subchapter 12.25 and the consolidated Industrial Zones are the same as those highlighted above for Subchapter 221. All of the special provisions adopted for the Special Industrial Districts (SSID, ESID and HSID) are retained in the CDC.

Subchapter 12.26 Institutional and Open Space Zones

This subchapter currently includes the only existing Institutional Zone: SC-F Station Community Fairgrounds, which is applied to the Washington County Fairgrounds.

SC-F zone regulations have largely been retained from the existing HZO and reformatted for consistency with all other base zones. Common elements for the SC-F zone are presented in the same order and format as listed for all other Single-Family, Multi-Family, Commercial, Mixed Use and Urban Center and Industrial Zones.

Benefits of Subchapter 12.26 are the same as highlighted above for Subchapter 12.21. When the City adopts additional Institutional and Open Space Zones in the future, they will be located in this subchapter.

Subchapter 12.27 Overlay Zones

This subchapter consolidates the four existing overlay zones into a single subchapter: Regulatory Floodplain Overlay (RFO); Significant Natural Resource Overlay (SNRO); Planned Unit Development (PUD); and Special Industrial District (SID). Subchapter 12.27 also adds a new overlay zone: Cultural Resource Overlay (CRO), which applies the current provisions of HZO Section 132 to the approximately 90 sites designated by City Council as Cultural Resources.

Except as noted in this subchapter, overlay zone provisions do not change Use Category status or the development standards of the underlying base zone.

Each overlay zone includes the following common elements: Purpose, Applicability, Administration and Regulatory Coordination, Regulations on Permitted Uses and Activities, and Applications and Processes for Land Use Approvals.

The benefits of Subchapter 12.27 include:

- Consolidation of all overlay zones into a single subchapter for consistency.
- Standardized common elements for each overlay zone.
- Tables retained for the RFO and SNRO overlay zones for continuity.
- Cross-references provided to standard review procedures in Subchapter 12.80 where appropriate.

Subchapter 12.30 Non-Conforming Situations: Uses, Structures, and Lots

This subchapter includes consolidation and revision of existing HZO standards relating to Non-Conforming Situations. Existing provisions regarding restricted non-conforming uses in light rail zones are retained.

New sections are included in this subchapter based on “best practice” examples from other jurisdictions:

- Purpose of Regulating Non-Conforming Situations; Examples
- Status and Documentation of a Non-Conforming Situation
- Alteration or Expansion of Non-Conforming Developments

The benefits of Subchapter 12.30 include:

- Consolidated and more complete provisions to address a variety of non-conforming “situations”, including non-conforming uses, structures, lots and development.
- Cross-references are provided to Subchapters 12.70 and 12.80 for relevant procedures and approval criteria for Non-Conforming Situations.

Subchapter 12.40 Special Use Standards

Many modern Development Codes include lists of "Special Uses" which are reviewed against certain standards regardless of their location. Hillsboro does have such Uses, but not identified as such, in Volumes I and II of the HZO. Some are listed as Conditional Uses; others are permitted outright in one or more zones; still others have more recently been interpreted by the Planning Commission as Permitted or Conditional under HZO Section 89 Authorization of Similar Uses.

Subchapter 12.40 consolidates, reformats and revises existing HZO standards relating to eighteen discrete "Special Uses" (ranging from animal service facilities to vehicle wrecking yards) into a single subchapter.

Key components of this subchapter include:

- A new Purpose section for the Special Use Subchapter.
- A consistent format for all Special Uses: Characteristics, Approval Process (with cross-references), and Standards.
- Current and "best practice" standards for cell towers, public assembly uses and vehicle wrecking yards have been added to this subchapter.

The benefits of Subchapter 12.40 include:

- More appropriate consolidation of all special uses standards into a single subchapter.
- Cross-references and clarifications are provided to special use standards for specific uses in the Use Category Tables for all base zones.
- If additional special use standards are adopted in the future, they can easily be added to this subchapter.
- New descriptions of the "characteristics" of special uses provide a helpful link to the broader use categories.

Subchapter 12.50 Development and Design Standards

The CDC consolidates all city-wide development and design standards into a single Subchapter 12.50 and provides a more consistent set of standards overall. In addition, new language clarifies the hierarchy and relationship of the development and design standards that appear in this subchapter relative to those in the overlay zones, special uses and plan districts. Subchapter 12.50 is divided into several sections as follows:

Base Zone Standards – these standards address Lot Dimensions, Residential Density, Setbacks, Building Height and Floor Area Ratio. Key components of this section include the following:

- Clarify through new figures how the regulations are applied.
- Changing the variations in lot dimensions (area and width) and in setbacks from mandatory to optional. This revision allows for the same level of flexibility, but

addresses concerns that the current requirements mandating a specific amount of variation are counter-productive and difficult to apply.

- In Residential Density, adding the option of counting 4+ bedroom multi-family units as two units at the applicant's discretion.

Site Design – these standards address Usable Open Space, Landscaping, Tree Preservation, Exterior Lighting, Fences, Free-Standing Walls, Hedges and Berms and Sight Distance / Vision Clearance. Key components of this section include:

- Amended Usable Open Space requirements which simplify the number of size categories and improve consistency between standard and light rail zones; better clarify the differences between common and private open space areas; and better ensure visibility, accessibility, and maintenance. The revised standards address the differing circumstances of small, infill developments and large “green field” development as well as differences between the open space needs of multi-family and single family developments. Revisions to the amount of open space required to be provided recognize the need to provide more usable open space within multi-family developments and less in single family subdivisions where private yards help meet the open space needs of residents.
- Landscaping standards that have been updated to be consistent with those established in the AmberGlen plan district including establishing minimum sizes for landscaping materials. Requirements for landscape plan preparation and the ongoing maintenance of landscaping have also been added.
- Standards for tree preservation, including for the protection of specimen trees, have been made consistent between light rail and standard zones.
- Exterior lighting standards have been clarified and new clear and objective light trespass standards have been added, taken from the AmberGlen zoning in HZO Section 143.

Vehicle Parking – the standards in this section establish the amount of parking required as well as requirements for the design and improvement of parking areas. Key components of this section include:

- The parking standards have been reorganized and revised to provide consistency with the new Use Classification system and to provide a more unified set of standards for all zones.
- Some minor changes to the amount of parking required and the dimensions of parking spaces have been made, including adding the option of counting 4+ bedroom multi-family units as two units or the purposes of calculating parking.
- Parking lot landscaping standards based on the light rail and mixed use zones in the current code have been applied in all zones.

Bicycle Parking / Bicycle and Pedestrian Circulation and Connectivity – the standards in this section establish the amount of bicycle parking required as well as requirements for the design and improvement of bicycle parking areas. This section also consolidates existing standards related to pedestrian connectivity on site and at transit stops. Key components of this section include:

- The bicycle parking standards have been reorganized and revised to provide consistency with the new Use Classification system and to provide a more unified set of standards for all zones.
- Minor changes to the amount of bicycle parking required have been made, including exempting dwellings with garages or large storage spaces from the bicycle parking standards, and reducing bicycle parking requirements for certain uses.

Access and Street Standards – the standards in this section establish street connectivity and access requirements, design standards for public and private streets and alley improvements, sidewalks, and street trees. Key components of this section include:

- The standards in this section have been updated to reflect the City’s recent adoption of new uniform Design and Construction (D & C) Standards and redundant language has been deleted.
- Standards which are specific to plan district areas have been moved to the appropriate plan district sections in 12.70.
- Improvement standards for streets, common driveways and private streets have been formatted in tables for ease of use and the standards have been clarified.
- With the addition of new “skinny” public streets in the D & C Standards, the City’s preference for public street access rather than private street access has been clarified. More stringent limitations on the use of private streets in developments are added as a result.
- The applicability of the street tree standards has been expanded to require street trees in association with street and/or sidewalk projects.

Public Utilities, Site Grading and Storm Water Facilities – the standards in this section establish requirements for public utilities, site grading and storm water facilities. Key components of this section include:

- The standards in this section have been updated to reflect the City’s recent adoption of the D & C Standards and redundant language has been deleted.
- The revised site grading and storm water management design standards are clear and objective, replacing existing standards which are vague and discretionary.

Residential Design Standards – This section includes standards for Detached Single Family, Duplexes Townhouses and Multi-Family Residential Developments. Key components of this section include:

- The three design standard subsections (single family; duplex/townhouse/ multi-family; mixed use/non-residential) have been reorganized and are now a consistent format for clarity.
- The problematic “non-repetitive architecture” standards (which require comparison among building permits within a block face) have been replaced with a clear and objective set of standards that requires two or more articulation elements and “detailed design elements” on every elevation facing a public street.
- New standards for waste and recycling facilities have been added which are based on specifications required by haulers.

Design Standards for Non-Residential and Mixed Use Development – these sections include design standards for the building orientation, windows and entries, articulation, step-backs, sidewalk dining and displays, drive through facilities, and other utilitarian function, which generally apply to non-residential and mixed use development in light rail or mixed use zones. In addition, there are standards for waste and recycling facilities and outdoor storage which also apply in standard zones. Key components of this section include:

- The revised standards generally consolidate the requirements of HZO Volume II and the very similar requirements for the mixed use zones.
- New standards for waste and recycling facilities have been added which are based on specifications required by haulers.

Public Benefit Standards – these standards address building and site design guidelines, sustainable development practices, crime prevention through environmental design. They are intended to be applied during a discretionary land use review in which an applicant has requested an adjustment or variance from the standards, unless the standard specifically allows an adjustment without discretionary review. Many of the standards and guidelines in this section already exist in HZO Volumes I and II.

The benefits of Subchapter 12.50 include:

- Consolidation of city-wide development standards into a single subchapter and clarification regarding the applicability of standards and the hierarchy of development standards within the CDC.
- Improved consistency of development standards across zones.
- Revisions to out-of-date, problematic and inconsistent standards to provide improved clear and objective standards based on current practices and/or best practices in a manner consistent with City policy.

Subchapter 12.60 Plan Districts Generally

This subchapter provides a brief introduction to Plan Districts. General provisions address the Establishment, Scope and Hierarchy of Plan District standards.

Subchapter 12.61 Downtown Plan District

Existing HZO provisions and standards for the Downtown Plan District were updated in 2011. Subchapter 12.61 generally retains the existing provisions, with an emphasis on reorganization and refinement for clarity and to fit the format of the CDC.

Key components of Subchapter 12.61 include:

- Addition or updating of seven figures to illustrate the boundaries and applicability of specific requirements in the Downtown Plan District.
- Replacement of existing text regarding alley requirements with a table.
- Improved organization of the subchapter to address Standards applicable to all zones in the Downtown Plan District; followed by standards applicable to the specific zones (SCR-DT, SCR-HD, SCR-MD, and SCR-DNC).
- Architectural Conservation Standards are retained.
- Revised existing code standards relating to fabric awnings and alleys based on input from the public, Planning Commission, and City Council.

Benefits of Subchapter 12.61 include:

- Minor revisions to standards that were recently updated for the Downtown Plan District and zones to provide greater clarity and consistency with CDC formatting.
- Clean-up and deletion of some architectural terms from the Subchapter that are no longer necessary.

Subchapter 12.62 Orenco Plan District

Subchapter 12.62 generally consolidates, streamlines and reformats the Orenco Plan District for general consistency with the CDC. Outdated references, language and redundant standards have been deleted. Several minor changes are proposed in the Orenco Townsite Conservation District (SCR-OTC), based on experience with previous development proposals. One revision would allow houses not built in the historic period (1900-1930) to be remodeled consistent with their own architectural style, rather than those of the historic period. A second revision would allow that portion of the SCR-OTC zone outside the original 1908 or 1911 Orenco plats to be partitioned or subdivided into an lotting pattern equivalent but not identical to the original plats and providing clear standards applicable to these plats.

Key components of Subchapter 12.62 include:

- Updated/revised Purpose section
- Figures renumbered
- Existing standards generally retained, with minor revisions based on current practices

Benefits of Subchapter 12.62 include minor revisions which improve clarity and delete outdated references, without introducing major policy changes.

Subchapter 12.63 Hawthorne Farm / Fair Complex Plan District

This subchapter retains existing (and relatively brief) HZO provisions for the Hawthorne Farm/Fair Complex Plan District.

Key components of Subchapter 12.63 include:

- Revised Fairgrounds Purpose language to reflect the intent of the Fair Complex Master Plan adopted by Washington County in October 2008 and revised in October 2010.
- Refined plan district boundaries.

Benefits of Subchapter 12.63 include:

- Minor revisions to improve clarity and update references, without introducing major policy changes.

Subchapter 12.64 AmberGlen Plan District

Existing HZO provisions and standards for the AmberGlen Plan District were created in 2012. Subchapter 12.64 generally reorganizes and reformats HZO Section 143 provisions to match the format of the CDC and delete redundant sections that are now addressed in other CDC Subchapters, primarily 12.50 (Development and Design Standards) and 12.80 (Applications).

Key components of Subchapter 12.64 include:

- Reorganization of sections to mirror the organization of Subchapter 12.50 in order to better identify those plan district standards which supersede the requirements of Subchapter 12.50.
- Clarify and revise a few standards specific to the Plan District, and delete standards that are redundant with general standards in Subchapter 12.50.

Benefits of Subchapter 12.64 include:

- Less redundancy and potential for conflicts between general standards in Subchapter and the specific standards in the AmberGlen Plan District.
- Formatting of Plan District is more consistent with the overall organization and formatting of the CDC.

Subchapter 12.70 Procedures

Subchapter 12.70 consolidates all Procedures into a single subchapter. Under the existing Hillsboro Zoning Ordinance (HZO, Volumes I & II) and the Hillsboro Subdivision Ordinance (HSO), review procedures are not organized in a logical or coherent manner and many provisions of the existing ordinances are internally inconsistent or outdated relative to the requirements of state law. The consolidation of the HZO (Volumes I & II) and HSO into a single CDC provides the opportunity to introduce a logical organization and consistent format for Procedures (Subchapter 12.70) and Applications (Subchapter 12.80) and make the code easier to

understand and administer for customers, staff and review authorities such as the Planning Director, Planning and Zoning Hearing Board, Historic Landmarks Advisory Committee, Planning Commission and City Council. Many of the state statutes, administrative rules and procedural issues identified in the legal audit have been addressed in this new consolidated Procedures Subchapter.

