



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: May 27, 2015
Jurisdiction: City of Hillsboro
Local file no.: CDCA 002-15
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/21/2015. 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 35 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
003-15
File No.: {23599}
Received: 5/21/2015

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.: **CDCA 002-15**

Date of adoption: 05/19/2015 Date sent: 5/21/2015

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): 02/04/2015
 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:

Local contact (name and title): Debbie Raber, Senior 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:

NA

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:

Amend multiple sections of the recently adopted Community Development Code: 12.01; 12.21; 12.22; 12.25; 12.27; 12.50; 12.70 and 12.80. Amendments are legislative, and not site-specific.

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: . Acres added: . Acres removed:

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

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

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.

Amendments are an "omnibus" package of non-substantive, policy neutral changes after adoption of the Community Development Code (CDC). Changes are needed to clarify CDC language and intent regarding implementation.

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

ORDINANCE NO. 6120

**COMMUNITY DEVELOPMENT CODE AMENDMENT 002-15:
OMNIBUS 1 AMENDMENTS**

AN ORDINANCE AMENDING SEVERAL SECTIONS OF HILLSBORO COMMUNITY DEVELOPMENT CODE NO. 6094, AS AMENDED, FOR CLARIFICATION OF LANGUAGE AND IMPLEMENTATION.

WHEREAS, Community Development Code Ordinance No. 6094 was adopted by the City Council on August 5, 2014 and took effect on September 5, 2014; and

WHEREAS, during their lengthy consideration of the Community Development Code (CDC) prior to adoption, the Planning Commission repeatedly emphasized the need to amend these requirements on a regular basis to maintain them as current and to resolve issues as they arise; and

WHEREAS, the Planning Department shares the Planning Commission's concerns on this matter, and made a commitment on the Record to request initiation and processing of regular "omnibus" amendments to maintain the currency of the CDC; and

WHEREAS, the Development Services Division of the Planning Department, having worked with the new CDC since September 5, 2014, has identified a number of sections where the current CDC language ought to be clarified or amended to meet the intent of the regulation or to follow or improve current procedures; and

WHEREAS, Community Development Code Section 12.80.140 authorizes the Planning Commission to initiate Community Development Code text amendments, and

WHEREAS, the Planning Commission did initiate an "omnibus" package of amendments through approval of Order No. 8143 on February 25, 2015, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on March 11, March 25, and April 8, 2015, and received one item of testimony regarding the amendments, and

WHEREAS, the Planning Commission subsequently found that the proposed amendments are "desirable, appropriate and proper" based on the supporting findings attached hereto as Exhibit B, and therefore adopted Order No. _____ recommending City Council approval of the amendments, and

WHEREAS, the City Council received the Planning Commission's recommendation on this matter on May 5, 2015, and accepts the Planning Commission's recommendation; and

WHEREAS, the City Council further determines that it will adopt the Planning Commission's findings of fact for the proposed Community Development Code amendments.

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

Section 1. Community Development Code Ordinance No. 6094 as amended, is further amended with the changes shown in Exhibit A attached to this Ordinance.

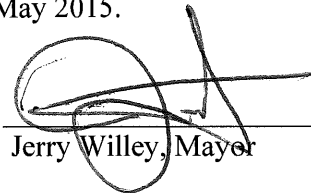
Section 2. The City Council's adoption includes the Planning Commission findings attached as Exhibit B.

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

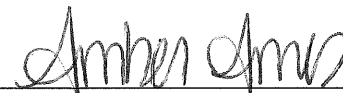
First approval of the Council on this 5th day of May 2015.

Second approval and adoption by the Council on this 19th day of May 2015.

Approved by the Mayor this 19th day of May 2015.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

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EXHIBIT A

**COMMUNITY DEVELOPMENT CODE AMENDMENT 002-15:
OMNIBUS 1 AMENDMENTS**

Language proposed to be added shown in *bold italic* typeface;
Language proposed to be deleted shown in ~~overstrike~~ typeface;
Explanatory comments not included in amendments
Shown in *[bracketed italic gray highlight]*;
Unchanged language omitted for brevity except where necessary for context

14 **Section 12.01.500 Definitions / Acreage, Net.**

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

- 17 1. Required dedications of public street *rights-of-way* or ~~P~~ private street *tracts*, required
18 public or private access *easements*, and required internal fire access;
- 19 2. Maneuvering area for truck loading docks;
- 20 3. Electrical transformer platforms, industrial chemical and/or gas storage areas, or other
21 hazardous area where occupancy is Not Permitted for safety reasons;
- 22 4. Required stormwater treatment and detention facilities;
- 23 5. Any land dedicated to the City for parks or greenways;
- 24 6. Delineated *wetlands*, vegetated corridors and buffers as required by Clean Water Services
25 or other regulatory authorities;
- 26 7. Areas with 25 percent or greater slopes, unless such areas are used for *building* or parking.
- 27 8. Areas within the 100-year *floodplain*, unless such areas ~~are used for building or parking is~~
28 *within a structural footprint of a building or within the exterior perimeter of an improved*
29 *parking lot.*

30 **Child Care Facility.** Any facility that provides child care to children, including a child care
31 center, certified family child care home, and registered family child care home. The term applies
32 to the total child care operation and includes the physical setting, administration, staff,
33 equipment, program, and care of children. This definition includes facilities such as nursery
34 schools, preschools, kindergartens, child play school facilities, before or after school care, or
35 child development centers, except those excluded under ORS ~~657A.250~~ *329A*.

36

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

3 *[Current list of acronyms reordered to correctly alphabetize OAR,
4 following acronyms added or deleted:]*

5 **ORSC** *Oregon Residential Specialty Code*

6 **OSSC** *Oregon Structural Specialty Code*

7 ~~TVWD~~ ~~Tualatin Valley Water District~~

8 **12.10.245 Retail Products and Services.**

9 B. Examples of Uses.

- 10 • A minor assembly facility, such as a theater, church, or fraternal club, with a
11 maximum ~~Building Code~~ **Oregon Structural Specialty Code** occupancy within the
12 primary assembly area that is less than 250

13 **12.10.450 Major Assembly Facilities.**

14 A. Characteristics. Major Assembly Facilities are Uses that attract a large number of people
15 who participate as a group in a specific activity or event that may be religious, cultural,
16 educational, social or recreational. An assembly facility is a Major Assembly Facilities
17 Use when the maximum ~~Building Code~~ **Oregon Structural Specialty Code** occupancy
18 within the primary assembly area is equal to or greater than 250 persons.

19 D. Exceptions.

- 20 1. A Minor Assembly Facility, such as a theater, church, or fraternal club, with a
21 maximum ~~Building Code~~ **Oregon Structural Specialty Code** occupancy within the
22 primary assembly area that is less than 250 persons is classified as Retail Products
23 and Services.

24 **12.21.520 SFR-4.5 Uses / Table 12.21.520-1.**

25 **TABLE 12.21.520-1:**
26 **HOUSING TYPES PERMITTED IN SFR-4.5**

Housing Type	Status	Notes
Detached single-family dwelling	P	
Two-dwelling townhouses or duplexes	P	Permitted only in Planned Unit Developments pursuant to Section 12.80.120

27 *[Changes only as shown; no changes proposed in lines not shown].*

1 **12.21.140.E; 12.21.240.E; 12.21.340.E; 12.21.450.E; 12.21.540.E; 12.21.640.E; 12.21.740.E;**
 2 **12.21.840.E Accessory Uses Permitted** *[in single family residential zones]*

3 E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or
 4 registered family child care homes as defined in ORS 657A 329A are permitted; and
 5 certified or registered residential homes as defined in ORS 443 are also permitted.

6 **Section 12.21.550 SFR-4.5 Single Family Residential / Development Standards**

7 Table 12.21.550-1:

8 Development Standards in the SFR-4.5 Zone

9 *[Changes only as shown; no changes proposed in lines not shown].*

Standard	Requirement	Clarifications
Minimum Lot Size:		
Detached single-family dwelling	4,500 sq. ft.	Variation of lot areas permitted in some subdivisions: see Section 12.50.110.
<i>Two-dwelling townhouse or duplex</i>	<i>6,000 sq. ft.</i>	<i>Minimum 3000 sq. ft. per unit required</i>
Maximum Lot Size	8,999 sq. ft.	
Minimum Setbacks*		
• Rear Yard	20 feet <i>15 feet</i>	

10
 11 **12.21.750 SCR-OTC Station Community Residential - Orenco Townsite Conservation /**
 12 **Development Standards**

13 **TABLE 12.21.750-1:**

14 **DEVELOPMENT STANDARDS IN THE SCR-OTC ZONE**

Standard	Requirement	Clarifications
Minimum Setbacks*: Residential		
Rear Yard		
<i>to front-loaded house</i>	<i>10 feet</i>	
<i>to rear-loaded house</i>	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.

15 *[Changes only as shown; no changes proposed in lines not shown].*

16 **12.21.150 / Table 12.21.150-1; 12.21.250 / Table 12.21.250-1; 12.21.350 / Table 12.21.350-1;**
 17 **12.21.460 / Table 12.21.460-1; 12.21.650 / Table 12.21.650-1; 12.21.850 / Table 12.21.850-1**

18 *[Development Standards Tables in single family residential zones]*

Standard	Requirement	Clarifications
Minimum Lot Size		Adjustments <i>Exceptions</i> to lot areas permitted for townhouse partitions permitted under Table <i>[specific to zone]</i> .
Maximum Lot Size		
Minimum Lot Dimensions *		Adjustments <i>Exceptions</i> to lot dimensions permitted for townhouse partitions permitted under Table <i>[specific to zone]</i> .

[Remainders of Tables unchanged.]

12.21.160.B.; 12.21.260.B.; 12.21.360.B.; 12.21.470.B.; 12.21.560.B.; 12.21.660.B.; 12.21.760.B.; and 12.21.860.B. Variances and Adjustments *[in single family residential zones]*.