Key components of Subchapter 12.70 include:

- Clear and consistent use of standardized procedures (Type I – Type IV) that are commonly used by land use attorneys, developers, consultants, and interested parties, and more easily understood by citizens and lay persons.
- A Comprehensive Table that lists land use applications and permits by procedure type, decision authority and appeal authority. The table includes cross-references to the primary CDC sections for each application and also identifies applications that require a neighborhood meeting.
- For each procedure type (I – IV) the subchapter includes a common organization of information addressing application requirements and notice provisions.
- Provisions common to multiple procedures are grouped together following the overview of the Type I – IV procedures. The common provisions address neighborhood meetings, completeness review, conditions, expiration and extension of decisions, public hearings, and appeals.
- Methodology procedures for Transportation Studies are also included in this Subchapter. These methodologies generally follow the City's current practices.

Benefits of Subchapter 12.70 include:

- Improved compliance with state statutes, administrative rules and procedural issues identified in the legal audit.
- Clearer identification of steps and requirements associated with each procedure type.
- A comprehensive and accessible table that provides a quick reference list of all applications and permits with cross-references to the applicable review procedure, decision authority and appeal authority.
- Consistent formatting for provisions common to all procedures makes information easier to find.

In general, the provisions in Subchapter 12.70 reflect current practices in Hillsboro. A few key changes include broadened public notice for Type II decisions and revised language regarding the imposition of conditions of approval.

Subchapter 12.80 Applications

Subchapter 12.80 consolidates and reformats all applications and permits included in the HZO and HSO into a single subchapter. A total of 24 applications are included in this subchapter, including new sections for annexations and director's interpretations. The purpose of Subchapter 12.80 is to provide approval criteria for each land use application and to provide cross-references to the procedure type that governs the decision-making process (Type I – IV) and to the Code standards applicable to the particular application. The Summary Table in Subchapter 12.70 (described above) provides a quick reference for information on both Applications and Procedures.

Existing Hillsboro ordinances include widely varying level of detail in terms of submittal requirements for different types of land use applications. Existing HZO and HSO submittal requirements are most extensive and detailed for the following applications: Planned Unit Development (now 6 pages); Development Review (now 5 pages); and Concept Development Plan (now 7 pages). Less extensive submittal requirements are outlined for Significant Natural Resource applications (now 3 pages) and Subdivisions (now 2 pages).

By contrast, the existing ordinances do not include specific submittal requirements for the following land use applications: Conditional Use Permits; Non-conforming Uses; Variances; Map or Text Amendments; or Home Occupations.

Subchapter 12.80 is organized to follow a standardized format and include similar types of information for each Application type. In general, each Application section is formatted as follows:

- Purpose and Applicability
- Review Procedure (cross-reference)
- Submittal Requirements
- Approval Criteria

By cross-referencing the Procedure type in Subchapter 12.70, the CDC includes shorter code sections for each application, with the more detailed and common requirements associated with each procedure type addressed in Subchapter 12.70.

Key components of Subchapter 12.80 include:

- Common organization and formatting for each type of application, including: Purpose, Cross-Reference to Procedure, Submittal Requirements, and Approval Criteria.
- New sections to address applications for Annexations and Director's Interpretations.
- New sections for administrative (Type II) Cultural Resource Alterations and Floodplain Activities applications. These new applications will encourage minor, less complex alterations (such as those for restorative projects).
- New approval criteria are provided for Code Text Amendments.
- Revised section for Variances and Adjustments, including a new table that highlights the applicability of Type II and Type III Adjustments and Variances to standards in the CDC.

- New section for Modification of Approved Plans and Permits, including thresholds for minor and major modifications, applicable procedures, submittal requirements, scope of review, and approval criteria.
- Revised provisions for Planned Unit Development applications, consolidated with the deleted “Concept Development Plan” application now used in the light rail zones.

Benefits of Subchapter 12.80 include:

- More consistent organization and formatting of information relevant to submittal, review and decisions on land use applications and permits.
- New sections to address gaps in existing HZO and HSO (for example, no criteria for a Code text amendment, no clear process for modification of approved decisions, etc.)
- Better integration of standards for adjustments and variances, including broader flexibility for “minor” adjustments.
- Deletion of unused or duplicative applications: Major Partitions; Concept Development Plans; Detailed Development Plans; Final Development Plans; and Type I Significant Natural Resource Permits.

5 COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

5.1 GOALS AND POLICIES OF THE COMPREHENSIVE PLAN

SECTION 1. CITIZEN INVOLVEMENT

Section 1 of the Plan establishes processes that are designed to facilitate public involvement in revisions to the plan and implementing regulations. Specifically, Goal I (A) requires that revisions to implementing land use ordinances are based on factual and complete available information. Public involvement programs will provide for adequate notice on citizen involvement activities; advanced information on matters under consideration; and opportunities for citizen participation.

Findings: The City undertook a vigorous public outreach and involvement effort to raise public awareness and solicit comments on the draft CDC. See Attachment A for a detailed summary of public involvement and outreach events. Following adoption of the CDC, the reformatting and clarification of the City’s zoning and land development requirements will benefit future citizen participation in the land use process.

Conclusion: The public process requirements of the Comprehensive Plan have been met.

SECTION 2. URBANIZATION

The Urbanization element of the Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area. Urbanization policies articulate that as development occurs there is a need to accommodate the planned future population and all types of uses. Among the specific policies in this section are policies that require that regulations be designated to support needed expansions of public facilities and that require coordination with other affected governmental entities.

Findings: The proposed amendments enhance certainty for the development community and facilitate maximization of infill and development within the City's UGB by providing consistent standards, eliminating redundancies, and clarifying development requirements. Public agencies, including DLCD; Metro; Washington County; Clean Water Services; ODOT and Tri-Met, were invited to review and comment on the initiation draft of the CDC.

Conclusion: Applicable policies of the Urbanization section of the Plan have been met.

SECTION 3. HOUSING

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents. Policies under this Section encourage the availability of a variety of housing types throughout the city and that implementation measures are sufficiently flexible to allow residents of all incomes and life styles the widest possible choice of housing types and locations.

Findings: Generally, the reorganization of the city's housing zones makes it easier to find key information and compare the differences among categories of zones (single-family, multi-family, or mixed use) and to identify what housing types are allowed in each zone. These changes further the city's housing goals by giving developers more clarity and certainty and, thereby, making it easier to develop housing. The new Group Living and Residential Services use categories clarify existing definitions, provide consistent requirements across multiple zones, comply with state and federal regulations, and provide clarity to housing providers and neighborhoods.

As shown in Attachment B, there are a limited number of proposed modifications to single- and multi-family standards that represent a change from current standards, including proposed height increases and minimum/maximum lot sizes for select zones, and the clarification of where Group Living and Residential Services are permitted.

One change to density calculations for large apartment units is proposed. Current density calculation methodology equates a 2-bedroom apartment with a 4-bedroom apartment, although the number of residents is likely to differ widely. In Section 12.50, a 4+-bedroom multi-family residential dwelling may be counted by the developer as two dwelling units for purposes of

density, usable open space, and parking. Planning Commission supported this change with a maximum 20% limitation on the number of larger (4+-bedroom) units in a project.

Proposed amendments are consistent with the city's goals of providing housing sufficient to meet the needs of Hillsboro residents.

Conclusion: The applicable policies of the Housing section of the Plan are met.

SECTION 4. AGRICULTURAL LANDS

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not directly applicable to the proposed amendments, as Statewide Goal 3 does not apply within the urban growth boundary. However, efficient urban development reduces the pressure on the need for expanding the regional urban growth boundary to include agricultural lands and a number of code modifications will clarify regulations and procedures for urban development.

SECTION 5. FOREST LANDS

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: The goal and policies of this section are not directly impacted by the proposed amendments.

SECTION 6. OPEN SPACE, SCENIC AND HISTORICAL SITES

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City. Policies are categorized under the following: Open Space; Floodplain; Cultural Resource(s); Green Corridor; and, Natural Resources Management Program. These policies, among other things, set the City's intention to: preserve open space at the time of development (Policy A.1); protect floodplain areas from urban development (Policies under B); preserve the historic character in Station Community Planning Areas (Policy C.2); preserve a green corridor between the City of Hillsboro and City of Cornelius (Policies under D); and regulate development in the Natural Resources Management Program Ordinance map overlay (Policies under E).

Findings: Proposed changes to 12.50 Development and Design Standards include amendments to Usable Open Space requirements. Proposed amendments simplify the number of size categories and improve consistency between standard and light rail zones; better clarify the differences between common and private open space areas; and better ensure visibility, accessibility, and maintenance. The revised standards address the differing circumstances of small, infill developments and large "green field" development as well as differences between the open space needs of multi-family and single family developments. Revisions to the amount of open space required to be provided recognize the need to provide more usable open space

within multi-family developments and less in single family subdivisions where private yards help meet the open space needs of residents.

Proposed amendments include consolidating four of the five of the City's existing overlay zones - including the RFO Regulatory Floodplain Overlay, SNRO Significant Natural Resources Overlay, PUD Planned Unit Development, and SIC Special Industrial District - into CDC Subchapter 12.27. Generally, overlay zone provisions do not change Use Category status for the development standards of the underlying base zone and the use and standards tables for the RFO and SNRO overlay zones have been retained for continuity.

The existing provisions of HZO Section 132 regarding cultural resource protection are also included in CDC Subchapter 12.27 as the new Cultural Resource Overlay zone. Several minor changes are proposed for the CRO, many of which are intended to enhance consistency between the City's procedures with those of the State Historic Preservation Office. Proposed modifications include requiring a hearing to remove the overlay designation, and creating a Type II Cultural Resource Alternation application process for minor changes, which currently require a public hearing.

Minor modifications to lot dimensions are also proposed for SCR-DNC.

Conclusion: Applicable policies in Section 6 have been met. Proposed amendments to clarify Development and Design Standards implement city policy to preserve open space at the time of development. The proposed amendments to the RFO are consistent with Section 6.B policies that limit development in floodplains. The proposed amendments to the SNRO procedures are consistent with Section 6.E policies that seek to protect Goal 5 resources identified on the Natural Resources Management Program Ordinance map. Proposed amendments to limit the footprints of commercial uses in Station Community Planning zones addresses new development's compatibility and scale with existing uses, consistent with Section 6 policies that seek to preserve the historic character in these areas. Similarly, modifications in the SCR-DNC zone will continue to allow for new development to be compatible with existing historic uses.

SECTION 7. AIR, WATER AND LAND RESOURCE QUALITY

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources. Policies speak to minimizing the impacts of land use activities on these resources, promoting less polluting modes of transportation, preserving creek channels, and allowing new development only if urban services are available. Implementation measures designed to manage land use and development must be "consistent with, and reflective of, the community's desires for a quality living environment, state and federal environmental quality statutes, rules, standards and implementation plans (Policy I)."

Findings: The SNRO Significant Natural Resources Overlay provides regulatory protection for natural resource land. SNRO protection requirements are proposed to be moved from the HZO and included in CDC Subchapter 12.27, where all overlay zones have been consolidated into a single subchapter for consistency. Proposed modifications can be characterized as procedural,

with changes to the Significant Natural Resources Permit process, such as the process for adjustments and the proposed addition of an easement requirement if no plat is involved. The proposed amendments to the SNRO procedures are consistent with Section 9 policies that seek to maintain a quality living environment.

Conclusion: Applicable Air, Water and Land Resource Quality policies have been met.

SECTION 8. NATURAL DISASTERS AND HAZARDS

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards. Policies direct the City to inventory and assess areas subject to natural disasters and hazards in order to determine the suitability of a location for development and, if necessary, to limit development “to a level consistent with the degree of hazard and disaster potential (Policy B).”

Findings: The RFO Regulatory Floodplain Overlay regulates development within the floodplain. RFO provisions are proposed to be moved from the HZO and included in CDC Subchapter 12.27, where all overlay zones have been consolidated into a single subchapter for consistency. While common elements for each overlay zone included in this revised Subchapter have been standardized, the RFO permitted activities/uses and standards table has been retained. Amendments to the RFO can be characterized as clarifications and updated processes and are not considered substantive.

Conclusion: Applicable Section 8 policies have been met. The proposed amendments to the RFO are consistent with Section 8 policies that limit development in areas subject to natural disasters and hazards, such as floodplains.

SECTION 9. RECREATION

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities. Policies related to private land development under this Section encourage the creation and preservation of private parks and open spaces within developments, require that development be landscaped in order to create a park-like nature in the community, and require usable open space be provided in Station Community Planning Areas.

Findings: The Parks and Open Space use category is not currently listed in the use tables for C-G Commercial - General Zone [Formerly C-1 General Commercial] or in three of the Station Community zones. The proposed CDC amendments will list parks as a conditional use in the following four zones: CG, SCR-HD SCC-DT and SCC-SC.

Conclusion: Recreation policies have been met. Proposed inclusion of the Parks and Open Space use category within the C-G and select station community zones will allow recreational uses to be permitted conditionally in these zones, consistent with the policies that encourage or require, as is the case in the Station Community Planning Areas, the creation of parks and open spaces within proposed developments.

SECTION 10. ECONOMY

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: Proposed amendments reflect the consolidation and reformatting of the following: five commercial zones into a single Subchapter 12.23 Commercial Zones; nine mixed use and urban center zones into a single Subchapter 12.24 Mixed Use and Urban Center Zones, and eight industrial zones into Subchapter 12.25 Industrial Zones. For Commercial, Mixed-Use, and Urban Center Zones, special provisions regarding specific uses from the existing HZO have been revised and retained. As illustrated in Attachment B, proposed are a minimal number of modifications to yard setbacks, building footprints, and permitted uses for select zones. The majority of amendments to the industrial zones are proposed to ensure that there are common elements across all eight zones within the Subchapter. Other amendments address procedural consistency and provide clarity regarding the types of uses allowed.

The increased clarity in the City's regulations will provide certainty to the development community and will help attract and facilitate the siting of commercial and industrial development.

Conclusion: The applicable policies in the Economy Section have been met.

SECTION 11. ENERGY

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City. A policy in this section of the Plan states that the City may use a variety of methods to achievement of this goal, including: lot size, dimension and siting controls; building height, bulk and surface area; density of use, particularly housing density; availability of light, wind and air; and compatibility with and conflict between competing land use activities.

Findings: The CDC consolidates all city-wide development and design standards into a single Subchapter 12.50. New language clarifies the hierarchy and relationship of the development and design standards that appear in this subchapter relative to those in the overlay zones, special uses and plan districts. Proposed changes streamline requirements and procedures, but do not directly address energy conservation.