B. Applications for Variances and Adjustments to other base zone standards in the *[specific]* zone may be approved under one of four processes:

2. As a Variance pursuant to Section 12.80.152;
3. As a ~~Type II~~ *Minor* Adjustment in conjunction with a primary Type II *or Type III* application pursuant to Section 12.80.154;
4. As a ~~Type III~~ *Major* Adjustment in conjunction with a primary Type III application pursuant to Section 12.80.156; or
5. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

12.22.140.E; 12.22.240.E; 12.22.340.E; 12.22.440.E; 12.22.540.E Accessory Uses Permitted *[in multi-family residential zones]*;

E. Certified or Registered Family Child Care Homes and Residential Homes. Certified or registered family child care homes as defined in ORS ~~657A 329A~~ are permitted; and certified or registered residential homes as defined in ORS 443 are also permitted.

12.22.150 / Table 12.22.150-1 Development Standards *[in the MFR-1 zone]*

Standard	Requirement	Clarifications
Minimum Lot Size		Variation of lot areas required <i>permitted</i> in detached subdivisions: see Section 12.50.110.
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.
Two-dwelling townhouse or duplex	6,000 sq. ft.	Adjustments to lot areas also permitted for townhouse partitions permitted

Standard	Requirement	Clarifications
Three-dwelling (or more) townhouse	9,000 sq. ft.	under Table 12.22.120-1 as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156. <i>Exceptions to lot areas permitted for townhouse partitions permitted under Table 12.22.120-1.</i>
Minimum Lot Dimensions*		Adjustments <i>Exceptions</i> 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.
Width (at front building plane)	50 feet	Variation of widths required <i>permitted</i> in detached subdivisions: see Section 12.50.110.
Frontage	12 feet	Adjustments to frontage permitted for adjacent flag lots under Section 12.40.160. or as a Type II or Type III an Adjustment: see Section 12.80.154 or Section 12.80.156.
Minimum Setbacks *		
Front Yard (interior lots)		
to structure	15 feet	
to garage door	20 feet	
Front Yard (corner lots)		
to structure	10 feet on 1 frontage; 20 feet on the other	
to garage door	20 feet	Variation of front yards required <i>permitted</i> in detached subdivisions: see Subsection 12.50.130.E.

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[Changes only as shown; no changes proposed in lines not shown].

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1 **12.22.250 / Table 12.22.250-1; 12.22.350 / Table 12.22.350-1** [Development Standards Tables
 2 in MFR-2 and MFR-3 zones]

Standard	Requirement	Clarifications
Minimum Lot Size		Adjustments <i>Exceptions</i> to lot areas permitted for townhouse partitions permitted under Table [specific to zone] ; as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156
Minimum Lot Dimensions* • Frontage		Adjustments <i>Exceptions</i> to lot dimensions permitted for townhouse partitions permitted under Table [specific to zone] -as a Type II or Type III Adjustment: see Section 12.80.154 or Section 12.80.156 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

3 [Changes only as shown; no changes proposed in lines not shown].

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5 **12.22.460 / Table 12.22.460-1; 12.22.560 / Table 12.22.560-1** [Development Standards Tables
 6 in SCR-MD and SCR-HD zones]

Standard	Requirement	Clarifications
Minimum Lot Size		Adjustments <i>Exceptions</i> 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.
Maximum Lot Size [if applicable in table]		
Minimum Lot Dimensions*		Adjustments <i>Exceptions</i> 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
Minimum Setbacks*		
i. Front Yard		Front yard setbacks subordinate to public utility easements and building Code <i>ORSC</i> or <i>OSSC</i> requirements as applicable.
a. to dwelling	5 feet	
b. to garage door	20 feet	

7 [Changes only as shown; no changes proposed in lines not shown].

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1 **12.22.160.B.; 12.22.260.B.; 12.22.360.B.; 12.22.470.B.; and 12.22.570.B. Variances and**
 2 **Adjustments**

3 B. Applications for Variances and Adjustments to other base zone standards in the *[specific]*
 4 zone may be approved under one of four processes:

- 5 1. As a Variance pursuant to Section 12.80.152;
- 6 2. As a ~~Type H~~ **Minor** Adjustment in conjunction with a primary Type II *or* **Type III**
 7 application pursuant to Section 12.80.154;
- 8 3. As a ~~Type III~~ **Major** Adjustment in conjunction with a primary Type III application
 9 pursuant to Section 12.80.156; or
- 10 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

11 **12.23.160 / Table 12.23.160-1; 12.23.260 / Table 12.23.260-1; 12.23.360 / Table 12.23.360-1;**
 12 **12.23.460 / Table 12.23.460-1; 12.23.560 / Table 12.23.560-1 Development Standards** *[in*
 13 *commercial zones]*

14 **DEVELOPMENT STANDARDS IN THE *[specific]* ZONE**

Standard	Requirement	Clarifications
Minimum Setbacks*		Setbacks subordinate to public utility easements and building code OSSC requirements.

15 *[Changes only as shown; no changes proposed in lines not shown].*

16 *[in Table 12.23.360-1 only]*

Maximum Setbacks		Setbacks subordinate to Building Code OSSC and public utility easements.
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18 *[Changes only as shown; no changes proposed in lines not shown].*

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 20 **12.23.170.B; 12.23.270.B; 12.23.370.B; 12.23.470.B; and 12.23.570.B Variances and**
 21 **Adjustments** *[in commercial zones]*

22 B. Applications for Variances and Adjustments to other base zone standards in the *[specific]*
 23 zone may be approved under one of four processes:

- 24 1. As a Variance pursuant to Section 12.80.152;
- 25 2. As a ~~Type H~~ **Minor** Adjustment in conjunction with a primary Type II *or* **Type III**
 26 application pursuant to Section 12.80.154;
- 27 3. As a ~~Type III~~ **Major** Adjustment in conjunction with a primary Type III application
 28 pursuant to Section 12.80.156; or
- 29 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

1 12.24.160 / Table 12.24.160-1; 12.24.260 / Table 12.24.260-1; 12.24.360 / Table 12.24.360-1;
 2 12.24.460 / Table 12.24.460-1; 12.24.560 / Table 12.24.560-1; 12.24.660 / Table 12.24.660-1;
 3 12.24.760 / Table 12.24.760-1; 12.24.860 / Table 12.24.860-1; 12.24.960 / Table 12.24.960-1;
 4 12.24.1060 / Table 12.24.1060-1 Development Standards *[in Mixed Use zones]*

Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building code ORSC or OSSC requirements as applicable.
Maximum Setbacks*		Maximum setbacks subordinate to public utility easements and building code ORSC or OSSC requirements as applicable.

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 6 12.24.170.B; 12.24.270.B; 12.24.370.B; 12.24.470.B; 12.24.570.B; 12.24.670B.; 12.24.770.B;
 7 12.24.870.B; 12.24.970.B; and 12.24.1070.B Variances and Adjustments *[in Mixed Use zones]*

8 B. Applications for Variances and Adjustments to other base zone standards in the *[specific]*
 9 zone 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~~ **Minor** Adjustment in conjunction with a primary Type II *or* Type III
- 12 application pursuant to Section 12.80.154;
- 13 3. As a ~~Type III~~ **Major** Adjustment in conjunction with a primary Type III application
- 14 pursuant to Section 12.80.156; or
- 15 4. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

16 *[Section 12.24.370 includes an additional paragraph 5 which remains unchanged.]*

17 12.25.250.C.3. Special Provisions Regarding Uses *[in the I-P zone]*.

18 3. Minor Assembly Facilities are permitted with Conditional Use approval if the maximum
 19 ~~Building Code Oregon Structural Specialty Code~~ occupancy in the primary assembly
 20 area is less than 250 persons. Minor assembly facilities are subject to additional
 21 regulations in Section 12.40.210.

22 12.25.160 / Table 12.25.160-1; 12.25.460 / Table 12.25.460-1; 12.25.560 / Table 12.25.560-1
 23 Development Standards *[in the I-G, SC-BP, and SCI zones]*.

Minimum Setbacks*		Minimum setbacks subordinate to public utility easements and building
Maximum Setbacks <i>[where applicable]</i>		code OSSC requirements

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1 12.25.170.A.; 12.25.270.A.; 12.25.370.A.; 12.25.470.A.; 12.25.570.A.; 12.25.670.A.;
2 12.25.770.A.; and 12.25.870.A. **Variances and Adjustments**

3 **Variances and Adjustments.** Applications for Variances and Adjustments to base zone
4 standards in the *[specific industrial zone]* zone may be approved under one of four processes:

- 5 A. As a Variance pursuant to Section 12.80.152;
- 6 B. As a ~~Type II~~ **Minor** Adjustment in conjunction with a primary Type II *or* **Type III**
7 application pursuant to Section 12.80.154;
- 8 C. As a ~~Type III~~ **Major** Adjustment in conjunction with a primary Type III application
9 pursuant to Section 12.80.156; or
- 10 D. With a Significant Natural Resource Permit pursuant to Section 12.80.130.