Conclusion: The applicable policy of Section 11 has been met.

SECTION 12. PUBLIC FACILITIES AND SERVICES

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area. This goal and the policies in this section pertain to facilities, utilities and services provided by government agencies, public service facilities and public utilities and include: police and fire protection, water, sanitary and storm sewer, health and education services,

zoning and subdivision control, recreation facilities and services, transportation system and services, energy and communication services and local government services.

Findings: Proposed revisions to the storm water management standards add new clear and objective standards based on mandatory Clean Water Services' requirements, consistent with providing services in an orderly and efficient manner. The changes also propose to delete outdated Systems Development Charge (SDC) language to ensure that the SDC is consistent with current City practices regarding SDC "credits" for over-sizing facilities and with applicable state law. A new subsection is also proposed in Subsection 12.40.240 to codify current practices for telecommunications facilities and to address new federal requirements applicable to these facilities.

Conclusion: Applicable policies of this Section of the Plan have been met.

SECTION 13. TRANSPORTATION

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan. Policies in this section encourage building, maintain and/or supporting a well-defined and safe transportation system within the City for pedestrian, bicycle, transit, motor vehicles, air and rail travel. There are several policies supporting multi-modal transportation.

Findings: Modifications to Subchapter 12.50 Development and Design Standards include a reorganization of the bicycle parking standards. Proposed changes include revisions that provide consistency with the new Use Classification system and a more unified set of standards for all uses and minor changes to the amount of bicycle parking required.

The vehicle parking standards have also been reorganized and revised to provide consistency with the new Use Classification system and to provide a more unified set of standards for all uses. In addition, some minor changes to the amount of parking required and the dimensions of parking spaces have been made, including counting 4+ bedroom multi-family units as two units for the purposes of calculating parking.

Access and Street Standards have also been reorganized under this Subchapter. The City's preference for public street access rather than private street access has been clarified as have the limitations on the use of private streets in developments.

Proposed additions to the Urban Center zones include permitting transit facilities outright and park-and-ride facilities through a conditional use permit. Use Categories tables are consistent with policies under Goal 6 that support and promote transit.

Proposed amendments also include revising allowances for transit facilities in light rail zones to consistently allow transit facilities as permitted and park and ride facilities as conditional uses and to prohibit storage and maintenance yards. These changes are being proposed to be consistent with other zones and to specify what "transit facilities" are permitted. Detailed information regarding transportation impacts of proposed development is required as part of the

application process for uses where such changes are anticipated to occur, further allowing the City to assure the efficiency and functionality of the transportation system. Proposed changes to Subchapter 12.50 and select zones are consistent with the city's transportation system goal and policies.

Conclusion: Applicable policies of this Section have been met.

SECTION 15. STATION COMMUNITY PLANNING AREAS

The stated goal of Section 15 is to provide for higher density mixed use development in Station Community Planning Areas, thereby reinforcing and encouraging use of public transit and supporting the public investment in Light Rail Transit. This Section includes specific policies for the Downtown, Fair Complex/Hawthorne Farm, Orenco and Quatama SCPAs. Policies identify the location and target densities of each SCPA. General policies direct that implementing zones include design and development standards that are oriented towards the pedestrian, establish minimum FARs where appropriate, and include provisions that reduce off-street parking requirements. Policy F also states that a wide range of housing types will be authorized within SCPAs. Orenco SCPA policies specifically emphasize compatibility with the historic and architectural character and qualities of the area.

Findings: In HZO Volume II, Sections 139, 140, and 142 include standards for certain neighborhoods: downtown; the historic and the new Orenco neighborhoods, and Hawthorn Farm / Fair Complex. The city's newest land use regulations (HZO Section 143 for the AmberGlen area) have now replaced the older standards in Section 141 Quatama/185th. In the CDC, these specific geographic areas have been renamed Plan Districts, and their applicable standards consolidated in Subchapter 12.60. Use of the Plan Districts model will allow future addition into the CDC of area-specific standards and guidelines for new neighborhoods such as South Hillsboro.

Proposed Subchapter 12.61 Downtown Plan District retains HZO sections governing development in the Downtown Plan District, which have been revised to provide greater clarity and consistency with CDC formatting.

Four Station Community zones are applicable within the Downtown Plan District: SCC-DT Station Community Commercial - Downtown; SCR-HD Station Community Residential – High Density; SCR-MD Station Community Residential – Medium Density; and, SCR-LD Station Community Residential – Low Density. The SCC-DT zone (Subchapter 12.23.300) implements the Downtown Core Vision Statement from the Downtown Framework Plan. Proposed modifications reflect new commercial footprint limitations for the residential and mixed-use Station Community zones and, in SCR-HD, revised minimum and maximum lot sizes (consistent with specified densities) and transit uses.

Subchapter 12.62 generally consolidates, streamlines and reformats the Orenco Plan District for general consistency with the CDC. Outdated references, language and redundant standards have been deleted. In addition, several minor changes are proposed in the Orenco Townsite Conservation District (SCR-OTC), based on experience with previous development proposals.

One revision would allow houses built outside the historic period (1900-1930) to be remodeled consistent with their own architectural style, rather than those of the historic period. A second revision would allow that portion of the SCR-OTC zone outside the original 1908 or 1911 Orenco plats to be partitioned or subdivided into an lotting pattern equivalent but not identical to the original plats. Proposed amendments will allow for some flexibility for more recent structures and plats to be updated to allow for renovations and new development, consistent with the goal of providing higher densities in the SCPAs, without jeopardizing the historic character of the SCR-OTC zone.

Subchapter 12.63 Hawthorne Farm / Fair Complex Plan District includes minor revisions to existing HZO provisions for the Hawthorne Farm/Fair Complex Plan District. Proposed revisions include refined plan district boundaries and modified Fairgrounds Purpose language to reflect the intent of the Fair Complex Master Plan. Proposed development and design standards clarify that residential uses are not permitted in the SC-FI Station Community Fairplex Institutional zone and that there are limitations on the size of commercial uses in SC-BP Station Community Business Park. Proposed modifications are meant to protect employment uses in the Hawthorne Farm Business Park and to reflect the adoption of the most recent master plan for the Fair Complex, which does not include residential uses. While City policy is to promote a wide variety of housing options within SCPAs, this Plan District is intended for industrial and employment uses, not for housing.

Conclusion: Proposed modifications to the Station Community zones and the two plan districts that provide additional design standards and development regulations (Orenco Plan District and Hawthorne Farm / Fair Complex Plan District) are consistent with the applicable Station Community Planning Areas goals and policies.

SECTION 17.NE 28TH AVENUE/EAST MAIN STREET PLAN AREA

The stated goal of the NE 28th Avenue/East Main Street Plan Area is to provide for the development of a “Region 2040 Main Street Area” in the vicinity of the intersection of NE 28th Avenue and East Main Street which features linear mixed-use development along East Main Street between NE/SE 24th Avenue and NE 30th/SE 29th Avenues, pedestrian- and bicycle-friendly and transit supportive uses and nearby multifamily developments. General policies speak to the adoption of development and design standards that facilitate the establishment of a Region 2040 Main Street Area and encourage a pedestrian orientation in new development and major redevelopment projects. The general development concept includes Mixed-Use, which consists of neighborhood commercial (retail and office) and residential uses, and Multifamily Residential which consists of moderate-density residential development including attached single family dwellings, duplexes, attached duplexes, townhouses and rowhouses, garden apartments and multifamily dwellings. The Plan states that detailed land uses for the Main Street Area are governed by the City Zoning Ordinance but any use permitted by zoning must be generally consistent with the development concept illustrated in the NE 28th Avenue/East Main Street Plan Area Development Concept Map.

Findings: Findings related to residential zones can be found under Section 4; proposed modifications to Mixed-Use zones are discussed under Section 11. The CDC provides a consistent organization and common format for zones that will facilitate development consistent with the city's requirements; specific modifications to zones that implement the 28th and Main Community Plan do not directly impact the ability to attain the Plan's goals. During consideration of earlier drafts of the CDC, the Planning Commission determined that, although the policies and implementation measures of the 28th and Main Community Plan may merit a separate Plan District for this area, the preparation and adoption of that District was outside the reformatting and consolidation focus of the CDC.

Conclusion: The goal and policies of this section are not directly impacted by the proposed amendments.

SECTION 18. HILLSBORO TANASBOURNE COMMUNITY PLAN

The planning and development goals for the Tanasbourne Community Plan Area are as follows:

(A) Establish a safe, attractive and convenient Town Center Core Area(s) that protect and enhance the economic health and social vitality of the entire Town Center Planning Area.

(B) Establish within the Tanasbourne Town Center one or more activity centers that integrate with, and add value to the entire Town Center Planning Area.

(C) Establish and apply flexible Town Center planning and development/urban design guidelines and land development approval processes throughout the Planning Area in order to be sensitive to changes in the market and regulatory environment while protecting the Planning Area's environmental quality and economic and residential vitality and public health, safety and general welfare.

Findings: Findings related to residential zones can be found under Section 4; proposed modifications to Mixed-Use zones are discussed under Section 11. The CDC provides a consistent organization and common format for zones that will facilitate development consistent with the city's requirements; specific modifications to zones that implement the Tanasbourne Community Plan do not directly impact the ability to attain the Plan's goals.

During consideration of earlier drafts of the CDC, the Planning Commission determined that, although the policies and implementation measures of the Tanasbourne Community Plan may merit a separate Plan District for this area, the preparation and adoption of that District was outside the reformatting and consolidation focus of the CDC.

Conclusion: The goal and policies of this section are not directly impacted by the proposed amendments.

SECTION 22. WITCH HAZEL VILLAGE COMMUNITY PLAN

The following two goals apply to planning in Witch Hazel Village:

(A) To provide a framework for development of a community that maintains the existing close knit, small town atmosphere that defines Hillsboro by carefully integrating land uses and the transportation system to create a sense of place.

(B) To set the tone for “third places”, a central theme of the Hillsboro 2020 Vision by:

- Linking a complex array of land uses with civic places, parks and open spaces throughout the entire site;
- Including a rich mix of neighborhood oriented opportunities for people to shop or recreate near where they live;
- Blending the best attributes of quality design, affordability and scale of housing at the Metro required ten dwelling units per net residential acre; and
- Fully integrating a diverse multi-modal transportation network that emphasizes local service and comfort over regional access and speed – preserving the principle land base for resident uses.

Policies direct that employment opportunities are limited to mixed-use areas and that a wide array of housing choices should be encouraged. Policies also state that development within the Plan area is subject to Development Review and is required to use the Planned Unit Development (PUD) process. Development within the Plan area must also substantially conform to the general land uses and development pattern shown in the Witch Hazel Village Community Plan Map. These planned land uses are implemented by the City’s single-family and multi-family residential zones, as well as the Mixed Use Neighborhood and Mixed Use Commercial zones.

Findings: Findings related to residential zones can be found under Section 4; proposed modifications to Mixed-Use zones are discussed under Section 11. The CDC provides a consistent organization and common format for zones that will facilitate development consistent with the city’s requirements; specific modifications to zones that implement the Witch Hazel Community Plan do not directly impact the ability to attain the Plan’s goals.

Conclusion: Applicable policies of this Section have been met.

SECTION 27. HILLSBORO DOWNTOWN FRAMEWORK PLAN

The goals of the Hillsboro Downtown Framework Plan are as follows:

Goal A: The Downtown Core is Vibrant, Active, Sustainable and Accessible

Goal B: Development in Downtown Neighborhoods is Compatible

Goal C: Pedestrian, Bicycle and Transit Travel is Safe and Well-Connected

Goal D: Major Streets are More Inviting with Enhanced Streetscapes and Safe Pedestrian/Bike Crossings

Goal E: Sustain and Enhance Downtown’s Economic, Environmental, Cultural and Historic Diversity

The Plan includes policies and actions intended to help implement the goals listed above; each of the actions have a timeline and priority assigned to them to help guide their implementation.

Findings: Proposed Section 12.61 Downtown Plan District retains HZO sections governing development in the Downtown Plan District, which have been revised to provide greater clarity and consistency with CDC formatting. Recommended changes include clarifying street tree standards, fire and life safety standards, and permitted phased FARs. Minor revisions also touch on select building design criteria and eliminating architectural terms used within the code requirements. Standards pertaining to density and building code requirements are excluded, as they are found under the base zone requirements, but the exceptions to minimum and maximum residential densities standards can be found in this Section. A current provision for modifications to the building height requirements to allow for increased building height up to a maximum of 100 feet in an approved Concept Development Plan would be changed to reference an approved PUD.

Recommend changes to the existing code are intended to help simplify and clarify the language and reduce misunderstandings created by the code provisions, consistent with policies under Goals A and B. Allowing additional building height in PUDs (now CDPs) is consistent with Downtown Framework Plan Goal A Policy 1, which supports and encourages new higher-density mixed-use growth in the vicinity of Tuality/Pacific University's Health Professions Campus area.

Four Station Community zones are applicable within the Downtown Plan District: SCC-DT Station Community Commercial - Downtown; SCR-HD Station Community Residential – High Density; SCR-MD Station Community Residential – Medium Density; and, SCR-LD Station Community Residential – Low Density. The SCC-DT zone (Subchapter 12.23.300) implements the Downtown Core Vision Statement from the Downtown Framework Plan and no substantive changes are proposed for this zone. Proposed amendments to SCR-HD include revised allowances for transit facilities and commercial footprint limitations for the residential and mixed-use Station Community zones.

The development and design standards in Section 12.61 Downtown Plan District reflect minor revisions to standards that were recently updated for the Downtown Plan District and zones to provide greater clarity and consistency with CDC formatting. Minor amendments proposed for the Downtown SCPAs include: replacing the outdated “major Pedestrian Route” term with the current Active Streets standards; and deleting minimum Floor Area Ratios from the SCR-DNC zone (which severely limits commercial uses). Modifications to Subchapter 12.50 Development and Design Standards related to bicycle, pedestrian and transit modes of transportation (see findings under Section 13) are also consistent with the goals of the Hillsboro Downtown Framework Plan.

Conclusion: Proposed revisions are consistent with the applicable goals and policies in the Hillsboro Downtown Framework Plan.

SECTION 28. AMBERGLEN COMMUNITY PLAN

The goals of the AmberGlen Community Plan are as follows:

Goal 1: Design high density urban development to fit within, complement and enhance the natural environment to create a landmark identity and to provide community and ecological benefits.