11 **12.25.610 SSID Shute Road Special Industrial District / Purpose and Applicability.**

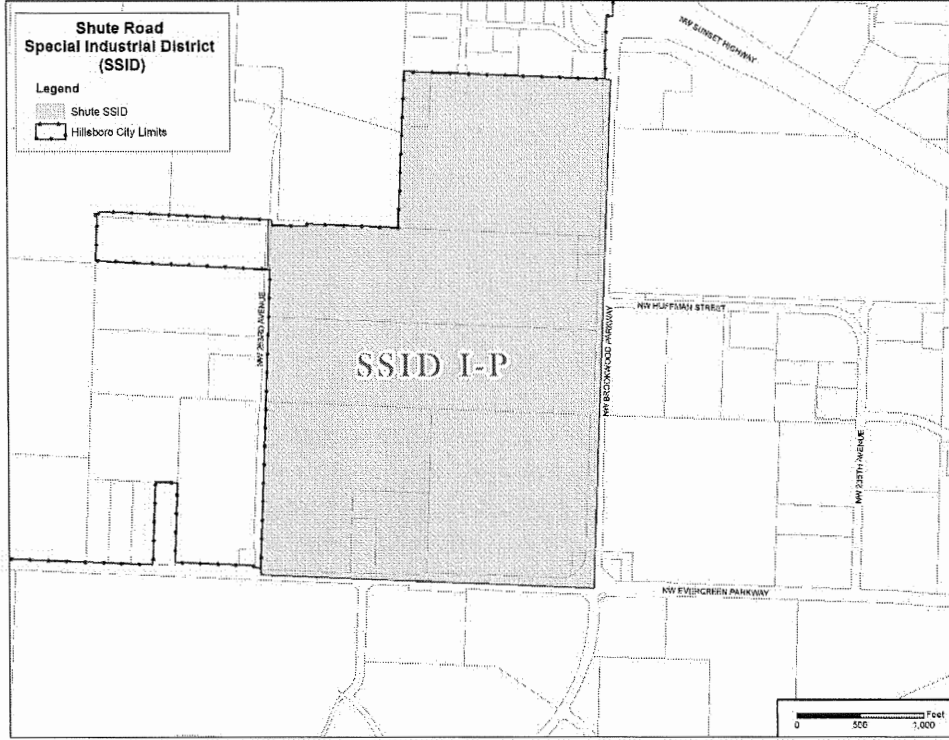
12 A. Provide Large “High Technology” Industrial Sites. The SSID zone implements the
13 Industrial Comprehensive Plan designation on properties added to the Urban Growth
14 Boundary in 2002, providing development opportunities in campus industrial park settings
15 for businesses engaged in “high technology product manufacturing” as defined in Section
16 12.25.690, that may require large sites, and for supporting industrial uses and accessory
17 commercial businesses that may also locate within the same large sites.

18 B. Provide Supporting Small and Medium Industrial Sites. The standards of the SSID zone
19 are intended to also provide opportunity for smaller, compatible industrial Uses and
20 accessory commercial uses that can support high-technology product manufacturing Uses
21 and that require small and medium size sites in campus industrial park settings.

22 C. Create High-Quality, Attractive Industrial Parks. The standards of the SSID zone are
23 intended to create attractive site amenities such as deeper setbacks and increased
24 landscaping, thereby creating high-quality industrial neighborhoods for large, medium and
25 small industrial Uses which attract and maintain the value of their investments.

26 D. Applicability. *The SSID zone will be applied on property shown on Figure 12.25.610-A:*

27 *Figure 12.25.610-A:*
28 *Shute Road Special Industrial District Boundaries*



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12.26.160 / Table 12.25.160-1 Development Standards [in the SC-FI zone]

Minimum Setbacks		Minimum setbacks subordinate to public utility easements and building code <i>OSSC</i> requirements
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12.26.170 Variances and Adjustments. Applications for Variances and Adjustments to base zone standards for *in* the SC-FI zone may be approved under one of four processes:

- A. As a Variance pursuant to Section 12.80.152;
- B. As a ~~Type II~~ **Minor** Adjustment in conjunction with a primary Type II **or** **Type III** application pursuant to Section 12.80.154;
- C. As a ~~Type III~~ **Major** 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 **12.27.135 Major Uses and Activities Permitted with Type III Approval / Table**
 2 **12.27.135-1:**

3 **Table 12.27.135-1:**
 4 **Major Floodplain Activities and Uses with Applicable Standards**

Use	Standard / Clarification
Elevated structures [last standard]	The certifications and elevation verifications required above shall be filed with the Planning Building Department.

5 *[Changes only as shown; no changes proposed in lines not shown].*

6 **12.30.700.B Destruction of a Non-Conforming Use or Structure.**

- 7 1. Structural Value. For purposes of Subsection A above, the value of the structure
 8 shall be determined by *the Building Official, based on* establishment of its
 9 replacement cost using current values for labor and new materials. ~~If the Building~~
 10 ~~Official determines there is question as to the percent of the structure destroyed, he~~
 11 ~~shall refer the question to the building board of appeals established by the city~~
 12 ~~building code for determination. The Building Official's determination may be~~
 13 ~~appealed to the Oregon State Department of Consumer and Business Services~~
 14 ~~pursuant to the Oregon State Residential Code or the Oregon State Structural~~
 15 ~~Specialty Code as applicable.~~

16 **12.40.150 Day Care Facilities / Exemptions from Standards.**

- 17 C. Exemptions from Standards. Pursuant to ~~ORS 657.250A~~ **329A**, certified or registered
 18 family child care homes serving ~~15~~ **16** or fewer children, or licensed adult day care services
 19 facilities serving five or fewer adults, are exempt from the standards in this section.

20 **12.40.160.C Flag Lot Development / Standards**

- 21 C. Standards. Flag lot development shall be subject to compliance with the following
 22 standards:

- 23 1. Creation of flag lots must be approved through a land division process under Section
 24 12.80.090. ~~but is Not Permitted in the SCR-OTC Station Community Residential-~~
 25 ~~Orengo Townsite Conservation zone.~~
- 26 2. *In residential development, no more than three dwelling units are permitted on flag*
 27 *lots with adjacent access strips.*
- 28 3. Access strips *and individual or common driveway improvements for flag lots* shall be
 29 provided at the widths shown in Table 12.40.160-1 below.

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**Table 12.40.160-1:
Minimum Access Strip Widths and Driveway Improvements for Flag Lots**

<i>Flag Lot Configuration</i>	<i>Minimum Lot Frontage / Flag width</i>	<i>Minimum Pavement Width</i>	<i>Minimum Driveway Easement Width</i>
<i>Residential Development: Single Family Detached; one dwelling unit per flag lot</i>			
<i>1 lot</i>	<i>12 feet</i>	<i>10 feet</i>	<i>12 feet</i>
<i>2 lots with adjacent flags</i>	<i>8 feet for each lot</i>	<i>15 feet</i>	<i>17 feet</i>
<i>3 lots with adjacent flags</i>	<i>8 feet for each lot</i>	<i>20 feet</i>	<i>22 feet</i>
<i>Residential Development: Duplex or Two-Dwelling Townhouse</i>			
<i>Duplex on 1 lot (2 units on 1 lot)t</i>	<i>12 feet</i>	<i>15 feet</i>	<i>17 feet</i>
<i>2- or 3- Dwelling Townhouse (1 unit per lot) on 2-3 lots with adjacent flags</i>	<i>10 feet for each lot</i>	<i>15 feet</i>	<i>17 feet</i>
<i>Residential Development: Multiple Dwelling Structure</i>			
<i>Up to 3 units on 1 flag lot</i>	<i>25 feet</i>	<i>20 feet</i>	<i>26 feet</i>
<i>Commercial, Industrial or Institutional Development</i>			
<i>Any number of buildings on 1 flag lot</i>	<i>25 feet</i>	<i>26 feet</i>	<i>26 feet</i>

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4. *Pavement sections for flag lot driveway improvements are subject to approval by the City Engineer and the Fire Marshal, based on Oregon Fire Code requirements.*
5. *Turnaround configuration and dimensions for flag lot driveways and common driveways are subject to approval by the City Engineer and the Fire Marshal, based on Oregon Fire Code requirements.*
6. *Sidewalks may be required by the Review Authority for flag lot development for three single family flag lots, multi-family residential or non-residential development.*
7. *Utility improvements for development on flag lots is subject to approval by the City Engineer, the Fire Marshal, and the Building Official, based on Oregon Fire Code, Oregon Structural Specialty Code, and the Uniform Building Code.*

- 1 8. *Each structure on a flag lot shall be served by water, sanitary and storm service*
2 *connections. Townhouses on flag lots shall have separate utility connections for*
3 *each dwelling.*
- 4 9. *Parking is prohibited on flag lot driveways and common driveways in all development*
5 *types. The Review Authority may require installation of No Parking signage on such*
6 *driveways as a condition of approval.*
- 7 10. *Structural setbacks on flag lots shall conform to the requirements of the applicable*
8 *zone. Setbacks shall be measured as described in Section 12.50.130.*
- 9 11. *Access, maintenance and utility easements necessary to accommodate and maintain*
10 *proposed driveway improvements and utilities shall be provided prior to final*
11 *occupancy of any structures on the flag lots. Easement documents shall be prepared*
12 *and submitted on forms acceptable to the City.*

13 **12.40.194.C Medical Marijuana Dispensaries / Standards.**

14 C. Standards. *[paragraphs 1-4 remain unchanged]*

- 15 5. *Drive-in or Drive Through Facilities Prohibited.* *A dispensary shall not have a*
16 *drive-in or drive-through facility, as defined in Section 12.01.500.*
- 17 6. Proximity Restrictions. *[section renumbered but otherwise unchanged]*
- 18 7. *Where Proximity Restrictions Bisect Properties.* *In the circumstance where a*
19 *proximity restriction distance bisects a property, that property's eligibility as a*
20 *location for a dispensary shall be determined by the Planning Director under the*
21 *Type II Director's Interpretation process pursuant to Section 12.80.050, based on*
22 *the factors listed below.*
- 23 a. *Whether the majority of the lot area is within or outside the boundary; and*
- 24 b. *Whether the existing or proposed building is within or outside the boundary.*
- 25 8. Exceptions to Proximity Restrictions. *[section renumbered but otherwise unchanged]*

26 **SUBCHAPTER 12.50**
27 **DEVELOPMENT AND DESIGN STANDARDS**

28 *[changes as shown only; all sections not shown remain unchanged]*

29

30 **12.50.540 ~~Common Driveways and~~ Private streets: Design and Improvement**

31

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1 **12.50.110 Lot Dimensions.** ~~[Subsections A. – L. renumbered as shown]~~

2 A. Lot Area.

- 3 1. Lot area is defined in Section 12.01.500 under Lot Dimensions.
- 4 2. Lots created after September 4, 2014 must contain the minimum lot area specified
5 within the standards of the applicable zone, unless variations are approved by the
6 Review Authority pursuant to ~~Subsections B, C or D~~ **Paragraphs 3, 4, or 5** below, or
7 unless a Variance or Adjustment has been granted by the Review Authority pursuant
8 to Section 12.80.150.
- 9 3. Lot Area Variation in New Developments. **Pursuant to Subsection D, lot area may**
10 **be varied in residential subdivisions or Planned Unit Developments of eight or more**
11 **lots, outside areas designated Station Community Planning Area on the**
12 **Comprehensive Plan Map.**

13 ~~Purpose.~~ The lot area variation provisions of this section may be applied to
14 detached single family residential development. These standards are intended to
15 provide opportunity to create a variety of lot areas and provide flexibility to
16 developers in responding to varying site conditions.

17 ~~Applicability.~~ The standard in Subsection 3 below may be applied in subdivisions
18 or Planned Unit Developments of eight or more lots, outside areas designated
19 Station Community Planning Area on the Comprehensive Plan Map.

20 ~~Standard.~~ Up to 20% of the lots may have areas which are below the minimum lot
21 size and above the maximum lot size, in the applicable zone. The area of any
22 “compact lots” below the minimum lot size shall not be reduced below 75% of the
23 minimum lot area of the applicable zone.

24 ~~Dispersal.~~ If proposed, the compact lots permitted in Subsection 3 above shall be
25 dispersed throughout the development.

- 26 4. Lot Area Variation in Light Rail Zones. To ensure that new **residential** development
27 in the light rail zones includes variety within the allowed flexibility of the base zone
28 standards, **lot area variations shall be required as follows:**

29 a. In General. ~~Tentative Preliminary~~ plats for **residential** subdivisions or PUDs of
30 eight lots or more in light rail zones shall include a variety of lot areas. At a
31 minimum, the **lot area** variation in area shall be of 20% from the smallest to the
32 largest lot. **These variations do not require approval of a variance or an**
33 **adjustment.** This standard does not apply to townhouse or multi-family residential
34 development.

35 b. Lot Area Variation In the Downtown Plan District. Land divisions creating four or
36 more residential lots within the Downtown Plan District shall include a variety of
37 lot areas. At a minimum the **lot area** variation in area shall be of 20% from the
38 smallest to the largest lot. **These variations do not require approval of a variance**
39 **or an adjustment.** This standard does not apply to townhouse or multi-family
40 residential development.

- 41 5. Lot Area Exception for Duplex or Townhouse Division. **Exceptions to the minimum**

1 *lot area standards in the applicable base zone may be approved by the Review*
2 *Authority for duplex or townhouse development to allow division of parent lots into*
3 *child lots, as defined in Section 12.01.500, provided that the lot area of the parent lot*
4 *meets the minimum requirement of the base zone.*

5 *[Former Subsection E Lot Coverage renumbered as Subsection F]*

6 B. Lot Depth.

- 7 1. Lot depth is defined in Section 12.01.500 under Lot Dimensions.
8 2. Figure 12.50.110-B A illustrates methods to measure lot depth on regular lots, irregular
9 lots, flag lots, and corner lots.
10 3. Lots created after September 4, 2014 must have the minimum lot depth specified within
11 the standards of the applicable zone, unless variations are approved by the Review
12 Authority pursuant to Subsection G below, or unless a Variance or Adjustment has
13 been granted by the Review Authority pursuant to Section 12.80.150.

14 *[Examples of Measuring Lot Depth on Various Lot Types*
15 *to be renumbered as Figure 12.50.110-A]*

- 16 4. Lot Depth Variation in New Developments. *Pursuant to Subsection D, lot depth may*
17 *be varied in residential subdivisions or Planned Unit Developments of eight or more*
18 *lots, outside areas designated Station Community Planning Area on the*
19 *Comprehensive Plan Map.*

20 ~~Purpose. The lot depth variation provisions of this subsection may be applied to~~
21 ~~detached single family residential development. This standard is intended to~~
22 ~~provide opportunity to create a variety of lot depths and provide flexibility to~~
23 ~~developers in responding to varying site conditions.~~

24 ~~Applicability. The standard in Subsection 3 below may be applied in subdivisions~~
25 ~~or Planned Unit Developments of eight or more lots, outside areas designated~~
26 ~~Station Community Planning Area on the Comprehensive Plan Map.~~

27 ~~Standard. Up to 20% of the lots may have lot depths which are below the minimum~~
28 ~~lot depth of the applicable zone. Depths of such "shallow lots" shall not be reduced~~
29 ~~below 75% of the minimum lot depth of the applicable zone.~~

30 ~~Dispersal. If proposed, the shallow lots created as a result of Subsection 3 above~~
31 ~~shall be dispersed throughout the development.~~

- 32 5. Lot Depth Exception for Duplex or Townhouse Division. *Exceptions to the*
33 *minimum lot depth standards in the applicable base zone may be approved by the*
34 *Review Authority for duplex or townhouse development to allow division of parent*
35 *lots into child lots, as defined in Section 12.01.500, provided that the lot depth of the*
36 *parent lot meets the minimum requirement of the base zone.*

1 C. Lot Width.

- 2 1. Lot width is defined in Section 12.01.500.
- 3 2. Figure 12.50.110-~~C~~ **B** illustrates methods to measure lot width on regular lots, irregular
- 4 lots, flag lots, and corner lots.
- 5 3. Lots, parcels or tracts created after September 4, 2014 must have the minimum lot
- 6 width specified within the standards of the applicable zone, unless variations are
- 7 approved by the Review Authority pursuant to Subsections c, d, e, f or f below, or
- 8 unless a variance or an adjustment has been granted by the Review Authority pursuant
- 9 to Section 12. 80.150.

10 *[Examples of Measuring Lot Width on Various Lot Types*

11 *to be renumbered as Figure 12.50.110-B]*

- 12 4. Lot Width Variation in New Developments. *Pursuant to Subsection D, lot width may*
- 13 *be varied in residential subdivisions or Planned Unit Developments of eight or more*
- 14 *lots, outside areas designated Station Community Planning Area on the*
- 15 *Comprehensive Plan Map.*

16 1. Purpose. ~~The lot width variation requirements of this section may be applied~~

17 ~~to detached single family residential development. This standard is intended to~~

18 ~~create opportunity for a variety of lot widths and provide flexibility to~~

19 ~~developers in responding to varying site conditions.~~

20 2. Applicability. ~~The standards in Subsection 3, below, may be applied in~~

21 ~~subdivisions or Planned Unit Developments of eight or more lots, outside areas~~

22 ~~designated Station Community Planning Area on the Comprehensive Plan Map.~~

23 3. Standard. ~~Up to 20% of the lots may have lot widths at the building line which~~

24 ~~are below the minimum lot width in the applicable zone. Widths of such~~

25 ~~“narrow lots” shall not be reduced below 75% of the minimum lot width of the~~

26 ~~applicable zone.~~

27 4. Dispersal. ~~If proposed, the narrow lots required in Subsection 3 above, shall be~~

28 ~~dispersed throughout the development.~~

- 29 5. Lot Width Variation in Light Rail Zones. ~~To ensure that new development in the light~~
- 30 ~~rail zones includes variety within the allowed flexibility of the base zone standards,~~
- 31 ~~tentative plats for subdivisions or PUDs of eight lots or more in light rail zones shall~~
- 32 ~~include a variety of lot widths. At a minimum, the variation in width shall be 20% from~~
- 33 ~~the narrowest lot to the widest lot. This standard does not apply to townhouse or multi-~~
- 34 ~~family residential development.~~

- 35 6. Lot Width Variation in the Downtown Plan District. ~~Land divisions creating four or~~
- 36 ~~more residential lots within the Downtown Plan District shall include a variety of lot~~
- 37 ~~widths. At a minimum, the variation in width shall be 20% from the narrowest lot to~~
- 38 ~~the widest lot. This standard does not apply to townhouse or multi-family residential~~
- 39 ~~development.~~

- 40 7. Lot Width Exception for Duplex or Townhouse Division. *Exceptions to the*
- 41 *minimum lot width standards in the applicable base zone may be approved by the*

1 *Review Authority for duplex or townhouse development to allow division of parent*
2 *lots into child lots, as defined in Section 12.01.500, provided that the lot width of the*
3 *parent lot meets the minimum requirements of the base zone.*

4 **D. Lot Dimension Variation in New Developments.**

5 1. **Purpose.** *The lot dimension variation provisions of this subsection for area, depth*
6 *and width are intended to provide opportunity to create a variety of lot dimensions in*
7 *a residential subdivision and a Planned Unit Development (PUDs), and to provide*
8 *flexibility to developers in responding to varying site conditions.*

9 2. **Applicability.**

10 a. *Lot dimension variations may be applied in a residential subdivision or a*
11 *residential Planned Unit Development of eight or more lots, outside areas*
12 *designated Station Community Planning Area on the Comprehensive Plan Map.*

13 b. *Variations compliant with the provisions of this subsection do not require*
14 *approval of an adjustment or variance.*

15 3. **Variation Standards.**

16 a. **Cumulative percentage cap.** *Variations to reduce lot dimensions below the*
17 *applicable base zone standard may be requested on up to 20% of the lots in a*
18 *subdivision. Proposals to apply lot dimension variations on a larger number of*
19 *lots shall be processed as a Planned Unit Development.*

20 b. **Variation Limits.**

21 ii. *Variations may be requested to reduce dimensions up to 75% of the minimum*
22 *dimension of the applicable base zone.*

23 iii. *In the case of lot area, variations for “compact lots” must also include*
24 *provision of “oversized” lots to the extent that the average of areas for all lots*
25 *meets or exceeds the minimum lot size of the applicable base zone.*

26 iv. *Lot dimension variations below 75% of the applicable base zone standard*
27 *shall be approved only through a Variance process.*

28 c. **Dispersion.** *Lots with dimension variations shall be dispersed throughout the*
29 *development, with not more than 3 adjacent lots having dimension reductions.*

30 **E. Lot Frontage.**

31 1. Lot frontage is defined in Section 12.01.500 under Frontage.

32 2. Figure 12.50.110-~~D~~ C illustrates methods to measure lot frontage on regular lots,
33 irregular lots, and flag lots.

34 3. Lots created after September 4, 2014 must have the minimum lot frontage specified
35 within the standards of the applicable zone, unless a Variance or Adjustment has been
36 granted by the Review Authority pursuant to Section 12.80.150. In zones where flag
37 lots are permitted, lot frontage may be reduced on adjacent flag lots pursuant to
38 Subsection 5 below.