Goal 2: Provide a range of recreation opportunities for residents, employees and community members.

Goal 3: Protect natural resources and enhance opportunities for people to be in contact with natural systems.

Goal 4: Create a vibrant, mixed-use urban community with a landmark identity.

Goal 5: Create a model for environmentally sustainable community development.

Goal 6: Support the development of a balanced, multimodal transportation system serving residents, employees, and visitors.

Goal 7: Incorporate sustainable features, methods and materials into the design and construction of the transportation system.

Goal 8: Ensure adequate capacity, quality, and efficient delivery of water, sanitary sewer, stormwater and public safety services to support planned development.

Goal 9: Support a vital and sustainable economy within the AmberGlen Community Plan Area.

Goal 10: Identify and implement funding strategies to support creation of an economical vital, mixed-use district.

Goal 11: Identify strategic public investments to leverage widespread and sustained private investment.

Goal 12: Expand economic activity and the jobs base within the AmberGlen Plan Area through the recognition that quality of life issues are critical to successfully attracting and retaining professional and support jobs in a global marketplace.

Findings: Subchapter 12.64 Amberglen Plan District generally reorganizes and reformats existing Section 143 provisions to match the format of the CDC and delete redundant sections that are now addressed in other CDC Subchapters, primarily 12.50 (Development and Design Standards) and 12.80 (Applications). Proposed reorganization better identifies those plan district standards which supersede the requirements of Subchapter 12.50. A few standards specific to the Plan District have been revised for clarification, and those redundant with general standards in Subchapter 12.50 have been deleted.

Six base zones apply within the AmberGlen Plan District: UC-RM Urban Center – Residential Medium Density; UC-MU Urban Center – Mixed Use Urban Density; UC-AC Urban Center – Activity Center; UC-NC Urban Center – Neighborhood Center; UC-OR Urban Center –

Office/Research; and, UC-RP Urban Center – Research Park. Changes to these zone districts are limited and include additional language permitting transit facilities, clarifying that lot frontage is the same as lot width (UC-RM, UC-MU and UC-AC), and prohibiting secondary dwelling units as accessory uses in UC-MU. Proposed additions to the Urban Center zones permitting transit facilities outright and park-and-ride facilities through a conditional use permit Use Categories tables are consistent with policies under Goal 6 that support and promote transit.

Conclusion: Proposed amendments are consistent with the goals and policies of the AmberGlen Community Plan.

SECTION 30. NORTH HILLSBORO INDUSTRIAL AREA COMMUNITY PLAN

The goal of this Section of the Plan is to identify land planning and design concepts for the North Hillsboro Industrial Area to guide land use, development, and public facilities to expand opportunities for job creation and expand and diversify Hillsboro’s industrial economic base. Policies address preservation of large-lot industrial areas prior to annexation and planning for commercial nodes and preserving natural and historic resources on these site. Policy also states that aesthetically attractive, well-designed industrial development shall be provided within every development site in the North Hillsboro Industrial Area.

Findings: Subchapter 12.25 Industrial Zones renames, consolidates and reformats the eight industrial zones into a single subchapter: I-G (formerly M-2), I-P (formerly M-P), I-S, SC-BP, SCI, SSID, ESID and HSID. The Special Industrial Districts (SSID, ESID and HSID) implement portions of the North Hillsboro Industrial Area Community Plan. The proposed amendments include reducing the side setback adjacent to non-residential zones, as well as clarifying distribution uses in ESID and HSID. Housing types were also added in the use tables in the Special Industrial Districts Subchapters, to carry forward the existing prohibitions against housing (except caretaker’s dwellings) in most of the industrial zones.

Conclusion: The proposed changes to the Special Industrial Districts are consistent with the North Hillsboro Industrial Area Community Plan.

6 COMPLIANCE WITH STATE AND REGIONAL REQUIREMENTS

6.1 STATEWIDE REQUIREMENTS

TRANSPORTATION PLANNING RULE

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Findings: The CDC largely represents a consolidation and reformatting of the city's existing land use regulations. As noted above, the standards in 12.50 establish street connectivity and access requirements, design standards for public and private streets and alley improvements, sidewalks, and street trees. Where existing provisions have been updated, the modifications codify current staff and Planning Commission practices in a manner consistent with the City's adopted Transportation System Plan and Design and Construction (D & C) Standards. None of the modifications proposed are expected to result in a significant affect on a transportation facility.

Conclusion: The applicable requirements of the Transportation Planning Rule have been met.

METROPOLITAN HOUSING RULE

OAR 660-007-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Findings: The CDC standardizes use categories, with each residential zoning chapter including a table that summarizes allowed housing types in each zone. Use categories provide the distinction between residential uses – Group and Household Living – and housing types, such as single-dwelling detached housing; single-dwelling attached including duplexes, triplexes and townhouses; multi-dwelling buildings, and accessory dwelling units. By organizing and illustrating Housing Types and Use Categories in tables and in figures, the city is better communicating clear and objective standards related to needed housing.

As shown in Attachment B and discussed in findings under the heading Compliance with the City of Hillsboro Comprehensive Plan (Section 3 Housing), there are a limited number of proposed modifications to single- and multi-family standards that represent a change from current standards. Consistent with the 2008 legal audit of the City's existing regulations, these changes are intended to provide clear and objective standards for needed housing. The Residential Design Standards in Subchapter 12.50 establish standards for Detached Single Family, Duplexes Townhouses and Multi-Family Residential Developments. These standards

have been reorganized and are now a consistent format for clarity. The problematic “non-repetitive architecture” standards (which require comparison among building permits within a block face) have been replaced with a clear and objective set of standards that requires two or more articulation elements and “detailed design elements” on every elevation facing a public street. Also, new standards for waste and recycling facilities have been added which are based on specifications required by haulers.

Conclusion: The applicable requirements of the Metropolitan Housing Rule have been met.

OREGON REVISED STATUTES

Chapter 92 — Subdivisions and Partitions

92.044 Adoption of standards and procedures governing approval of plats and plans; delegation; fees. (1)(a) The governing body of a county or a city shall, by regulation or ordinance, adopt standards and procedures, in addition to those otherwise provided by law, governing, in the area over which the county or the city has jurisdiction under ORS 92.042, the submission and approval of tentative plans and plats of subdivisions, tentative plans and plats of partitions in exclusive farm use zones established under ORS 215.203.

(b) The standards shall include, taking into consideration the location and surrounding area of the proposed subdivisions or partitions, requirements for:

(A) Placement of utilities subject to subsection (7) of this section, for the width and location of streets or for minimum lot sizes and other requirements the governing body considers necessary for lessening congestion in the streets;

(B) Securing safety from fire, flood, slides, pollution or other dangers;

(C) Providing adequate light and air including protection and assurance of access to incident solar radiation for potential future use;

(D) Preventing overcrowding of land;

(E) Facilitating adequate provision of transportation, water supply, sewerage, drainage, education, recreation or other needs; and

(F) Protection and assurance of access to wind for potential electrical generation or mechanical application.

(c) The ordinances or regulations shall establish the form and contents of tentative plans of partitions and subdivisions submitted for approval.

(d) The procedures established by each ordinance or regulation shall provide for the coordination in the review of the tentative plan of any subdivision or partition with all affected city, county, state and federal agencies and all affected special districts.

(2)(a) The governing body of a city or county may provide for the delegation of any of its lawful functions with respect to subdivisions and partitions to the planning commission of the

city or county or to an official of the city or county appointed by the governing body for such purpose.

(b) If an ordinance or regulation adopted under this section includes the delegation to a planning commission or appointed official of the power to take final action approving or disapproving a tentative plan for a subdivision or partition, such ordinance or regulation may also provide for appeal to the governing body from such approval or disapproval.

(c) The governing body may establish, by ordinance or regulation, a fee to be charged for an appeal under ORS chapter 197, 215 or 227, except for an appeal under ORS 197.805 to 197.855.

(3) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon proposed subdivisions that are submitted for approval pursuant to this section. As used in this subsection, “costs” does not include costs for which fees are prescribed under ORS 92.100 and 205.350.

(4) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon proposed partitions that are submitted for approval pursuant to this section.

(5) Ordinances and regulations adopted under this section shall be adopted in accordance with ORS 92.048.

(6) Any ordinance or regulation adopted under this section shall comply with the comprehensive plan for the city or county adopting the ordinance or regulation.

(7) Unless specifically requested by a public or private utility provider, the governing body of a city or county may not require a utility easement except for a utility easement abutting a street. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

(8) For the purposes of this section:

(a) “Incident solar radiation” means solar energy falling upon a given surface area.

(b) “Wind” means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour.

92.046 Adoption of regulations governing approval of partitioning of land; delegation; fees.

(1) The governing body of a county or a city may, as provided in ORS 92.048, when reasonably necessary to accomplish the orderly development of the land within the jurisdiction of such county or city under ORS 92.042 and to promote the public health, safety and general welfare of the county or city, adopt regulations or ordinances governing approval, by the county or city of proposed partitions. Such regulations or ordinances shall be applicable throughout the area over which the county or city has jurisdiction under ORS 92.042, or over any portion thereof. Such ordinances or regulations may specify the classifications of such partitions which require approval under this section and may establish standards and procedures governing the approval

of tentative plans for such partitions. The standards may include all, or less than all, of the same requirements as are provided or authorized for subdivisions under ORS 92.010 to 92.192 and may provide for different standards and procedures for different classifications of such partitions so long as the standards are no more stringent than are imposed by the city or county in connection with subdivisions.

(2) Such ordinances or regulations may establish the form and contents of the tentative plans of partitions submitted for approval.

(3)(a) The governing body of a city or county may provide for the delegation of any of its lawful functions with respect to partitions to the planning commission of the city or county or to an official of the city or county appointed by the governing body for such purpose.

(b) If an ordinance or regulation adopted under this section includes the delegation to a planning commission or appointed official of the power to take final action approving or disapproving a tentative plan for a partition, such ordinance or regulation may also provide for appeal to the governing body from such approval or disapproval and require initiation of any such appeal within 10 days after the date of the approval or disapproval from which the appeal is taken.

(c) The governing body may establish, by ordinance or regulation, a fee to be charged for an appeal under ORS chapter 197, 215 or 227, except for an appeal under ORS 197.805 to 197.855.

(4) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon applications for approval of proposed partitions.

(5) No tentative plan of a proposed partition may be approved unless the tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under this section that are then in effect for the city or county within which the land described in the tentative plan is situated.

(6) Any ordinance or regulation adopted under this section shall comply with the comprehensive plan for the city or county adopting the ordinance or regulation.

Findings: The CDC updates and consolidates all information on Procedures into a single chapter (12.70); all Applications are consolidated into a single chapter (12.80) in the CDC. The 2008 legal audit served as the guide for the Procedures chapter; state statutes, administrative rules and procedural issues identified in the legal audit have been addressed in the consolidated Procedures Subchapter. A Preliminary Subdivision Plat requires a Type II or Type III procedure, depending on land use and size; Partitions require a Type II process.

A comprehensive table is included in Chapter 12.70 to provide a quick reference to the procedure type; this table includes cross-reference to the applicable code section/criteria for each land use application, including land division. Subchapter 12.80 provides approval criteria for each land use application and provides cross-references to the procedure type that governs the decision-making process (Type I – IV) and to the Code standards applicable to the particular application.

The procedures provide for the coordination in the review of the tentative plan of any subdivision or partition with all affected city, county, state and federal agencies and all affected special districts. Subchapter 12.80 is organized to follow a standardized format and include similar types of information for each Application type and establish the form and contents of tentative plans of partitions (12.80.096) and subdivisions (12.80.098) submitted for approval. The proposed standards for partitions are no more stringent than those that would be imposed by the city in connection with subdivisions. The CDC's consistent and standardized format facilitates easy identification of the review procedure and approval criteria for each application, thus making the code easier to understand and administer for customers, staff and review authorities.

As found above, the policy changes from the prior Subdivision Ordinance and Zoning Ordinance are limited in scope. The previous regulations were acknowledged as compliant with applicable state law, further demonstrating the new CDC's compliance with these requirements.

Conclusion: The applicable state standards and procedures governing land division have been met.

Chapter 197 — Comprehensive Land Use Planning

197.303 “Needed housing” defined. (1) As used in ORS 197.307, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section shall not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for

persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

Findings: Generally, the reorganization of the city's housing zones further the city's housing goals by giving developers more clarity and certainty and, thereby, making it easier to develop housing. The new Group Living and Residential Services use categories clarify existing definitions, provide consistent requirements across multiple zones, comply with state and federal regulations, and provide clarity to housing providers and neighborhoods.

As shown in Attachment B and discussed in findings under the heading Compliance with the City of Hillsboro Comprehensive Plan (Section 3 Housing), there are a limited number of proposed modifications to single- and multi-family standards that represent a change from current standards. Consistent with the 2008 legal audit, these changes are intended to provide clear and objective standards for needed housing. The Residential Design Standards in Section 12.50.700 for establish standards for Detached Single Family, Duplexes Townhouses and Multi-Family Residential Developments. These standards have been reorganized and are now a consistent format for clarity. The problematic "non-repetitive architecture" standards (which

require comparison among building permits within a block face) have been replaced with a clear and objective set of standards that requires two or more articulation elements and “detailed design elements” on every elevation facing a public street. Also, new standards for waste and recycling facilities have been added which are based on specifications required by haulers.

The standards for Manufactured Dwellings Placed Outside of Parks, which are included in Section 12.40.190, are consistent with the City’s existing standards. With the exception of deleting the requirement for garages or carports (which are not required for site-built houses), no changes other than formatting have been made to this section.

Proposed amendments are consistent with the city’s goals of providing housing sufficient to meet the needs of Hillsboro residents and will not have a negative impact on the city’s ability to provide needed housing.

Conclusion: The applicable regulations governing needed housing have been met.

SPECIAL RESIDENCES

197.660 Definitions. As used in ORS 197.660 to 197.670, 215.213, 215.263, 215.283, 215.284 and 443.422:

(1) “Residential facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, 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 shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(2) “Residential home” means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 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 shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(3) “Zoning requirement” means any standard, criteria, condition, review procedure, permit requirement or other requirement adopted by a city or county under the authority of ORS chapter 215 or 227 that applies to the approval or siting of a residential facility or residential home. A zoning requirement does not include a state or local health, safety, building, occupancy or fire code requirement.

197.663 Legislative findings. The Legislative Assembly finds and declares that:

(1) It is the policy of this state that persons with disabilities and elderly persons are entitled to live as normally as possible within communities and should not be excluded from communities because their disability or age requires them to live in groups;

(2) There is a growing need for residential homes and residential facilities to provide quality care and protection for persons with disabilities and elderly persons and to prevent inappropriate placement of such persons in state institutions and nursing homes;

(3) It is often difficult to site and establish residential homes and residential facilities in the communities of this state;

(4) To meet the growing need for residential homes and residential facilities, it is the policy of this state that residential homes and residential facilities shall be considered a residential use of property for zoning purposes; and

(5) It is the policy of this state to integrate residential facilities into the communities of this state. The objective of integration cannot be accomplished if residential facilities are concentrated in any one area.

197.665 Locations of residential homes. (1) Residential homes shall be a permitted use in:

(a) Any residential zone, including a residential zone which allows a single-family dwelling; and

(b) Any commercial zone which allows a single-family dwelling.

(2) A city or county may not impose any zoning requirement on the establishment and maintenance of a residential home in a zone described in subsection (1) of this section that is more restrictive than a zoning requirement imposed on a single-family dwelling in the same zone.

(3) A city or county may:

(a) Allow a residential home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose zoning requirements on the establishment of a residential home in areas described in paragraph (a) of this subsection, provided that these requirements are no more restrictive than those imposed on other nonfarm single-family dwellings in the same zone; and

(c) Allow a division of land for a residential home in an exclusive farm use zone only as described in ORS 215.263 (9).

197.667 Location of residential facility; application and supporting documentation. (1) A residential facility shall be a permitted use in any zone where multifamily residential uses are a permitted use.

(2) A residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use.

(3) A city or county may allow a residential facility in a residential zone other than those zones described in subsections (1) and (2) of this section, including a zone where a single-family dwelling is allowed.

(4) A city or county may require an applicant proposing to site a residential facility within its jurisdiction to supply the city or county with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.410 to 192.505. However, cities and counties shall not require independent proof of the same conditions that have been required by the Department of Human Services under ORS 418.205 to 418.327 for licensing of a residential facility.

197.670 Zoning requirements and prohibitions for residential homes and residential facilities. (1) As of October 3, 1989, no city or county shall:

(a) Deny an application for the siting of a residential home in a residential or commercial zone described in ORS 197.665 (1).

(b) Deny an application for the siting of a residential facility in a zone where multifamily residential uses are allowed, unless the city or county has adopted a siting procedure which implements the requirements of ORS 197.667.

(2) Every city and county shall amend its zoning ordinance to comply with ORS 197.660 to 197.667 as part of periodic land use plan review occurring after January 1, 1990. Nothing in this section prohibits a city or county from amending its zoning ordinance prior to periodic review. [1989 c.564 §6]

Findings: The reorganization of the city's zoning code maintains the City's current compliance with state law requirements regarding Residential Facilities and Residential Homes by continuing to permit: (1) Residential Homes by right in any residential zone, including a residential zone which allows a single-family dwelling and any commercial zone which allows a single-family dwelling; and (2) Residential facilities in any zone where multifamily residential uses are a permitted use. In addition, the amendments further the purposes set forth in ORS 197.663 by giving developers more clarity and certainty and, thereby, making it easier to develop Residential Facilities and Residential Homes. Specifically, the new Group Living and Residential Services use categories clarify existing definitions, provide consistent requirements across multiple zones, comply with state and federal regulations, and provide clarity to housing providers and neighborhoods.

The amendments also ensure the City's continued compliance with the Federal Fair Housing Act Amendments (42 U.S.C. 3601 et seq.) and the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.) by providing additional clarity regarding the reasonable accommodation process and maintaining provisions from the existing code that provide additional opportunities for persons with disabilities to live together in group living situations. Although requests were made for additional amendments to the code's regulation of Group Living and Residential Services use categories, such requests fall outside the scope of this project and the goals set forth in the introduction above. As a result, the City has not addressed those additional requests, but rather has informed the public of its plans to do so as part of its upcoming Comprehensive Plan update and is committed to working with interested parties on those topics during that process.

Conclusion: The applicable regulations governing special residences have been met.

6.2 REGIONAL REQUIREMENTS

TITLE 8: COMPLIANCE PROCEDURES

3.07.810 Compliance with the Functional Plan

A. The purposes of this chapter are to establish a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in section 3.07.1010.

B. Cities and counties shall amend their comprehensive plans and land use regulations to comply with the functional plan, or an amendment to the functional plan, within two years after acknowledgement of the functional plan or amendment, or after any later date specified by the Metro Council in the ordinance adopting or amending the functional plan. The COO shall notify cities and counties of the acknowledgment date and compliance dates described in subsections C and D.

C. After one year following acknowledgment of a functional plan requirement, cities and counties that amend their comprehensive plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.

Findings: As documented in Metro's 2012 Compliance Report, the City of Hillsboro is in compliance with Title 1 Housing Capacity, Title 3 Water Quality & Flood Management, Title 4 Industrial and other Employment Land, Title 7 Housing Choice, Title 11 Planning for New Urban Areas, and Title 13 Nature in Neighborhoods.

Regarding modifications related to housing, the CDC represents a reorganization of the city's housing zones to make it easier to find key information and compare the differences among categories of zones (single-family, multi-family, or mixed use) and to identify what housing types are allowed in each zone. As shown in Attachment B, there are a limited number of proposed modifications to single- and multi-family standards that represent a change from current standards, including proposed height increases and minimum/maximum lot sizes for select zones, and the clarification of where Group Living and Residential Services are permitted. In addition, one change to density calculations for large apartments is proposed. In Section 12.50, a 4+-bedroom multi-family residential dwelling may be counted by the developer as two dwelling units for purposes of density, usable open space, and parking. Planning Commission supported this change with a maximum 20% limitation on the number of larger (4+-bedroom) units in a project. These proposed changes do not affect Hillsboro's ability to meet regional housing density requirements and are in conformance with the Urban Growth Management Functional Plan.

The City will remain in compliance with Title 3 and Title 13 upon adoption of the CDC. Proposed amendments include consolidating four of the five of existing City's overlay zones - including the RFO Regulatory Floodplain Overlay and SNRO Significant Natural Resources Overlay - into CDC Subchapter 12.27. Generally, overlay zone provisions do not change Use Category status for the development standards of the underlying base zone and the use and standards tables for the RFO and SNRO overlay zones have been retained for continuity.

Proposed amendments do not diminish the City's ability to protect industrial land for employment uses, as required by Title 4. CDC Subchapter 12.25, Industrial Zones, illustrates the consolidation and reformatting of eight industrial zones. The majority of amendments to the industrial zones are proposed to ensure that there are common elements across all eight zones within the Subchapter. Other amendments address procedural consistency and provide clarity regarding the types of uses allowed. The increased clarity in the City's regulations will provide certainty to the development community and will help attract and facilitate the siting of industrial development.

Title 2 of the Urban Growth Management Functional Plan was repealed in 2010 and added to Metro Code Chapter 3.08 Regional Transportation Functional Plan (Ordinance 10 - 1241B). At that time, Hillsboro was in compliance with regional parking management requirements (Metro 2010 Compliance Report). The CDC is based on a shift to the 10nsure that there are common elemen12.10 provides the details on the use categories. The CDC also consolidates all city-wide development and design standards into a single Subchapter 12.50 and provides a more consistent set of standards for use citywide. The parking standards in Subchapter 12.50 have been reorganized and revised to provide consistency with the new Use Classification system and to provide a more unified set of standards for all zones. Some minor changes to the amount of parking required and the dimensions of parking spaces have been made, including adding the option of counting 4+ bedroom multi-family units as two units or the purposes of calculating parking. These proposed changes will not significantly modify adopted city standards related to regional parking management requirements.

Also in Subchapter 12.50, as listed in Section 4 of this report (Modifications by Subchapter), there are minor modifications proposed to bicycle parking and access and street standards. These and other code sections related to the requirements of the Regional Transportation Functional Plan will be reassessed when Hillsboro updates the 2004 Transportation System Plan, beginning in 2015.

Conclusion: The applicable requirements of the Urban Growth Management Functional Plan have been met.

EXHIBIT B-1
(Findings)

Overview: The Community Development Code (CDC) has been processed as both a Zoning Ordinance Amendment (pursuant to Hillsboro Zoning Ordinance Sections 112-116) and a Subdivision Ordinance Amendment (pursuant to Hillsboro Subdivision Ordinance Article IX). Although the Zoning Ordinance and the Subdivision Ordinance each require public of a notice in a newspaper of general circulation for amendments to their texts, no additional formal public involvement or outreach is required. However, recognizing the extent of these amendments and their impact on the community, the City undertook a vigorous public outreach and involvement effort to raise public awareness and solicit comments on the draft CDC. The new CDC is proposed to entirely replace the existing Hillsboro Zoning Ordinance (HZO) and Subdivision Ordinance with minor exceptions related to special regulations affecting the Hillsboro Airport.

Creation of the CAC: During the three-year period of draft review prior to initiation, the Planning Commission held multiple work sessions to review drafts of CDC sections. With the Planning Commission, members of the Code Advisory Committee (CAC) also reviewed the drafts and provided comments. Appointments to the CAC were recommended by staff, based on the members' areas of expertise and previous community commitment, and were then confirmed by City Council in 2009. Members of the CAC included the following:

John Godsey	representing social services and affordable housing Interests; retired civil engineer; former City Councilor
Marilynn Helzerman	citizen at large
Drake Hood	citizen at large; licensed attorney; Hearings Board Member
Ralph Hill	representing Hillsboro Chamber of Commerce; retired architect
Roger Neu	representing Portland Metro Area Homebuilders Association

CIAC Involvement prior to Initiation: Prior to initiation in February 2013, the Planning Commission (acting as the Citizen Involvement Advisory Committee (CIAC)) endorsed a "public outreach plan" described below for the CDC. The CIAC staff report and attachments are included in the Record.

Initiation Draft: The "initiation draft" of the CDC included three specific formatting features to provide information to reviewers:

- 1) To reflect the retention of existing language, the draft CDC is in a "rainbow" format, in which varying colors identify the language source by document, as shown on the header of each page:
 - brown = Hillsboro Zoning Ordinance (HZO) Volume I
 - gold = HZO Volume I, Mixed Use zones and standards
 - blue = HZO Volume 2 (light rail zones)
 - aqua = HZO Volume 2, Section 143 (AmberGlen zoning)
 - red = Hillsboro Subdivision Ordinance (HSO)
 - pink = HSO Density, Design and Open Space Standards
 - purple = Hillsboro Comprehensive Plan (HCP)

- green = Hillsboro Municipal Code (HMC)
 - black = new text
 - ~~overstruck~~ = language to be deleted
- 2) “Cross walk references” cite the document and specific subsection from which the identified language was taken, or briefly describe why certain language was added, deleted, or relocated. In most cases, the text itself has been edited to improve clarity. Cross walk references appear in *[bracketed gray highlighted italics.]*
- 3) “Comment boxes” between sections explain why more significant language changes have been made or highlight outstanding larger issues or policy questions which should be resolved during the public hearing process. The following section of the staff report discusses the comment boxes in greater detail.

Comment boxes were shown in separate gray-shaded boxes, in italic typeface.

Public Notice and Draft Distribution following Initiation: In March 2013 following initiation, a mailed notice was sent to over 170 interested parties including a wide variety of past participants in the planning process:

- Citizen groups (community planning organizations; neighborhood organizations; homeowners associations)
- Development groups (Homebuilders Association; Westside Economic Alliance; NAIOP)
- Business groups (Hillsboro Chamber; Hillsboro Airport Business Association)
- Development consultants (planners; architects; attorneys; engineers; surveyors)
- Agencies (DLCD; Metro; Washington County; Clean Water Services; ODOT; Tri-Met)
- Community groups (non-profit housing and service providers; private schools)
- Developers (Holland Partners; Kaiser Permanente; PacTrust)

The public notice (also included in the Record) described the three formats in which the CDC was available:

- electronically on the city’s website
- on disc (for purchase at nominal cost estimated at less than \$5.00)
- in hard copy (available at City hall and the two library branches)

Group Meetings with Interested Parties: The notice sent in March 2013 included an offer to meet with interested groups to present a summary of the CDC and to receive comments. Four groups took advantage of this offer:

- Hillsboro Chamber of Commerce (two meetings - March 2013 and March 2014)
- Homebuilders Association (one meeting in November 2013)
- NAIOP (one meeting in November 2013)
- Group Living providers (two meetings - May 2013 and June 2014)

The same offer was made to three community planning organizations (CPOs): CPO 7; 8; and 9: none of the CPOs requested a meeting.

Newspaper Notices and Articles: Pursuant to Zoning Ordinance Section 116, notice of the Planning Commission public hearings was published three times in the Hillsboro Argus in March and April 2013. The Oregonian ran an article on the CDC process in July 2013 (attached as Exhibit A-1).

Public Hearings, Testimony, and Work Sessions: The Planning Commission public hearing on the CDC was opened on April 10, 2013 and was continued 18 times, closing on June 25, 2014. During that time, 25 parties testified either in person or by letter or e-mail: several parties testified multiple times. During the same period, the Planning Commission also held 22 work sessions, including two joint work sessions with City Council. Meeting times and agendas for all public hearings and work sessions were available on the city's web site seven days in advance of the meetings. All hearings and work sessions were open to the public and were held in the evening, consistent with the City's policy to provide better opportunity for citizen participation.

Public Notice and Distribution of Second Review Draft: In April 2014, a Second Review Draft of the CDC was completed: this draft included the Planning Commission's resolution of the majority of the "comment boxes" and additional changes made either in response to public testimony or bas recommended by staff. The changes were documented in four tables:

- Unresolved Issues in Second Review Draft
- Public Testimony Summary
- Consolidated "Comment Box" Determinations by the Planning Commission
- Final Staff Revisions (many of which were redundant with the public comments and Planning Commission determinations)

In April 2014 a second public notice advising of the availability of the Second Review Draft was sent to all parties of record and to the same list of parties who received the first notice in March 2013, advising them of the availability of the Second Review Draft.

Notice of Decision and Distribution of Recommendation Draft: Following closure of the public hearing on June 25, 2014, the Planning Commission adopted Orders No. 8118 and 8119, recommending approval of the Recommendation Draft and the supporting findings. Parties of record were notified of the Planning Commission's decision and advised of their opportunity to request a public hearing before the City Council, with a deadline of July 10th. On July 15th, the City Council received the Planning Commission's recommendation.