39 *[Examples of Measuring Lot Frontage on Various Lot Types*

1 *to be renumbered as Figure 12.50.110-C]*

- 2 4. Property abutting the end of a public or ~~P~~ private street not ending in a cul-de-sac, or
3 which may be subject to future extension, shall not be considered as having lot frontage.
4 5. Minimum lot frontages may be reduced below base zone standards for flag lots as
5 shown in ~~Table 12.50.110-1~~ *described in Section 12.40.160.*

6 **Table 12.50.110-1:**
7 **Required Lot Frontage for Flag Lots**

Flag Lot Type	Minimum Lot Frontage
Residential: Single Family Detached	
1 flag lot	12 feet
2-4 3 flag lots with adjacent flags	8 feet for each lot; <i>maximum 3 flag lots</i>
Residential: One Duplex or Two Dwelling Townhouse	
1 flag lot <i>with one duplex</i>	12 feet <i>16 feet</i>
2-4 <i>adjacent</i> flag lots with adjacent flags for 2-dwelling townhouse	10-8 feet for each lot; <i>maximum 2 dwelling units</i>
Residential: Multiple Dwelling Structure	
1 or 2 flag lots	25 feet each
Commercial or Industrial	
1 or 2 flag lots	25 feet each

8
9 F. Lot Coverage.

- 10 1. Lot coverage is defined in Section 12.01.500 under Lot Dimensions.
11 2. Lot coverage is calculated by totaling the area(s) of all building footprints on the lot,
12 parcel or tract, excluding buildings 24 inches or shorter above native grade, and
13 dividing the total footprint area into the area of the lot, parcel or tract. Figure
14 12.50.110-D illustrates an example of lot coverage measurement.
15 3. Development on any lot after September 4, 2014 shall not be approved if the additional
16 building footprint on the lot, parcel or tract would result in a lot coverage percentage
17 exceeding the maximum specified within the standards of the applicable zone, unless a
18 Variance or Adjustment has been granted by the Review Authority pursuant to Section
19 12.80.150 or Section 12.80.120.

20 *[Example of Lot Coverage Measurement*
21 *to be renumbered as Figure 12.50.110-D]*

1 **12.50.120.D.2 Residential Density / Exceptions to Maximum Density.**

- 2 2. Pursuant to Section 12.80.156, increased residential density above the specified
3 maximum of the base zone may be approved as a ~~Type III~~ **Major** Adjustment in
4 conjunction with a Planned Unit Development Concept Plan application. Such density
5 increases shall be limited to 120% of the maximum of the underlying base zone density.

6 **12.50.130.H.5.b Setbacks / Exceptions to Minimum Setbacks / Structural building**
7 **Elements Projecting into Setbacks.**

- 8 b. In all other zones, the Review Authority may approve load-bearing architectural
9 projections into required side yard setbacks under either a ~~Type II~~ **Minor** or a ~~Type III~~
10 **Major** Adjustment procedure pursuant to Section 12.80.154 or 12.80.156.

11 **12.50.130.H.2.d Exceptions to Minimum Setbacks / Accessory Structures.**

- 12 2. Accessory Structures. In a residential zone, side and rear setbacks may be reduced to *3 feet (3²)*
13 for an accessory structure which meets the following thresholds:
14 a. Maximum Height: 10 feet (see Figure 12.50.140-A regarding height);
15 b. Maximum Square Footage: 450 sq. ft.;
16 c. Minimum Separation: 6 foot separation from all other buildings; and
17 d. Minimum Setback: 65 feet from a street other than an alley; or if located on a *corner*,
18 double- or multiple-frontage lot, behind the front building plane of the primary
19 structure.

20 **12.50.130.H.4 Exceptions to Minimum Setbacks / Townhouse Partitions**

- 21 4. Townhouse Partitions. *In a residential zone, side setbacks may be reduced to 0 feet for*
22 *the interior lots of approved duplex or townhouse partitions.*

23 *[Existing subsequent paragraphs 4 and 5 to be renumbered as 5 and 6.]*

24 **12.50.140.D.1 Building Height / Exceptions to Maximum Building Height.**

25 D. Exceptions to Maximum Building Height.

- 26 1. The structures or structural parts listed below, while subject to ~~building code~~ **OSSC**
27 **Oregon Structural Specialty Code** requirements, are not subject to the maximum
28 building height requirements of the applicable base zone: *[remainder of the*
29 *subsection remains unchanged]*

30 **12.50.250.D.1 Residential Fence and Wall Standards.**

- 31 1. Fences and walls in residential zones shall not exceed ~~7 feet 2 inches~~ **6 feet 2 inches** in
32 height except where they abut a commercial, Mixed-Use, urban center, institutional or
33 industrial zone. Adjacent to a commercial, Mixed-Use, urban center, institutional or
34 industrial zone, fences in residential zones may be up to 8 feet 2 inches in height with
35 approval of a building permit. Soundwalls installed in single family zones adjacent to light
36 rail facilities are exempt from these height restrictions.

1 **12.50.240.C and 12.50.240.E Exterior Lighting / Standards and Exemptions**

2 C. Exterior Lighting Standards.

- 3 1. Development applications shall include a lighting plan showing locations and
4 specifications for all lighting used to illuminate public and ~~private~~ streets, buildings,
5 sidewalks, multi-use paths, parking lots, plazas, or open space areas. The lighting plan
6 shall be evaluated during the land use approval process for compliance with the
7 standards of this section.
- 8 2. For safety purposes, lighting shall be provided throughout the on-site pedestrian
9 circulation system, including street frontages, sidewalks, multi-use paths, parking lots,
10 buildings, and plazas. The on-site pedestrian circulation system shall be lighted to a
11 minimum level of ~~21.5 lumens/square meter~~ **2 foot-candles** to enhance pedestrian
12 safety and allow use at night.
- 13 3. Required bicycle parking shall be lighted to a minimum ~~32.5 lumens/square meter~~ **3**
14 **foot candles** to allow secure use at night.
- 15 4. The minimum lighting level for building entries of new multi-family, retail,
16 commercial, office, industrial and institutional buildings located within 300 feet of the
17 property boundaries of a major transit stop shall be ~~43.0 lumens/square meter~~ **4 foot-**
18 **candles**. The minimum lighting level for all other primary building entrances shall be
19 ~~32.5 lumens/square meter~~ **3 foot candles**. Lights shall be 6 to 12 feet in height and the
20 light source shall be shielded to reduce glare consistent with Subsection D below.
- 21 5. Maximum lighting levels for pedestrian circulation systems, required bicycle parking,
22 and building entrances shall be ~~32.5 lumens/square meter~~ **4 foot-candles**.

23 E. Exemptions. The following types of lighting are not subject to the requirements of this
24 Section:

- 25 7. Lighting for outdoor recreational Uses such as stadiums, driving ranges, ball diamonds,
26 playing fields, tennis courts and similar Uses, provided that (a) light poles are not more
27 than 80 ft. tall, (b) maximum illumination at the property line is not brighter than ~~21.5~~
28 ~~lumens/square meter~~ **2 foot-candles**, and exterior lighting is extinguished no later than
29 11:00 pm; and
- 30 8. ~~[No change in paragraph 8].~~

31 **12.50.310.B.2.c. Building Height / Exceptions to Maximum Building Height.**

32 3. Applicability.

- 33 2. The number of spaces, location and improvements for required vehicle parking shall
34 be constructed under any of the following circumstances:
- 35 a. Construction of a new building;
- 36 b. Expansion of an existing building by either 50% of its existing floor area or 3000
37 sq. ft., whichever is less; or
- 38 c. Change in ~~building code~~ **Oregon Residential Specialty Code or Oregon**
39 **Structural Specialty Code** occupancy classification of an existing building.

1 12.50.350 / Table 12.50.350-1: [table heading only]

2 Table 12.50.350-1:
3 Preferred Siting for Off-Street Parking in SCPA Light Rail Zones
4

5 12.50.520.C Street Connectivity and Block Length Requirements in SCPA Light Rail and
6 Mixed-Use Zones. [section heading only]

7 12.50.450.D.1.b Connectivity and Design Standards at or Near Major Transit Stops /
8 Standards

9 b. If the building façade length on the transit street is 300 feet or more, the building shall
10 have two or more building entrances facing the transit street. The Review Authority may
11 approve a Type II or Type III *Minor or Major* adjustment to this standard under
12 Subsection 12.80.156.D.11 Sections 12.80.154 or 12.80.156.

13 12.50.540 ~~Flag Lot Driveways and Private Streets: Design and Improvement.~~

14 A. Applicability. These standards apply to all land divisions and development projects which
15 include or will be required to provide ~~P private streets, flag lot driveways, or common~~
16 ~~driveways to multiple flag lots.~~

17 B. Common Driveway Specifications and Standards.

18 1. Driveway Specifications. ~~Driveways for individual flag lots and common driveways~~
19 ~~for multiple flag lots shall be designed, constructed and maintained to the specifications~~
20 ~~in Table 12.50.540-1 and the standards in Subsection 2 below.~~

21 Table 12.50.540-1:
22 Improvement Standards for Flag Lot and Common Driveways
23 (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

Dwelling Units served	Minimum pavement width	Minimum Driveway Easement Width	Pavement Section	Utility Improvements
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.
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

- 1 4. Flag Lot and Common Driveway Standards:
- 2 e. ~~Common driveways for residential Uses are limited to the following: 2 or 3~~
- 3 ~~detached single family units; 2 attached townhouses; 1 duplex; or 3 multi family~~
- 4 ~~units.~~
- 5 d. ~~Improvements specified in Table 12.50.540-1 above shall include a 1 foot gravel~~
- 6 ~~shoulder on each side for single family residential Uses, or a rolled curb on each~~
- 7 ~~side for multi family or non residential Uses.~~

- e. ~~Where rolled curbs or sidewalks are required, such improvements shall be constructed to the specifications of the Public Works Design and Construction Standards.~~
- f. ~~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.~~
- g. ~~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.~~
- h. ~~Parking is Not Permitted on flag lot driveways and common driveways in all development types.~~

B. Private Street Specifications and Standards. *[Remainder of subsection remains unchanged].*

12.62.300 Standards Specific to the Orenco Townsite Area.

C. Minimum and Maximum Setbacks from Streets and Alleys.

- 1. Side setbacks may be reduced to 0 feet to allow construction of a shared-ownership garage across a property line. Construction of the garage must meet ~~Building Code~~ ***Oregon Residential Specialty Code or Oregon Structural Specialty Code*** requirements *as applicable*, and cannot be constructed or occupied as a dwelling unit.