EXHIBIT B-2
(Summary Descriptions of Community Development Code Impacts)

Section 12.01 General Provisions

Section Number	Revision	Reason for Revision	Estimated Impact t
12.01	General provisions carried forward from current HZO. Several subsections added: Comprehensive Plan Implementation; Participants; Abbreviations and Acronyms. Definitions supplemented and updated.	Sections added to improve functionality and update Code.	Minimal.

Section 12.10 Use Categories

Section number	Revision	Reasons for Revision	Estimated Impact
12.10.120 and 12.10.130	Group Living and Residential Services Use Categories added and defined.	Categories created to recognize distinct qualities of such uses, and to establish consistent terminology for the uses among all zones where they are permitted.	Impact described in zone sections below.
12.10.450	Major Assembly Facilities Use Category added and defined to include religious and secular facilities	Although HZO Section 65A currently allows churches in existing industrial buildings in the M-P zone, the City does not allow churches in new buildings. However, conference centers in new buildings are allowed as a conditional use. Federal law (RLUIPA) prohibits allowing a secular assembly use outright if a religious assembly use is permitted only conditionally or is prohibited. This revision is reflected in the application of the Major Assembly Facilities category in individual zones.	In zones where “religious institutions” were permitted with Conditional Use (CU) approval, such uses remain permitted by CU. Religious facilities and secular assembly facilities now permitted with CU approval in the I-P zone.

Section 12.21 Single Family Residential Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.21.130; 12.21.230; 12.21.330; 12.21.430; 12.21.530; 12.21.630; 12.21.730; 12.21.830	Specify Group Living and Residential Services uses in the SFR zones; prohibit residential facilities and group living facilities in SFR zones; provide for Director's Interpretation of Reasonable Accommodation (DIRA) for "Group Homes".	<ol style="list-style-type: none"> 1) State law does not require Residential Facilities (6-15 care recipients to be permitted in single family zones. However, need may exist for facilities larger than the 8 residents with disabilities that are permitted outright. The DIRA process will allow review of such facilities on an individual basis. 2) Group Living Facilities are currently permitted as conditional uses in SFR zones. Some group living facilities exist for persons with disabilities, but no CU applications have been received. The more likely location for higher intensity uses is in centers and corridors rather than in SFR zones. Revision excludes group living facilities as a category, but "group homes" for persons with disabilities are permitted with a DIRA. 3) The SCR-DNC zone currently allows multi-family residential uses outright, subject to building size limitations. Group living and residential facilities are therefore permitted in the SCR-DNC, subject to density standards and building size limitations. 	Little estimated impact due to availability of the DIRA process. Improved clarity of regulations should reduce confusion on this issue.
12.21.650	Add ½ story to current 2 story maximum height in SCR-LD zone	Consistency with standard SFR zones which abut SCR-LD at the perimeter of station areas	New construction in SCR-LD may include ½ story dormers.
12.21.850	Increase minimum lot sizes in SCR-DNC	Current lot sizes are inconsistent with specified densities.	Current smaller lot sizes will allow construction consistent with specified densities.
12.21.850	Add ½ story to current 2 story maximum height in SCR-DNC	Consistency with standard SFR zones; also allows construction of dormers consistent with historic architectural styles in downtown.	New construction in SCR-DNC may include ½ story dormers.

Section 12.22 Multi-Family Residential Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.22.130; 12.22.230; 12.22.330; 12.22.430; 12.22.530	Specify Group Living and Residential Services uses in the MFR zones; allow Residential Services outright if consistent with residential density.	<p>1) State law requires Residential Facilities (6-15 care recipients) and group living facilities to be permitted in multi-family zones.</p> <p>2) The impact of a large Residential Services facility is similar to that of a large multi-family development: if the latter does not require CU approve, neither should the former. However, increases in density for either development type should be approved through a PUD (which is now the only process by which residential density can be increased).</p>	Little estimated impact on majority of projects: applications for increased density would be subject to a different Type III application.
12.22.250	Add ½ story to current 2½ story maximum height in MFR-2	3 story height is an industry standard for multi-family residential.	New construction in MFR-2 could be built to 3-story height. Several developments have already been built at this height due to loopholes in methodology.
12.22.450	Add commercial footprint limitation in SCR-MD	Currently in HZO Section 136 II HH, “neighborhood commercial” uses distinguish between single and multi-tenant buildings, but have no limit on footprint size for mixed use buildings. “Mixed Use Big Box” is inconsistent with the residential character of the SCR-MD zone and the intent of the “neighborhood commercial” limitation.	Future mixed use construction will be limited to a 20,000 sq. ft. footprint per building. No applications have ever been received for any larger MU buildings in this zone.
12.22.530	Revise allowances for transit facilities in SCR-HD: allow transit facilities as permitted park and ride facilities as conditional uses; and storage and maintenance yards as not permitted.	Consistency with other multi-family residential zones; recognition that “transit facilities” is a broader category which may include benign uses or undesirable uses.	All transit uses remain subject to either Type II or Type III process; public participation retained in review.
12.22.550	Add commercial footprint limitation in SCR-HD	Currently in HZO Section 136 II HH, “neighborhood commercial” uses distinguish between single and multi-tenant buildings, but have no limit on footprint size for mixed use buildings. “Mixed Use Big Box” is inconsistent with the residential character of the SCR-HD zone and the intent of the “neighborhood commercial” limitation.	Future mixed use construction will be limited to a 20,000 sq. ft. footprint per building. No applications have ever been received for any larger MU buildings in this zone.
12.22560	Revise minimum and maximum lot sizes in SCR-HD	Current lot sizes are inconsistent with specified densities; revised for consistency with MFR-3 zone of similar density.	New lot size will allow construction consistent with specified densities.

Section 12.23 Commercial Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.23.130; 12.23.230; 12.23.330; 12.23.430; 12.23.530	Specify Group Living and Residential Services uses in the commercial zones; allow Residential Services outright if consistent with residential density.	<ol style="list-style-type: none"> 1) State law requires Residential Facilities (6-15 care recipients) and group living facilities to be permitted in any zones where multi-family development is permitted. The current provision for residential services with CU approval is retained in the C-G (formerly C-1) zone. 2) In light rail zones, the impact of a large Residential Services facility is similar to that of a large multi-family development: if the latter does not require CU approve, neither should the former. However, increases in density for either development type should be approved through a PUD (which is now the only process by which residential density can be increased). 	Little estimated impact on majority of projects: applications for increased density would be subject to a different Type III application.
12.23.160	Prohibit flag lots in C-N zone.	C-N zone lot sizes and locations (< 1 acre, usually on corner lots) are not conducive to efficient development (small scale commercial uses).	None - efficient development would naturally preclude flag lots.
12.23.330	Allow jails as Conditional Use rather than outright in SCC-DT zone.	Current HZO defines detention facilities as “community uses” which also include libraries, senior centers, community centers and religious institutions. Detention facilities are dissimilar to these other permitted uses and warrant an additional level of review.	Future expansions of detention facilities downtown will require Conditional Use approval.

Section 12.24 Mixed Use and Urban Center Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.23.130; 12.23.230; 12.23.330; 12.23.430; 12.23.530	Specify Group Living and Residential Services uses in Mixed Use and Urban center zones.	<p>1) Since State law requires group living facilities to be permitted in any zones where multi-family development is permitted, revision adds Group Living Facilities to MU zones.</p> <p>2) In UC zones, group living facilities are currently not addressed. Revision adds this category with language consistent with commercial zones.</p>	Little estimated impact on majority of projects: applications for increased density would be subject to a different Type III application.
12.24.160	Increase rear yard setback in MU-N	Current minimum is 5 feet: increase recommended to create usable back yards for residential uses, consistent with past increases in other residential zones. Applies only to residential structures; commercial setbacks not affected.	Future residential structures in MU-N will have usable back yards.
12.24.260	Add minimum and maximum residential densities to MU-C	Current HZO has no densities for MU-C and relies on Floor Area Ratios to determine density. Minimum densities were established to allow high intensity uses. No maximum densities were approved.	Maximum density will be controlled in part by building heights; minimum densities will assure the desired intensity of development.
12.24.260	Increase rear yard setback in MU-C	Current minimum is 5 feet: increase recommended to create usable back yards for residential uses, consistent with past increases in other residential zones. Applies only to residential structures; commercial setbacks not affected.	Future residential structures in MU-N will have usable back yards.
12.24.350	Add maximum footprint for commercial buildings in SCR-V	Currently in HZO Section 136 II HH, “neighborhood commercial” uses distinguish between single and multi-tenant buildings, but have no limit on footprint size for mixed use buildings. “Mixed Use Big Box” is inconsistent with the residential character of the SCR-V zone and the intent of the “neighborhood commercial” limitation.	Future mixed use construction will be limited to a 60,000 sq. ft. footprint per building.

Section 12.25 Industrial Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.25.450	Add sq. ft. limitations on commercial uses in SC-BP	SC-BP currently limits commercial uses to those “primarily serving the permitted uses of the district” which is similar to the “neighborhood commercial” language used elsewhere in HZO Volume II, but is vague and difficult to enforce. New limitations are based on the square footage limits for a fitness center in the M-P zone and the new maximum footprint for neighborhood commercial in the SCC-SC zone.	Future “commercial support uses” in the SC-BP zone will have a maximum 6,000 sq. ft. occupancy and 20,000 sq. ft. footprint, similar to those in the I-S zone.
12.25 / 41	Add sq. ft. limitations on commercial uses in SCI	SCI currently limits commercial uses to those “primarily serving the permitted uses of the district” which is similar to the “neighborhood commercial” language used elsewhere in HZO Volume II, but is vague and difficult to enforce. New limitations are based on the square footage limits for a fitness center in the M-P zone and the new maximum footprint for neighborhood commercial in the SCC-SC zone.	Future “commercial support uses” in the SCI zone will have a maximum 6,000 sq. ft. occupancy and 20,000 sq. ft. footprint, similar to those in the I-S zone.

Section 12.26 Institutional Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.26.130	Replace Concept Development Plan process with Planned Unit Development process in SCFI zone.	The CDP process is applicable only in light rail zones. It is a Type III process which can include “adjustments” and “alternatives” similar to the PUD, and was patterned after the PUD. To streamline the Code, the CDP process was eliminated altogether: zones or areas now requiring a CDP will require a PUD in the CDC.	None - both CDP and PUD are Type III processes with similar criteria and provision for adjustments or alternatives.

Section 12.27 Overlay Zones

Section number	Revision	Reasons for Revision	Estimated Impact
12.27.250 C	Change building permit to development permit in CRO	Current reference to “building permit” does not include other types of permits such as grading and erosion control which may impact resource areas. New term “development permit” includes such other permits.	None in practice - city currently applies this provision to “development permits” as well as “building permits”.
12.27.300	Miscellaneous revisions were recommended by the State Historic Preservation Office.	Due to time constraints, these revisions were not made.	SHPO revisions to be considered in future.
12.27.330 D	Require hearing to remove a site from the Cultural Resource Inventory	Current code requires hearings to alter, demolish, or relocate resources structures, but not to remove a site from the Inventory (if merited) following such action.	None - hearings for removal can be processed concurrently with hearings for alteration, demolition, or relocation as necessary.

Section 12.30 Non-Conforming Situations

Section number	Revision	Reasons for Revision	Estimated Impact
12.30.400	Revise current language regarding alteration “or extension” Non Conforming structures for clarity.	Current language is unclear regarding extensions of NC structures which enlarge the structure but do not increase the deviation. New language clarifies that extension that do not increase the deviation or enlarge the structure are exempt from regulation.	None - new language is consistent with past staff interpretations of this section.

Section 12.40 Special Uses

Section number	Revision	Reasons for Revision	Estimated Impact
12.40120	Delete outdated standards for service stations	The deleted standards date from 1972, and concern procedures for station closure and/or abandonment. These have been superseded by state requirements.	None - newer state requirements overrode non-applicable standards.
12.40.150	Add locational standard for commercial child care facilities in residential zones	Commercial child care facilities general significant traffic impacts at peak hours. Requiring such facilities to be located on neighborhood routes or collector streets reduce negative traffic impacts inside neighborhoods.	Child care facilities will be located at the edges of residential neighborhoods, thereby mitigating traffic impacts that might otherwise have been required to be mitigated through the conditional use process. Home care facilities would not be affected.
12.40.170	Home Occupation parking requirements revised.	Current standard would allow multiple commercial vehicles to be parked at the dwelling if owned by multiple residents. Revised regulation allows only one commercial vehicle, thereby reducing on-street parking near adjacent residences.	Negative impacts of overflow parking from home occupations will be reduced. Since employment by non-residents is limited, it can be accommodated off-site.
12.40.180	Manufactured dwelling park zoning and density standards revised.	Current Section 77C allows MH parks “in any residential zone” but such uses are permitted only in the A-1 (MFR-1) zone. Revised language clarifies this contradiction.	None.
12.40.190 C	Delete requirement for carport or garage for manufactured dwellings.	Covered parking is not required for detached SFR, and should therefore not be required for manufactured dwellings.	Little impact anticipated - demand for manufactured dwellings outside parks is very low.
12.40.220	Add current practices for RV storage.	Add new subsection to codify current practices for RV storage	None - these standards are currently implemented through Development Review.
12.40.230	Revise SDU parking standard	Current standard cross-references to Section 84. Revised standard is more specific regarding independent accessibility of the SDU parking space, which is only implied in Section 84.	None - this standard is currently implemented through Development Review.
12.40.240	Add current practices for telecommunications facilities.	Add new subsection to codify current practices for telecommunications facilities.	None - these standards are currently implemented through Conditional Use and Development Review.
12.40.250	Add current practices for temporary commercial activities at stadiums.	Temporary commercial uses are not addressed in the current Code. Revision added at the request of the property owner, Hillsboro Parks Department.	None - revision codifies current practices which are implemented through the Temporary Use provisions of the Municipal Code.
12.40.270	Add standards for vehicle wrecking yards	Current language allows wrecking yards in the M-2 (I-G) zone as a conditional use. Revision adds operational standards based on Washington County Code.	None - there are currently no wrecking yards in the M-2 (I-G) zone. Any future yards would be subject to CU approval and imposition of conditions similar to the proposed standards.