12.70.020 Procedures / Summary of Review Procedures

**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 <i>Minor</i>	II <i>same as primary application</i>		PD/ <i>PC</i>	<i>PC/CC</i>	12.80.154
Adjustment, Type III <i>Major</i>	III	<i>(same as original application)</i>	PC or <i>PZHB</i>	CC	12.80.156

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	
Director's Interpretation					
▪ <i>For Reasonable Accommodation</i>	<i>I</i>		<i>PD</i>	<i>PC</i>	<i>12.80.050</i>
▪ Site specific	II		PD	CC	12.80.050
▪ Not site specific	I		PD	CC	12.80.050
Modification, s of <i>Type H/HH</i> approvals (Minor)	II		PD	PC	12.80.100
Modification of <i>Type H/HH</i> Approvals (Major)	II/III (same as original application)	✓ (same as original application)	PD/PC	PC/CC	12.80.100
Planned Unit Development Implementation					
<i>by Development Review</i>	<i>II</i>		PD	PC	12.80.122
<i>by Final Plat</i>	<i>I</i>		PD	PC	12.80.122
Subdivision (Minor, Final Plat) (see also PUD)					
<i>Architecture submitted with preliminary plat</i>	<i>I</i>		PD	PC	12.80.098
<i>Architecture submitted with final plat</i>	<i>II</i>		PD	PC	12.80.098
Subdivision (Major, Final Plat) (see also PUD)					
<i>Architecture submitted with preliminary plat</i>	<i>I</i>		PD	PC	12.80.098
<i>Architecture submitted with final plat</i>	<i>II</i>		PD	PC	12.80.098
Variance					
• In Mixed-Use or SCPA Light Rail Zones	III	✓	PC	CC	12.80.152

1 [Changes only as shown; no changes proposed in lines not shown].

2 12.70.050.G Type III Procedure / Published Notice of Public Hearing for Certain
3 Applications

4 G. Published Notice of Public Hearing for Certain Applications. Notice of the public hearing

1 for certain ~~Type III~~ **Conditional Use, Planned Unit Development, and Zone Change**
2 applications shall be published one time in a newspaper of general circulation in the City,
3 at least 14 days before the public hearing. The newspaper's affidavit of publication of the
4 notice shall be included in the case file.

5 **12.70.060.C and 12.70.060.D Type IV Procedure / Pre-Application Conference and**
6 **Neighborhood Meeting**

7 C. Pre-Application Conference. Pre-application conferences are not required for Type IV
8 applications. ~~but are strongly encouraged. Guidelines for pre-application conferences are~~
9 ~~set forth in Section 12.70.090.~~

10 D. Neighborhood Meeting. Neighborhood meetings are not required for Type IV applications.
11 ~~but are strongly encouraged. The City may schedule general neighborhood or public~~
12 ~~meetings to provide information on a Type IV application in advance of the formal notice~~
13 ~~and public hearing process.~~

14 **12.70.130 Effective Date of Decision.**

- 15 A. Land use action and permit decisions shall become effective the day after the appeal
16 period expires if no appeal is filed. *For purposes of this section, Type IV legislative*
17 *amendments are not considered a land use action or a permit.*
- 18 B. If an appeal is filed on a *land use action or permit* decision, the decision shall become
19 final and effective upon the date of the written decision of the final local appeal body.
- 20 C. Each land use action or permit shall specify the approval granted or development
21 authorized and shall be subject to the standards and conditions set forth in this Code,
22 together with any conditions imposed by the Review Authority, excepting only those
23 variances or exceptions authorized by the review authority.
- 24 D. *Type IV legislative actions shall become effective on the date specified in the adopting*
25 *ordinance.*

26
27 **SUBCHAPTER 12.80**
28 **APPLICATIONS**

29 **12.80.154 ~~Type II~~ Minor Adjustments**

30 **12.80.156 ~~Type III~~ Major Adjustments**

31 *[Changes only as shown; no changes proposed in lines not shown].*

32 **12.80.030.C. 3.c Cultural Resource Alterations, Relocations and Demolitions / Procedures**

33 3. Prior to the determination of application completeness, the Planning Director may decide
34 that a Minor CRA application which would otherwise meet the standards of Section
35 12.27.350 warrants review as a Major CRA due to the following factors:

- 36 a. The likelihood of significant interest or opposition from surrounding property
37 owners or affected agencies; or

- 1 b. The presence of issues requiring significant discretion during the review process;
2 or
3 c. The submittal of concurrent applications *or processes* such as Adjustments.

4 **12.80.040.B.1 Development Review / Applicability**

5 B. Applicability. Approval of a Development Review application is required in all of the
6 following circumstances:

- 7 1. All new development, as defined in Section 12.01.500, excluding detached single
8 family dwellings and accessory structures in the SFR *zones* or *the MFR-1, SCR-LD,*
9 *or SCR-MD* zones;

10 **12.80.040.D.3 Development Review / Exemptions.**

11 D. Exemptions. The activities, development and construction projects listed below are
12 exempt from Development Review approval, but are subject to all other applicable
13 provisions of this Code:

- 14 3. Interior remodeling of an existing building or structure (also called tenant
15 improvements) or building alterations required to meet ADA or other ~~Building~~
16 ~~Code~~ *Oregon Residential Specialty Code or Oregon Structural Specialty Code*
17 requirements *as applicable*;

18

19 **12.80.040.F.3 Development Review / Submittal Requirements**

20 F. Submittal Requirements. Type II application submittal requirements are set forth in
21 Section 12.70.040 and more specific submittal requirements are provided on application
22 forms and checklists as authorized in Section 12.70.110. At a minimum, an application for
23 Development Review shall include the following: ...

- 24 3. Plans and descriptions including the following: *[paragraphs a-f remain unchanged,*
25 *new paragraph g added, existing paragraphs g and h renumbered but remain*
26 *unchanged]*

27 g. *Exterior materials board and color palette, unless alternative submittal materials*
28 *have been approved by the Review Authority;*

29 **12.80.040.G Development Review / Concurrent Applications for ~~Type II~~ Minor**
30 **Adjustments.** ~~An application~~ *A request* for a ~~Type II~~ *Minor* Adjustment to any numeric
31 development standard excluding residential density may be consolidated with and processed
32 concurrently with a Development Review application in accordance with Section 12.80.154.
33 The Type II Adjustment process cannot be used to vary or take an exception from the standards
34 listed in Subsection 12.80.150.C.

35 **12.80.070.C.3.c. Floodplain Activity / Procedures.**

- 36 3. Prior to the determination of application completeness, the Planning Director may decide
37 that a Minor FA application which would otherwise meet the standards of Table
38 12.27.130-1 warrants review as a Major FA due to the following factors:

- 1 a. The likelihood of significant interest or opposition from surrounding property owners
- 2 or affected agencies; or
- 3 b. The presence of issues requiring significant discretion during the review process; or
- 4 c. The submittal of concurrent applications *or processes* such as Adjustments.

5 **12.80.050.D. and .E Director's Interpretation / Procedures / Submittal Requirements**

6 D. Procedures. A Planning Director's Interpretation of reasonable accommodation, *or an*
7 *Interpretation not specific to a particular property or circumstance*, is subject to the Type
8 I procedure, as described under Section 12.70.030. If the Planning Director decides to
9 issue a DI ~~other than for reasonable accommodation,~~ *for a particular property or*
10 *circumstance*, the application is subject to the Type II procedure, as described in Section
11 12.70.040.

12 E. Submittal Requirements. Type I application submittal requirements are set forth in Section
13 12.70.030. Type II application submittal requirements are set forth in Section 12.70.040.
14 More specific submittal requirements are provided on application forms and checklists as
15 authorized in Section 12.70.110. At a minimum, a DI application shall include all of the
16 following:

- 17 1. An application form signed by the applicant or applicant's representative and the
- 18 property owner or owner's representative.
- 19 2. Payment in full of the appropriate application fee, based on the fee schedule in effect
- 20 on the date of submittal, unless ~~either~~ *any* of the following circumstances apply:
 - 21 a. *If the requested interpretation is for Reasonable Accommodation or is not*
 - 22 *specific to a particular property or circumstance, the fee shall be waived.*
 - 23 b. If the Planning Director finds that the interpretation has a wider public interest, the
 - 24 fee may be waived.
 - 25 c. If the Directors' Interpretation is submitted in conjunction and concurrent with
 - 26 another application or permit, the separate Interpretation fee may also be waived.

27 **12.80.094.D.5 Lot Consolidation /Approval Criteria.**

- 28 4. If the resulting aggregation of affected properties is eligible for additional
- 29 development under existing zoning, the proposed ~~adjustment~~ *consolidation* will
- 30 not:

31 **12.80.096.C Lot Size Limitations for Partitions.**

32 C. Lot Size Limitations for Partitions. *In order to effectively implement density standards*
33 *and subdivision requirements, and* except as provided in Subsection D below, partitions
34 *for single family residential development* shall not be processed on single lots or
35 aggregated contiguous lots under the same ownership with sufficient net buildable area to
36 allow creation of four or more lots meeting the minimum requirements of this Code.