Section 12.50 Standards

Section number	Revision	Reasons for Revision	Estimated Impact
12.50.120 C	Allow 4+ bedroom multi-family unit to be counted as 2 dwelling units at applicant's discretion.	Current density requirements discourage large multi-family units. Allowing 4+ bedroom units (with likely 5+ occupants) to be counted as 2 units incentivizes this housing type.	Provision of more 4+ bedroom apartments.
12.50.120 C	Revise assumed residential capacity on partially developed sites	Current language requires applications for partial development to "shadow plat" site remainder at maximum density. Revision codifies Planning Commission practice to allow assumed development at minimum density.	None - this standard is currently implemented.
12.50.120 C 3	Replace "shall" with may	Term "shall" implies a requirement for an action by the Review Authority which negates its ability to condition or deny an application. Change recommended by City Attorney.	None - Review Authority's decision will continue to be based on the merits of the case.
12.50.130 H 1 / 22	Change minimum setbacks for accessory structures	Current side setbacks are inconsistent with Building Code; and absence of reference to front building plane precludes construction on corner or multiple frontage lots	None - these standards are currently implemented.
12.50.140 B 5 and 6	Revise measurement standards for building heights	Existing standards are measured in stories for all types of buildings. Due to varying ceiling heights, current practice is to measure non-residential construction by feet. Revision allows mixed use, commercial and industrial buildings to be measured in feet at the rough equivalent of the current height in stories.	None - standards in feet were selected to be roughly equivalent to the height in stories.
12.50.140 E	Exempt energy equipment from building height	Current Code exempt structural parts common in the past (chimneys, belfries, elevator shafts). Revision adds modern parts of similar impact to the list of exemptions.	Energy generating equipment will be allowed as exemptions, similar to other exemptions with similar impacts.
12.50.210 F	Require 4+ bedroom multi-family units, if provided, to have "2 dwelling unit equivalent" of usable open space.	Current density requirements discourage large multi-family units. Allowing 4+ bedroom units (with likely 5+ occupants) to be counted as 2 units incentivizes this housing type.	Provision of more 4+ bedroom apartments.
12.50.220	Add new subsection on landscaping standards	Revision adds a new landscaping standards section, using existing language and new language which codifies current practices. Exceptions to the current practices include requirements for maintenance and for plans designed by professionals.	No impacts from applying standards already in practice, including preparation of plans by professionals. Obligations for landscaping maintenance are already partially addressed in the Fire and Nuisance sections of the Municipal Code.
12.50.230 B	Broaden tree preservation standards	The proposed tree preservation standards have been applied widely throughout the City without appeal, and the standards provide for hardship exceptions. The revision makes the Code consistent with current City practices.	None - these standards are currently in practice throughout the City.
12.50.240	Add new subsection on exterior lighting standards, including light trespass standards	Revision adds a new exterior lighting section. Clear light trespass standards from Section 143 will be applied throughout the city. The new language replaces a reference in current section 133 that "outdoor lighting be provided in a manner that ... avoids impacts on surrounding properties."	None - these standards are currently in practice throughout the City.
12.50.250	Revisions to fence, wall and hedge standards	Existing standards from HZO Volume I and DDOS revised based on previous Planning Commission direction and staff practice.	None - these standards are currently in practice throughout the City.
12.50.320 I	Require 4+ bedroom multi-family units, if provided, to have "2 dwelling unit equivalent" of parking	Current density requirements discourage large multi-family units. Allowing 4+ bedroom units (with likely 5+ occupants) to be counted as 2 units incentivizes this housing type.	Provision of more 4+ bedroom apartments.

Section 12.50 (continued) - reviewed in work sessions August 21st, September 25th, & October 23rd

Section number	Revision	Reasons for Revision	Estimated Impact
12.50.350 D	Delete standard for large parking lots near LRT	Based on land availability and present development patterns, it is highly unlikely that a new surface parking lot over 2.0 acres in area will be proposed within 800 feet of a light rail station.	None expected due to reasons stated.
12.50.410 C	Exempt certain housing types from communal bike parking standards	Revision exempts housing types with individual assigned and enclosed garage, carport, or storage spaces 80 sq. ft. or larger. Residents of these housing types are unlikely to park or store their bicycles in consolidated bike parking areas	Bicycle storage and parking opportunities in these housing types will be individual rather than communal.
12.50.240 C 1	Exempt industrial uses from on-site pedestrian standards	Provision of safe pedestrian connections among industrial sites would be compromised by industrial site traffic and storage. Industrial sites are not “destinations” for pedestrians.	None - the revision codifies existing practice.
12.50.450 8	Add minimum threshold for parking lot redevelopment concepts	Revision creates a minimum threshold for the requirement to submit parking redevelopment concepts. Current standard requires such concept even for small projects with minimal “excess” parking.	Small developments with minimal excess parking will be exempt from the standard.
12.50.560	Revise applicability of street tree standards	Street trees are currently explicitly required in subdivisions and PUDs, but the standard for Development Review is vague and obscure. Revision clarifies that street tree installation is required for all applications including street improvements.	None - the revision codifies existing practice.
12.50.620 A	Delete provision for utility reimbursement	Current Code allows Systems Development Charge (SDC) reimbursement, although City policy is now to provide SDC “credits” for over-sizing. Revision deletes the outdated provision.	None - the revision codifies existing practice.
12.50.630	Revise site grading standards.	Existing standards are vague and discretionary. Revision adds new clear and objective standards based on Beaverton language and current practices.	Site grading standards will be clear an objective for future applications.
12.50.640	Revise storm water management standards	Existing standards are vague and discretionary. Revision adds new clear and objective standards based on mandatory Clean Water Services’ requirements. Existing standard to integrate storm water facilities into site landscaping is retained.	None - the revision codifies existing practice.
12.50.710	Revise standards for residential design	Current standards are vague, discretionary, and difficult to implement. Revision involves replacing standards intended to create variety among unit with objective standards for each unit.	None - existing standards were rarely applied due to recession impacts. Homebuilders Association supports the more objective standards.
12.50.720 C 3	Revise standards for roof-mounted equipment	Current standard (“utilitarian functions shall be shielded from view”) is vague. Revision replaces this with clear and objective standards reflecting current practice and providing limited discretion for flexibility.	None - the revision codifies existing practice.
12.50.860	Add waste and recycling facilities standards	Revision adds new section specifying area, location and design standards for waste and recycling facilities, based on specifications required by haulers.	Revision will insure that facilities meet haulers’ requirements, avoiding issues after construction. Revision also codifies existing practice.
12.50910	Add public benefit standards purpose and applicability section	Public benefits are currently codified in HZO Section 143 for AmberGlen. However, this concept has been applied informally throughout the City as “earned incentives” to mitigate requests for variances or adjustments. The new section codifies these concepts throughout the city.	None for applications not including variances or adjustments; a higher level of consistency for review of applications under discretionary review.

Section 12.61 Downtown Plan District - reviewed in work session December 5th

Section number	Revision	Reasons for Revision	Estimated Impact
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12.61.700 D	Revise commercial uses in the Arterial Exception area	The current use specific list cannot be applied under the new Use Categories system, and was replaced with a rephrased equivalent.	None - permitted uses remain the same.
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Section 12.80 Applications

Section number	Revision	Reasons for Revision	Estimated Impact
12.80.040 H	Revise and add DR approval criteria	HZO Section 133 currently contains solely standards, with no criteria. Past practice has been that conformance with the standards was the single criterion for approval. The revision adds a new approval criteria section which continues to emphasize compliance with the standards (now in the separate standards section) but adds compatibility and mitigation.	None - the revision codifies existing practice. The Revision also clarifies the City's intent for this application type.
12.80.100 G	Clarify modification parameters.	During review of past modifications, applicant, opponents and the Planning Commission have debated the scope of the modifications, since no clear thresholds are specified in current Code. The revision codifies current Planning Commission and staff practice of limiting the scope of a modification to the modification itself, without "reopening" the earlier approval.	None - the revision codifies existing practice.
12.80.120 C	Clarify allowable uses in PUDs	Revision clarifies allowable use sin residential, commercial, and industrial zones. Current language is carried forward for the latter. Since there are no standards for uses in residential zones, the revision adds related uses including housing types otherwise not permitted, plus accessory uses.	None - the revision codifies existing practice.
12.80.120 K	Revise and add PUD approval criteria	HZO Section 127 III Standards and Criteria currently contains mainly standards and very few criteria. The new section is more specific, incorporating language from the purpose section and past Planning Commission policy.	Expectations for PUDs will be clarified for applicants and the community.
12.80.154	Add new subsection on Type II Adjustments.	Applicants requesting minor variances under a Type II DR process must currently receive approval under a Type III process. The revision adds a new section for "administrative variances" which can be requested and approved concurrently with the Type II application (usually DR or SUB). Tight limits (10% of a numerical standard) are placed on Type II Adjustments: larger variations remain a Type III process.	Applications including minor adjustments will be reviewed concurrently, reducing complexity and confusion. On a Type II Adjustment, parties retain the right of appeal to the Planning Commission.

EXHIBIT B-3
(Findings)

Policy Concerns Addressed in the Community Development Code

Private Streets:

Private streets have been allowed for over 10 years of in single family residential subdivisions and Planned Unit Developments, on smaller lots and infill developments where flag lots with common driveways were inadequate, but full width public streets and R-O-Ws were too much of a burden in both area and cost. The Density, Design and Open Space Standards adopted in 2007 as part of the Hillsboro Subdivision Ordinance (HSO) included standards for private streets, including limitations on length, number of lots accessed, and construction cross-sections, based on past Planning Commission policy reflected in conditions of approval on earlier developments.

Several years after completion of these developments, however, several homeowners' associations (HOAs) approached the city asking that their private streets approved decades ago be taken over by the City. Some of the earlier streets were not built to city standards initially and have been poorly (or not) maintained. In order to reduce or avoid distress and liability for future HOAs and pressure on the city to maintain substandard streets, Planning and Public Works staff were directed to find alternatives to creating private streets.

In 2013, the City adopted its revised and updated Design and Construction (D & C) Standards. The D & C Standards include cross sections for new "skinny" publicly-owned and maintained streets. Right-of-way widths on the new streets vary from 22 to 40 feet, and improvement widths vary from 20 to 38 feet. Sidewalks are placed in easements adjacent to the right-of-way. The streets also have restrictions in terms of length and number of lots accessed.

The adoption of the reduced-width public street standards allows developers to use public streets for developments on smaller lots and in infill projects, meeting the Urbanization Implementation Measure 5 and Transportation Policies A 1 and D 4. It also relieves future homeowners of the responsibility of owning and maintaining private streets, thereby reducing overall housing costs consistent with Housing Policy D.

Urbanization Measure A 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.

Transportation Policy 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.

Transportation Policy D 4: Provide a cost-effective transportation system where the public, land use development and users pay their respective share of the system's costs proportional to their respective demands placed upon the multi-modal system.

Housing Policy D: The provision of housing of various types and prices/rents and developments which provide for an efficient and compatible mix of housing types shall be encouraged. This will increase the choice of housing and will act to disperse housing types throughout the planning area in developments of design and construction consistent with policy (C) of this Section.

Transportation Studies:

The City has long held that transportation studies are necessary in the development process to evaluate the impacts of proposed development on traffic capacity and safety, identify potentially adverse impacts, and determine the need for transportation services and improvements related to the development. Toward that end, the Hillsboro Zoning Ordinance (HZO) currently contains several references to requirements for transportation studies with various land use applications:

- Section 79, with a conditional use application,;
- Section 127 IV 14, with a Planned Unit Development application;
- Section 132, with Development Review applications
- Section 137 C, with applications in light rail zones (this section also includes some traffic impact report methodology);
- Section 143 H 5 c 6 with applications in urban center zones.

The Subdivision Ordinance also, in Article II, Section 1 E 9, requires submittal of a traffic impact report with a preliminary subdivision plat (this section also includes some traffic impact report methodology). However, with the exception of HZO Section 137 C and HSO Article II Section 1 E 9, the methodology of such studies has not been specified. The City has for the most part relied on the language in Section 137, together with Washington County Resolution and Order 86-95, to establish the methodology for the required reports. These methodologies are much in need of updating. In addition, the absence of specific thresholds has necessitated submittal of disproportionately complex studies for smaller developments.

CDC Section 12.70.200 resolves these concerns by creating consistent methodologies for three levels of transportation studies: traffic management plans; traffic impact analyses; and Transportation Rule Compliance Studies. Within the chapter, procedures and standards are also specified for signalized and unsignalized intersection analyses and for roundabout intersection analysis. The section also includes thresholds for the requirement for intersection simulation analysis: this component was one of the most frequently commented upon sections of the entire CDC, with the majority of comments received from transportation consultants.

The draft language reflects current Planning Department practices regarding requirements for transportation studies, and was reviewed by Public Works staff and the City Attorney for technical and legal accuracy.

Inclusion of Section 12.70.200 in the CDC implements Transportation Policy A 1 of the Comprehensive Plan: 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.

Residential Design Standards:

In 2007, the City adopted the Density, Design and Open Space (DDOS) Standards as part of the Subdivision Ordinance. Elected and appointed officials and the neighboring community perceived the new developments built in the 1990s and early 2000s as having monotonous design and massing and lacking common open space. The DDOS Standards were adopted in response, in order to enhance the character and livability of future neighborhoods. The main foci of the Standards were:

- To enforce variation of lot dimensions, massing and architectural detailing in residential developments; and
- To require common usable open space to create third places and enhance future livability.

In implementation, the former focus required variation of lot dimensions on preliminary plats and submittal of site plans and preliminary building elevations with the preliminary plats. The After recordation of the final plat, the Standards also required planning staff to compare elevations and site plans among building permits on adjacent lots to enforce the required architectural variation.

Shortly after adoption of the DDOS Standards, the U.S. and world economies experienced “the Great Recession” and residential development in the city came to a virtual standstill. Among its myriad other impacts, the Recession also prevented the application of the new DDOS Standards and delayed assessment of their practicality.

During preparation of earlier drafts of the CDC, Planning staff expressed strong reservations with the “implementability” of the DDOS Standards, since design differences frequently occur between house plans included in a development application and the subsequent plans received for building permit applications. Representatives of the Homebuilders Association also expressed the same concern. Both the City Attorney and the planning consultant also opined that the portions of the Standards could be considered not clear and objective, as required for needed housing.