37 **12.80.096.F Partition / Submittal Requirements**

38 F. Submittal Requirements. Type II application submittal requirements are set forth in

1 Section 12.70.040 and more specific submittal requirements are provided on application
2 forms and checklists as authorized in Section 12.70.110. Type I application submittal
3 requirements are set forth in Section 12.70.030 and more specific submittal requirements
4 are provided on application forms and checklists as authorized in Section 12.70.110. At a
5 minimum, an application for a preliminary partition shall include the following:

6 *[paragraphs 1-4 remain unchanged]*

7 5. A connectivity analysis demonstrating compliance with Section 12.50.520. ~~and~~

8 ~~6. Documentation of a neighborhood meeting (residential applications only), pursuant to~~
9 ~~Section 12.70.100.~~

10 **12.80.096.H Partition / Concurrent Applications for ~~Type H~~ Minor Adjustments**

11 H. ~~Concurrent Applications for *Processing of Minor Adjustments*.~~ *An application A request*
12 *for a Type H minor adjustment to any standards shall be made in accordance with Section*
13 *12.80.154 and shall be processed concurrently with reviewed as part of the preliminary*
14 *partition application. The Type H Minor Adjustment process cannot be used to vary or*
15 *take an exception from the standards listed in Subsection 12.80.150.C.*

16

1 **12.80.096.O.4 Partition / Implementation of Final Plat Approval**

2 O. Implementation of Final Plat Approval. *[Paragraphs 1-3 and 5 remain unchanged]*

3 4. No *residential* building permit shall be issued on a parcel created by a partition plat
4 until the approved final partition plat has been recorded with the Washington County
5 Surveyor.

6

7 **12.80.098.D.3 Subdivision / Determination of Procedure Type for Preliminary Subdivision**
8 **Plat.**

9 3. Prior to the determination of application completeness, the Planning Director may decide
10 that an application which does not exceed any of the thresholds in Subsection D.1 above
11 warrants Type III review due to the following factors:

12 a. The likelihood of significant interest or opposition from surrounding property owners
13 or affected agencies; or

14 b. The presence of issues requiring significant discretion during the review process; or

15 c. The submittal of concurrent applications *or processes* such as Adjustments.

16 **12.80.098.E.7 Subdivision / Submittal Requirements**

17 E. Submittal Requirements. General submittal requirements for Type II and Type III
18 applications are set forth in Sections 12.70.040 and 12.70.050, respectively. More specific
19 submittal requirements are provided on application forms and checklists as authorized in
20 Section 12.70.110. At a minimum, an application for a subdivision preliminary plat shall
21 include the following: *[paragraphs 1-6 and 8 remain unchanged]*

22 7. *For residential subdivisions only*, representative sample elevations demonstrating
23 compliance with Subsection 12.50.710 C or Section 12.50.720 C as applicable, unless
24 submitted with the final subdivision plat *pursuant to Subsection 12.80.098.M*; and

25 **12.80.098.G Subdivision / Concurrent Applications for Adjustments**

26 G. Concurrent Applications Requests for Minor Adjustments. ~~An application~~ *A request* for
27 ~~an a minor~~ adjustment to any standard shall be made in accordance with Section ~~12.80.150~~
28 *12.80.154* and shall be ~~processed~~ *reviewed* ~~concurrently with~~ *as part of* the subdivision
29 preliminary plat application. The Type II Adjustment process can be used ~~only~~ in
30 conjunction with a Minor *or a Major* Subdivision application. ~~Neither Type II nor Type~~
31 ~~III~~ *The Minor Adjustment* processes ~~can~~ *cannot* be used to vary or take an exception from
32 the standards listed in Subsection 12.80.150.C.

33 ~~1. The Type III Adjustment process can be used only in conjunction with a Major~~
34 ~~Subdivision application.~~

35 ~~2. Neither Type II nor Type III Adjustment processes can be used to vary or take an~~
36 ~~exception from the standards listed in Subsection 12.80.150.C.~~

37

1 **12.80.098.M Subdivision / Subdivision Final Plat Submittal**

2 M. Subdivision Final Plat Submittal. *Except as provided in paragraph 7 below*, an application
3 for subdivision final plat shall be reviewed under the Type I procedure, as described in
4 Section 12.70.030. At a minimum, an application for a final plat shall include the
5 following: *[paragraphs 1-4 and 6 remain unchanged]*

6 5. *For residential subdivisions only*, representative sample elevations demonstrating
7 compliance with Subsection 12.50.710 C or Section 12.50.720 C as applicable, unless
8 submitted with the preliminary subdivision plat; and

9 7. *If representative sample elevations are submitted with the final plat, the final plat*
10 *application shall be reviewed under the Type II procedure described in Section*
11 *12.70.040.*

12 **12.80.098.O Subdivision / Implementation of Final Plat Approval**

13 O. Implementation of Final Plat Approval. *[Paragraphs 1-3 and 5 remain unchanged]*

14 4. No *residential* building permit shall be issued on a lot created by a subdivision plat
15 until the approved final subdivision plat has been recorded with the Washington County
16 Surveyor.

17 **12.80.098.P, 12.80.098.Q, and 12.80.098 R Subdivision / Final Plat Appeal, Expiration, and**
18 **Extension**

19 *P. Appeal of a Final Decision. Refer to Section 12.70.180.*

20 *Q. Expiration of a Decision. Refer to Section 12.70.140.*

21 *R. Extension of a Decision. Refer to Section 12.70.150.*

22 **12.80.100.H Modification of Approved Plans and Permits / Approval Criteria**

23 H. Approval Criteria. To approve a Minor or Major Modification application, the Review
24 Authority shall make findings of fact, based on evidence provided, that the following
25 criteria are satisfied:

26 1. The location, size, and functional characteristics of the modified development can be
27 made reasonably compatible with, and would have a minimal impact on, properties
28 surrounding the subject site; ~~and~~

29 2. New elements are provided that functionally compensate for any negative effects
30 caused by the requested modification(s). New elements used to compensate for a
31 negative effect shall be of at least equal value to the elements proposed to be changed;
32 *and*

33 3. *In the case of a Major Modification, that the modified development remains in*
34 *compliance with the approval criteria of the original application.*

35 4. *For all Modifications, the criteria in this subsection shall be applied only to the area*
36 *and or lots within the development that are affected by the proposed Modification.*

37 **12.80.120.H.4 Planned Unit Development / Submittal Requirements**

38 4. Concept Plan sets including but not limited to the following: *[paragraphs a, b and d remain*

1 unchanged]

- 2 c. Architectural Designs, including conceptual drawings, illustrations and building
3 elevations, with exterior materials *board* and color palette. (This requirement may be
4 satisfied in a concurrent Type III Development Review application);

5 **12.80.120.I Planned Unit Development /Concurrent Applications for ~~Type III~~**
6 **Adjustments.** A PUD application may include proposals to vary development standards and
7 design standards that would typically apply in the base zone. If requested by the applicant, special
8 adjustments shall be clearly and specifically identified in the PUD application, which shall also
9 include an explanation and/or drawings justifying and substantiating the need for the special
10 adjustment from the standards. Any applications for special adjustments shall be processed
11 concurrently with the PUD application and shall address the relevant approval criteria in Sections
12 ~~12.80.156 and 12.80.158~~ **12.80.154 through 12.80.158.**

13 **12.80.120.K.1.d Planned Unit Development / Concept Plan Approval Criteria.**

- 14 d. Any requests for ~~Type III~~ Adjustments included in the concept plan, including requests
15 for increased density, comply with the applicable standards in Sections 12.80.154,
16 12.80.156 and 12.80.158 as applicable;

17 **12.80.140.C Text Amendment / Submittal Requirements**

- 18 C. Submittal Requirements. Type IV application submittal requirements are set forth in
19 Section 12.70.060. ~~and more specific submittal requirements are provided on application~~
20 ~~forms and checklists as authorized in Section 12.70.110.~~

21 **12.80.140.F and G. Text Amendment / Expiration**

- 22 F. Expiration of a Decision. Text Amendments are not subject to ~~extension~~ *expiration*.
23 **G. Extension of a Decision. Text Amendments are not subject to extension.**

24 **12.80.150.B Variances / Applicability of Provisions**

25 B. Applicability of Provisions.

- 26 1. The Variance application (VAR) shall be used if pre-existing conditions on an existing
27 lot create a hardship in developing the lot consistent with the standards of this Code.
- 28 2. The ~~Type II Adjustment (ADJ II)~~ *Minor* Adjustment process shall be used only under
29 the following circumstances: [paragraphs a-c remain unchanged]
- 30 3. The ~~Type III (ADJ III)~~ *Major* Adjustment process shall be used only as part of a
31 Planned Unit Development application or as part of a Type III Development Review
32 application for development on existing or proposed lots.
- 33 4. With the exception of the standards listed in Subsection C below, Variance, ~~Type II~~
34 *Minor* Adjustments, and ~~Type III~~ *Major* Adjustments may be submitted to request
35 flexibility in the application of standards as shown in Table 12.80.150-1.
- 36 5. *The lot dimension variations specified in Section 12.50.110 are permitted without*
37 *approval of a variance or adjustment, subject to compliance with the standards of*
38 *that section.*

1
2

**Table 12.80.150-1:
Applicability of Variance and Adjustment Processes**

Standard from which flexibility is requested:	Variance	Type II Application with Type II Adjustment <i>Minor Adjustment with Type II Application</i>	Type III Application with Type III Adjustment <i>Minor or Major Adjustment with Type III Application</i>
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3

4 **12.80.150.C Variances / Limitations on Cumulative Adjustments** *[new subsection]*

5 **C. Limitations on Cumulative Adjustments.**

6 1. *The cumulative number of requests for Minor Adjustments in a subdivision*
7 *application shall not affect more than 20% of the lots in the subdivision. If requests*
8 *for adjustments are proposed on a larger number of lots, the application shall be*
9 *processed as a Planned Unit Development pursuant to Section 12.80.120.*

10 2. *Requests for Minor Adjustments in a subdivision, partition, or development review*
11 *application may be submitted for not more than 4 of the following 7 categories:*

12 a. *Lot dimensions (area, width, or height);*

13 b. *Setbacks;*

14 c. *Building height;*

15 d. *Lot coverage;*

16 e. *Parking;*

17 f. *Usable Open Space;*

18 g. *Landscaping; or*

19 h. *Building Design Standards.*

20 3. *Not more than 3 Minor Adjustment requests shall be submitted per lot or building.*
21 *In calculating the number of Minor Adjustments under this provision, each*
22 *adjustment on each lot shall be counted as one request. For example, a front yard*
23 *and side yard adjustment on one lot equals 2 requests; requests for adjustments in*
24 *front yard setback, building height, and parking equals 3 requests.*

25 4. *If requests for more than 3 Minor Adjustments are proposed on a single lot or*
26 *building, the requests shall be processed as a Major Adjustment with a PUD or Type*
27 *III Development Review application.*