To address these concerns, the Second Review Draft of the CDC significantly revised the 2007 DDOS Standards for residential design in three areas:

- the requirements for mandatory lot variation were made optional, and left to the discretion of the applicant within specified parameters;

- the requirements for architectural detailing were revised to require conformance to specific standards for each structure (patterned after the City of Milwaukie’s example); and
- the requirement for submittal of building elevations with the preliminary or final plat was revised to include only “representative sample elevations” demonstrating compliance with the new architectural standards.

In conjunction with the CDC, the city has also initiated an amendment to Comprehensive Plan Section 3 Housing, Implementation Measure G, revising that language to make the mandatory lot dimension variations optional.

In testimony following release of the Second Draft, Homebuilders Association stated that they “appreciated the proposed changes to the DDOS standards.”

Sections 12.50.710 and 12.50.720, the new Design Standards for Residential Development, meet and implement Housing Policy C:

(C) Housing in the planning area shall be designed and constructed in a manner that assures safe, healthy and convenient living conditions for the community’s citizens. Residential projects shall be designed to promote a diverse, pedestrian-scale environment; respect surrounding context and enhance community character; consider security and privacy; and provide usable open space. Construction shall be sound, energy-efficient, and of a quality that assures a reasonable structural life and attractive appearance with normal maintenance. To apply this policy, the City may adopt development standards and design guidelines to be used in evaluation of residential projects through the subdivision, planned unit development, or development review process.

Usable Open Space:

As mentioned above with respect to Residential Design Standards, the DDOS Standards adopted in 2007 to enhance the character and livability of future neighborhoods, and were focused on two goals: to enforce variation of lot dimensions, massing and architectural detailing in residential developments; and to require common usable open space (UOS) to create third places and enhance future livability.

In implementation, the latter focus required creation of usable open space tract in single family residential subdivisions. This was patterned after HZO Section 137 XII, which established minimum area and improvement requirements for development projects in light rail zones. Those requirements had been adopted in 1996 to provide mitigation for the higher densities and intensities of development anticipated in the station community planning areas. UOS had also been required in many PUDs throughout the city, as a public benefit in exchange for smaller lot sizes or other adjustments within the PUD.

However, in circumstances similar to those which arose after the creation and use of private streets (as described earlier) several homeowners' associations (HOAs) approached the city asking that their private usable open spaces approved earlier be taken over by the City. Reasons for these requests were also similar: the HOAs had become inactive; dues had not been collected for maintenance of the tracts; and the areas were becoming neighborhood liabilities rather than assets. As was the case with the private streets, Planning staff was directed to find alternatives to creating private usable open spaces.

During work sessions considering this issue, and after reviewing alternative concepts, the Planning Commission reached several conclusions:

- Provision of "private open space" (such as back yards) did not meet the intended goal of creating a common "third place" for neighborhood interaction
- Notwithstanding this, the private yards in single family detached and attached dwellings does provide some opportunity for interaction, which is lacking for residents of multi-family development without individual yards
- As explained by Parks Department staff, location, size, and maintenance of UOS areas are crucial factors in the success of those spaces.

Based on those factors, the usable open space standards in Section 12.50.210 were significantly revised as follows:

- exemptions from the standards were made more clear and objective, including outright exemptions for smaller development characteristic of infill;
- area requirements for in single family detached and attached developments were slightly reduced, but were increased for multi-family developments; and
- Locational factors and long term maintenance were added as standards for development.

The revised UOS standards meet and implement the following policies in the Comprehensive Plan:

Section 3 Housing Policy 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.

Section 6 Natural Resources, Open Space, and Scenic and Historical Sites Policies A 1-3

- (1) The City shall assure at the time of development the preservation of open space at a level which maintains a balance of land uses within the planning area and shall encourage the creation and maintenance of open space in the urban area. A funding mechanism for public acquisition of open space shall be developed and utilized in appropriate situations.

(2) A process shall be developed and utilized which determines the suitability of lands for open space and provides a method for preserving suitable open space lands.

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

Section 9 Recreation Policy L: In Station Community Planning Areas, usable open space shall be provided to mitigate higher overall residential and employment densities and to provide for public and private local parks and recreation opportunities in station communities. Open space requirements shall be identified in implementing districts for each Station Community Planning Area.

ORDINANCE NO. 6095

ZONING ORDINANCE AMENDMENT 001-13 AND SUBDIVISION ORDINANCE
AMENDMENT 001-13: COMMUNITY DEVELOPMENT CODE
(REVISION OF OFFICIAL ZONING MAP)

AN ORDINANCE AMENDING THE HILLSBORO MUNICIPAL CODE, CHAPTER 12, BY REVISING THE OFFICIAL ZONING MAP, TO CHANGE THE TITLES OF CERTAIN ZONES AND TO APPLY THE CULTURAL RESOURCE OVERLAY ZONE TO SITES ALREADY DESIGNATED AS CULTURAL RESOURCES BY THE CITY OF HILLSBORO.

WHEREAS, the City's land use regulations have been replaced by a new Community Development Code, and

WHEREAS, the Community Development Code updated, reformatted, and consolidated the previously extant four sets of City land use regulations, and combined them to become Hillsboro Municipal Code Chapter 12, and

WHEREAS, the City Council considered this matter at its regular meeting on July 15, 2014, and supports the Planning Commission's recommendation that the Official Zoning Map should be updated to reflect adoption of the Community Development Code.

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

Section 1. Hillsboro Municipal Code, Chapter 12, the official City of Hillsboro Zoning Map, referenced in Community Development Code Section 12.01.200 and a part of that Code, is hereby amended to change certain zone titles and abbreviations as described on Exhibit A attached hereto.

Section 2. Hillsboro Municipal Code, Chapter 12, the official City of Hillsboro Zoning Map, referenced in Community Development Code Section 12.01.200 and a part of that Code, is hereby amended to apply the Cultural Resource Overlay zone to the properties listed in Exhibit B attached hereto, which properties have already been identified as Cultural Resources by the City of Hillsboro.

Section 3. The amendments to the Zoning Map listed in Sections 1 and 2 above and adopted by this ordinance shall take effect concurrently with the effective date of related ordinances needed to implement the new Community Development Code, as enacted by the City Council.

Section 4. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 15th day of July 2014.

Second approval and adoption by the Council on this 5th day of August 2014.

Approved by the Mayor this 5th day of August 2014.



Jerry Willey, Mayor

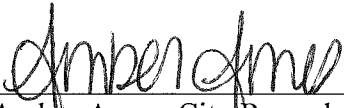
ATTEST: 
Amber Ames, City Recorder

EXHIBIT A

LIST OF CHANGED ZONE TITLES ON THE OFFICIAL ZONING MAP, FORMERLY A PORTION OF THE ZONING ORDINANCE AND NOW TO BE A PORTION OF THE COMMUNITY DEVELOPMENT CODE

Existing Abbreviation	New Abbreviation	New Zone Title
R-10	SFR-10	SFR-10 Single Family Residential
R-8.5	SFR-8.5	SFR-8.5 Single Family Residential
R-7	SFR-7	SFR-7 Single Family Residential
R-6	SFR-6	SFR-6 Single Family Residential
R-4.5	SFR-4.5	SFR-4.5 Single Family Residential
A-1	MFR-1	MFR-1 Multi-Family Residential
A-2	MFR-2	MFR-2 Multi-Family Residential
A-4	MFR-2	MFR-2 Multi-Family Residential
A-3	MFR-3	MFR-3 Multi-Family Residential
C-4	C-N	C-N Commercial - Neighborhood
C-1	C-G	C-G Commercial - General
M-2	I-G	I-G Industrial - General
M-P	I-P	I-P Industrial Park

EXHIBIT B

DESIGNATED CULTURAL RESOURCE SITES
TO WHICH THE CRO CULTURAL RESOURCE OVELAY ZONE WILL BE APPLIED

Number	Resource Name	Address	Tax Map / Tax Lot
1	Bagley House	549 NE Second	1N2-31BC / 9000
3	Sears House	326 NE Jackson	1N2-31CA / 5801
4	Richardson House	244 NE Third	1N2-31CA / 6100
5	Hartrampf House	458 NE Jackson	1N2-31CA / 7500
6	Taggart House	432 NE Jackson	1N2-31CA / 7700
7	McCormick House	420 NE Jackson	1N2-31CA / 7800
8	Young House	205 NE Edison	1N2-31CB / 800
9	Freeman House	459 NE Second	1N2-31CB / 1500
10	Pittenger House	337 NE Second	1N2-31CB / 5900
11	Lohman House	165 NE Jackson	1N2-31CB / 7300
12	McPheeter House	249 NE Third	1N2-31CB / 8100
13	Linklater House	230 NE Second	1N2-31CB / 8900
14	Carnegie Library	209 NE Lincoln	1N2-31CB / 9000
15	Mitchell House	233 NE Third	1N2-31CB / 9700
17	Donelson House	171 NE Third	1N2-31CC / 200
18	Masonic Temple	176 NE Second	1N2-31CC / 400
19	Morgan/Bailey Bldg.	203 E. Main	1N2-31CC / 900
20	Hill Theater	137 NE Third	1N2-31CC / 1700

Number	Resource Name	Address	Tax Map / Tax Lot
21	County Courthouse, Porter Sequoias, and mature landscaping	145 NE Second	1N2-31CC / 1800
22	McGinn Apartments	169 N. First	1N2-31CC / 1900
23	Schulmerich Bldg.	174 E. Main	1N2-31CC / 4000
24	Shute Bank Bldg.	276 E. Main	1N2-31CC / 5900
26	Barnes House	545 E. Main	1N2-31CD / 1600
27	Sewell House II	557 E. Main	1N2-31CD / 1700
28	Perry House	573 E. Main	1N2-31CD / 1800
29	Lyons House	421 SE Washington	1N2-31CD / 6600
30	Barrett House	183 SE Sixth	1N2-31CD / 8701
31	Sewell House I	135 SE Sixth	1N2-31CD / 9000
32	Patterson House	508 SE Washington	1N2-31CD / 9400
33	Wehrung House	494 SE Washington	1N2-31CD / 10700
34	Boscow House	705 E. Main	1N2-31DC / 2700
35	Kuralti House and Sequoia	175 NE Seventh	1N2-31DC / 3400
36	Heidel House	641 E. Main	1N2-31DC / 4500
37	E. Schulmerich House	614 E. Main	1N2-31DC / 5000
38	Old Baptist Church	476 SE Third	1S2-6BA / 6700
40	G.Schulmerich House	507 SE Cedar	1S2-6BA / 10100
41	L.W. House House	472 SE Walnut	1S2-6BA / 11200

Number	Resource Name	Address	Tax Map / Tax Lot
42	Haley House	551 SE Fifth	1S2-6BA / 11901
43	Rice/Gates House	308 SE Walnut	1S2-6BA / 12400
44	Bump House	472 S. First	1S2-6BB / 6100
45	Sholes House	272 SE Walnut	1S2-6BB / 7400
46	Milne House II	510 S. First	1S2-6BB / 8201
47	Milne House I	144 SE Walnut	1S2-6BB / 8200
50	Johnson House	771 NE Third	1N2-31BC / 201
51	Faull House	123 NW Garibaldi	1N231BC / 5600
53	Wilfert House	868 SE Washington	1N2-31DC / 8400
55	Warren Oak Trees	1023-1093 E. Main	1N2-31DD / 900; 1000; 1300; 1600
56	Shorey House	905 E. Main	1N2-31DD / 3100
57	Williams DLC Oak Tree	2170 NE Cornell	1N2-32AC / 9406
58	Shute Estate	210 SE Twelfth	1N2-32CC / 3107
59	Bergen House	2009 E. Main	1N2-32CD / 2301
60	Shute House I	2140 E. Main	1N2-32CD / 3202
61	Brogden House	2846 NE Brogden	1N2-32DA / 200
63	Tongue Estate	328 W. Main	1N3-36DD / 400
64	Emmott House	425 SE 26 th	1S2-5AB / 1500
67	Case House Douglas Fir Tree	356 SE Sixth	1S2-6AB / 1602
68	Walker House	711 SE Maple	1S2-6AC / 1602

Number	Resource Name	Address	Tax Map / Tax Lot
72	Hoag House	308 SE Maple	1S2-6BD/ 2401
73	Master House	565 SE Heathcliff Lane	1S2-6BD / 7300
74	Freudenthal House	2025 SE Jean Court	1S2-8BB / 5800
75	The Manor	725 SE Seventh	1S2-6AC / 3101
76	Burger People	953 SE Maple	1S2-6AD / 7000
78	Pioneer Cemetery	SW Baseline Street at SW 17 th	1N3-36 / 5400 1N3-36DC / 1600
CR-A	Five Oaks	NW Caspar Lane, South of NW Jacobsen, Helvetia Road	1N2-15CD / 600
CR-B	Imbrie Farmstead	4045 NW Cornelius Pass Rd.	1N2-23CD / 1300
CR-E	Sewell Clay Works site	SE corner Evergreen & Sewell	1N2-28BB / 700 & 800
CR-F	McGill / Pitman House	1430 NW 228 th Avenue	1N2-35BC / 9100
CR-G	Orengo Presbyterian Church	22785 NW Birch Street	1N2-34AD / 6600
CR-H	Orengo Presbyterian Church Manse	22735 NW Birch Street	1N2-34AD / 6700
CR-I	Methodist Meeting House site	East of NW 253 rd , North of NW Evergreen	exact location unknown; vicinity of 1N2-21 / 2600 & 2700
CR-J	McDonald House	22200 NW Birch Street	1N2-35 / 3400
CR-K	Mincemoyer House	180 NW 231 st Avenue	1N2-34DD / 7900
CR-L	Orengo Grocery	22930 NW Alder Street	1N2-34AD / 1000
CR-M	Berry House	1255 NW 228 th Avenue	1N2-34AD / 900
CR-N	Oelrich House	1135 NW 228 th Avenue	1N2-34AD / 3200

Number	Resource Name	Address	Tax Map / Tax Lot
CR-O	Wilson House	22920 NW Chestnut Street	1N2-34AD / 5100
CR-P	Holmasen House	22515 NW Quatama Road	1N2-35CB / 1200
CR-Q	McFadden House	22860 NW Birch Street	1N2-34AD / 2800
CR-R	Orenco Drug	22870 NW Alder Street	1N2-34AD / 501
CR-S	McGee House	22810 NW Birch Street	1N2-34AD / 2600
CR-T	Johnson-Belluschi House	6091 NE Cornell Road	1N2-27DC / 6600