28 *[existing subsection C Standards not subject to Variance or Adjustment to be renumbered as D]*

29 **12.80.150.D Standards Not Subject to Variance or Adjustment**

30 **D. Standards not Subject to Variance or Adjustment.**

1 1. Variance or Adjustment applications may address any regulation in this Code except
2 the following:

- 3 a. To change a definition or use category classification;
4 b. To allow a use or development type cited as “prohibited” or “not permitted;”
5 c. To modify or remove a threshold for review, such as a standard which requires a
6 particular application for review of a certain project; ~~or~~
7 d. To change the steps of a procedure type or to change assigned procedures; *or*
8 e. *To modify the numeric standards in Section 12.40.194 Medical Marijuana*
9 *Dispensaries.*

10 **12.80.152.D Variances / Approval Criteria for Variances in Mixed Use or Light Rail Zones**

11 D. Approval Criteria for Variances in Mixed Use or Light Rail Zones. To approve a Variance
12 in a mixed use or light rail zone, the Review Authority shall make findings of fact, based
13 on evidence provided, that the following criteria are satisfied:

- 14 1. The variation will equally or better meet the purposes of the standard to be varied;
15 2. The development including the variation or cumulative variations remains consistent
16 with the overall purpose and intent of the district; ~~and~~ ;
17 3. The variation will not have significant detrimental impacts on inventoried cultural
18 resources, significant natural resources or impact areas; *and*
19 4. *The variance complies with any applicable additional criteria in Subsection*
20 *12.80.158.*

21 **12.80.154 Type II Minor Adjustments**

22 A. ~~Procedure.~~ A request for a Type II Adjustment may be submitted only as part of another
23 Type II land use application such as a Minor Subdivision or a Development Review
24 application, or as part of a Type III Planned Unit Development application, and shall be
25 reviewed as part of the primary Type II or Type III application. If Type II Adjustments are
26 requested, the primary application shall describe the Adjustments in the narrative, and
27 clearly identify them on all plans.

28 A. Procedure.

29 1. *A request for a Minor Adjustment may be submitted only as part of the following*
30 *land use applications:*

- 31 a. *Partition;*
32 b. *Type II or Type III Subdivision;*
33 c. *Type II or Type III Development Review; or*
34 d. *Planned Unit Development.*

35 2. *If Minor Adjustments are requested, the primary application shall describe the*
36 *Adjustments in the narrative, clearly identify them on all plans, and respond to all*
37 *applicable adjustment criteria.*

1 B. Submittal Requirements. In addition to the submittal requirements of the primary
2 application, requests for ~~Type II~~ **Minor** Adjustments shall include a narrative clearly
3 identifying each applicable standard from which an adjustment is requested, citing the
4 reasons for the request, and addressing compliance with the approval criteria in Subsection
5 C below, and any standard-specific criteria listed in Subsection 12.80.158 if applicable.

6 C. Approval Criteria. To approve a ~~Type II~~ **Minor** Adjustment, the Review Authority shall
7 make additional findings of fact, based on evidence provided by the applicant, that all of
8 the following criteria are satisfied: *[paragraphs 1-7 remain unchanged]*

9 8. The ~~Type II~~ **Minor** Adjustment is not a response to special conditions over which the
10 applicant has no control, which would be more appropriately addressed under a
11 Variance procedure.

12 *[Subsections D, E, F, and G remain unchanged].*

13 **12.80.156 ~~Type III~~ Major Adjustments.**

14 A. Procedure. A request for a ~~Type III~~ **Major** Adjustment may be submitted only as part of
15 another ~~Type III~~ land use application such as a Planned Unit Development or a Type III
16 Development Review application, and shall be reviewed as part of the Type III application.
17 If ~~Type III~~ **Major** Adjustments are requested, the primary application shall describe the
18 Adjustments in the narrative and clearly identify them on all plans.

19 B. Submittal Requirements. In addition to the submittal requirements of the primary
20 application, requests for ~~Type III~~ **Major** Adjustments shall include a narrative clearly
21 identifying each applicable standard from which an adjustment is requested, citing the
22 reasons for the request, and addressing compliance with the general approval criteria in
23 Subsection 12.80.156.C, and the standard specific criteria in Subsection 12.80.158 if
24 applicable.

25 C. Approval Criteria. To approve a ~~Type III~~ **Major** Adjustment, the Review Authority shall
26 make additional findings of fact, based on evidence provided, that all of the following
27 criteria are satisfied: *[paragraphs 1-5 remain unchanged]*

28 6. The ~~Type III~~ **Major** Adjustment is not a response to special conditions over which the
29 applicant has no control, which would be more appropriately addressed under a
30 Variance procedure.

31 D. Appeal of a Decision. A decision on a ~~Type III~~ **Major** Adjustment may only be appealed
32 as part of an appeal of the primary Type III application. Section 12.70.190 outlines
33 requirements for appeals of Type III decisions.

34 *[Subsections E and F remain unchanged].*

35 **12.80.160.C Zone Change / Procedure**

36 C. Procedure. Zone Change applications are reviewed through the Type III procedure, as
37 described in Section 12.70.050. *[paragraphs 1-3 remain unchanged]*

38 4. ~~The public hearing for a Zone Change initiated by the Planning Commission in~~
39 ~~conjunction with an Annexation application.~~

EXHIBIT B
(Findings)

COMMUNITY DEVELOPMENT CODE AMENDMENT 002-15
OMNIBUS 1 AMENDMENTS

Process:

The proposed amendments were initiated through approval of Planning Commission Order No. 8143 on February 25, 2015. A public hearing was held on March 11, 2015 and was continued to March 25 and April 8, 2015. Notice of the hearing was sent to the Department of Land Conservation (DLCD) and published in a newspaper of general circulation as required in Community Development Code 12.70.060. One party testified in a neutral manner regarding changes proposed in one section, as discussed below: no other testimony was received.

Mr. Josh Steinhurst submitted written testimony on March 23rd. His testimony read, in part:

I was disappointed by the step away from using lux (lumens per square meter) to the silly unit of candle-feet, but only because I spent a few years of my life studying the simulation of light and have abnormally strong opinions on the proper units to use from a scientific standpoint! :) However, I recognize that it probably conflicts with how practicing engineers in the area are used to thinking or receiving information from suppliers.

Based on the information provided in the March 25th supplemental staff report, the Planning Commission does not find Mr. Steinhurst's support for use of lumens/square meter sufficiently persuasive to oppose staff's recommendation to return to foot-candles as the preferred light measurement.

Following receipt of testimony and deliberation, the Commission voted to recommend City Council approval of the proposed amendments.

Language of Proposed Amendments:

The language of the proposed amendments is included in Exhibit A to Planning Commission Order 8149.

Incorporation of Additional Documents:

The following documents are hereby included in these findings and incorporated by reference:

- Planning Department staff report dated March 5, 2015 with 2 attachments
- Planning Department staff report dated March 18, 2015, with 1 attachment
- Planning Department supplemental staff report dated March 25, 2015, with 1 attachment

Compliance with Applicable Criteria (CDC Section 12.80.140.D):

1. The CDCA addresses an issue or issues of concern on a variety of properties or conditions, and is not intended to resolve a property-specific or condition-specific situation.

During consideration of the CDC, several Planning Commissioners emphasized the need to keep the document updated on a regular basis. Staff made the commitment to a regular “omnibus” update. The “Omnibus 1” amendments are the first of those updates. In general, the Omnibus 1 amendments fall into one or more of the following categories:

- *corrections of inadvertent omissions in the CDC,*
- *updates of Oregon Revised Statute citations*
- *re-formatting and/or rewording of existing language to clarify its intent*
- *revision of language to maintain policy neutrality with earlier Zoning Ordinance provisions; and/or*
- *addressing issues of concern having arisen since adoption of the CDC.*

As listed in Exhibit A, the amendments address a wide spectrum of general issues. Although some amendments are proposed in response to a particular circumstance or concern raised on a certain property, none are property-specific. This criterion is met.

2. The CDCA is consistent with relevant goals and policies of the Hillsboro Comprehensive Plan, any applicable Community Plans, and with the provisions of this Code.

There are no Community Plans applicable to these amendments: this portion of the criterion is not applicable. .

As described in the process section of these findings, the proposed amendments were initiated by the Planning Commission; notice was provided to DLCD and to the public, and public hearings were held to receive testimony. The procedural requirements of Section 12.70.060 have therefore been met.

The current language of the Comprehensive Plan addresses implementation only in relation to specific policies, including Station Area Community Plans, transportation, housing, etc. Although there are no Plan policies which address periodic updates of the implementing CDC, Section 1 Planning and Citizen Involvement does contain Goal VII which supports “continual review” of the Comprehensive Plan itself, “in order to address Citywide or community needs.” The proposed amendments are consistent with the intent of this Goal. This criterion is met.

3. The CDCA is consistent with relevant provisions of the Metro Urban Growth Management (UGM) Functional Plan (*Metro Code Chapter 3.07*).

None of the Titles in the Metro UGM Functional Plan are relevant to the proposed amendments. This criterion is not applicable.

4. The CDCA is consistent with relevant provisions of the Statewide Planning Goals, the Oregon Administrative Rules (OAR), and State statutes.

None of the Statewide Planning Goals are directly relevant to the Omnibus 1 amendments: this criterion is not applicable.

Oregon Revised Statutes (ORS) 197.610 – 197.651 and Oregon Administrative Rule (OAR) 660-018 lists requirements for “Post-Acknowledgement [Plan] Amendments” also known as POPAs. These requirements are reflected in CDC Section 12.70.060 regarding the Type IV process, and Section 12.80.140 Text Amendment applications. As described earlier, the amendments meet the internal procedural requirements of the CDC, and therefore meet these state regulations.

5. The CDCA is deemed by the Review Authority to be desirable, appropriate, and proper.

Based on the testimony received at the public hearing, the information in the staff reports dated March 5, March 18 and March 25, 2015 and the attachments thereto and these findings, the Planning Commission deems the proposed amendments to the Community Development Code to be desirable, appropriate and proper, and recommends their approval to the City Council.