



DIRECTOR'S INTERPRETATION: REQUEST FOR REASONABLE ACCOMMODATION

NOTE TO APPLICANT: Approval of a Director's Interpretation for Reasonable Accommodation is required to operate a group living facility in a single family residential zone within the City Limits. No fee is required. Applicants are encouraged to review the attached Submittal Requirements and Community Development Code sections prior to submittal of this application. Planning staff are available to assist with the completion of this form.

TRACKING INFORMATION (For Office Use Only)

File # _____ Planner _____ Processing Procedure: Type I

Applicant _____ Property Owner _____

SITE LOCATION & DESCRIPTION

Tax Map #(s) _____ Tax Lot #(s) _____

Frontage Street or Site Address _____

Nearest Cross Street _____

Plan Designation _____ Zoning _____ Site Size _____ acres sq. ft.

Site Description (number and size of existing structures on site) _____

Subject to previous Land-use approval? Yes No File No. _____

(If Yes, please attach copy of Notice of Decision)

REQUEST FOR REASONABLE ACCOMMODATION

Accommodation Requested (examples: reduced setback; increased number of persons per household; increased number of parking spaces) _____

Code standard from which accommodation is requested (examples: maximum number of persons per household or parking spaces; maximum lot coverage; minimum setbacks) _____

**INTERPRETATION:
REASONABLE ACCOMODATION APPLICATON
(CONTINUED)**

APPLICANT AND OWNERSHIP INFORMATION

Applicant: Contact Name _____

Business Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone # _____ Fax # _____ Email Address _____

APPLICANT SIGNATURE

I hereby certify that the intent of this request for Director's Interpretation of Reasonable Accommodation is to provide persons with disabilities (as stipulated in the Federal Fair Housing Act 42 U.S.C. §§ 3601-3631) an equal opportunity to use or enjoy a dwelling in the city of Hillsboro. I further certify that I understand that approval of the Reasonable Accommodation request is subject to the use of the site described remaining consistent with the statements made in this application, and that this approval may be subject to review and/or revocation if it is demonstrated that the use of the site changes and is no longer consistent with the statements made in this application.

Applicant's Signature _____ Date _____

PROPERTY OWNER SIGNATURE

(If the property is undergoing a change of ownership, proof of purchase or purchase contract must be provided if property owner of record is not the signing party. If more than one property owner, please attach additional sheet with names and signatures.)

Property Owner(s): Name(s) _____

Business Name _____

Mailing Address _____ City _____ State _____ Zip _____

Phone # _____ Fax # _____ Email Address _____

Does the owner of this site also own any adjacent property? Yes No *(If Yes, please list tax map and tax lots)*

Property Owner's Signature _____ Date: _____

INTERPRETATION: REASONABLE ACCOMODATION APPLICATON (CONTINUED)

REASONABLE ACCOMMODATION INTERPRETATION: DETERMINING FACTORS

The Federal Fair Housing Act 42 U.S.C. §§ 3601-3631 makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to city zoning standards when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling. Whether a particular accommodation is "reasonable" depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions:

- Does the request impose an undue burden or expense on the city?
- Does the proposed use create a fundamental change in the zoning?

The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is "reasonable".

PLEASE PROVIDE RESPONSES TO THE FOLLOWING QUESTIONS:

How will the use of the subject site with the proposed accommodation be generally consistent with the purpose of the subject zone?

How will the use of the subject site with the proposed accommodation be generally consistent with the characteristics of the permitted (or conditionally permitted) uses in the subject zone? (Examples of characteristics: number of persons per household; structural setbacks, height limitations, and lot coverage; number of vehicle trips per day; number of off-street parking spaces):

APPROVAL CRITERIA AND REVIEW STANDARDS

(INTERPRETATION FOR REASONABLE ACCOMODATION)

The approval criteria and review standards for an **Interpretation for Reasonable Accommodation** application are set forth in Section 12.80.050 of the Hillsboro Community Development Code (CDC) as follows:

12.80.050 Director's Interpretation.

- A. Purpose. The purpose of the Director's Interpretation (DI) application is to provide a process to clarify terms or phrases within this Code which may require further interpretation (Code interpretation). The DI application also provides a means to assign new or noncategorized uses to a use category. Interpretations of Code terms, intent, or meaning are different from other land use applications in that they are an interpretation of language and policy, as opposed to an evaluation of a use or development. A DI application may be submitted in advance of, or concurrent with, an application, permit, or other action.
- B. Interpretation for Reasonable Accommodation. Notwithstanding any other provision of this Code, the Planning Director has the authority to make an interpretation of reasonable accommodations in the application of this Code when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling to the extent required by Federal or State law. In considering whether an accommodation is reasonable, the Planning Director may consider whether the request puts an undue burden or expense on the City and whether the proposed use creates a fundamental alteration in the Code. The Planning Director may ask for, or the applicant may voluntarily submit, additional information based on the requested accommodation, to determine whether the request creates an undue burden or a fundamental alteration. The accommodation may result in a permitted or conditional waiver of any limitation of this Code.
- C. Planning Director's Authority to Initiate an Interpretation. The Planning Director may initiate a DI on behalf of the City, either specific or not specific to a particular property or circumstance. The Director may also initiate an interpretation when there is a reasonable dispute or lack of clarity regarding permitted uses on a property. If initiated by the Planning Director, the DI shall be processed as either a Type I or Type II application under the requirements of this section, and shall include the materials specified in subsection F with the exceptions of an application form and payment.
- D. Planning Director's Authority to Decline an Application.
 1. The Planning Director has the authority to consider the request for an interpretation, and shall respond within 30 days following the date of the request, as to whether or not a requested interpretation will be issued. If requested, the Planning Director must issue an interpretation for reasonable accommodation.
 2. Except for a requested interpretation for reasonable accommodation, the Planning Director may issue or decline to issue a requested interpretation. The Director's decision to decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation. The decision to decline to issue an interpretation is not subject to local appeal.
- E. Procedures. A DI for reasonable accommodation, or a DI not specific to a particular property or circumstance, is subject to the Type I procedure, as described under Section 12.70.030. A DI application for a particular property or circumstance is subject to the Type II procedure, as described in Section 12.70.040.
- F. Submittal Requirements. Type I application submittal requirements are set forth in Section 12.70.030. Type II application submittal requirements are set forth in Section 12.70.040. More specific submittal requirements are provided on application forms and checklists as authorized in Section 12.70.110. At a minimum, a DI application shall include all of the following:
 1. An application form signed by the applicant or applicant's representative and the property owner or owner's representative;

APPROVAL CRITERIA AND REVIEW STANDARDS

(CONTINUED)

2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal, unless any of the following circumstances apply:
 - a. If the requested interpretation is for reasonable accommodation or is not specific to a particular property or circumstance, the fee shall be waived,
 - b. If the Planning Director finds that the interpretation has a wider public interest, the fee may be waived, and
 - c. If the DI is submitted in conjunction and concurrent with another application or permit, the separate interpretation fee may also be waived;
 3. A narrative clearly identifying the Code term or phrase for which interpretation is requested, and an explanation why the applicant believes the term or phrase is unclear or inappropriate, and:
 - a. If the requested interpretation is for assignment of a use category, an explanation of the character of the proposed use in terms of infrastructure, use, traffic and environmental impacts, and operational characteristics, or
 - b. If the requested interpretation is for interpretation of a commercial use in an industrial zone, an explanation of the infrastructure, traffic and environmental impacts and the operational characteristics of the use, and explanation of how the commercial use is oriented toward and supports surrounding industrial uses rather than attracting customers city-wide, or
 - c. If the requested interpretation is for reasonable accommodation, an explanation of the following:
 - i. The specific standard(s) from which accommodation is/are requested,
 - ii. How the use of the subject site with the proposed accommodation(s) will be generally consistent with the purpose of the subject zone, and
 - iii. How the use of the subject site with the proposed accommodation will be generally consistent with the characteristics of the permitted (or conditionally permitted) uses in the subject zone. Examples of characteristics include, but are not limited to: structural setbacks; height limitations; lot coverage; number of persons per household; number of vehicle trips per day to be generated; number of off-street parking spaces to be provided.
- G. Standards for Assignment of a Use Category. The assignment of a use to a particular use category by the Planning Director shall be based on findings that the proposed use:
1. Shares common characteristics with other examples in the use category;
 2. Has intensity, density and off-site impacts similar to other examples in the use category; and
 3. Has impacts on public facilities, including streets; sewer, water and stormwater systems; schools; and police and fire services similar to other examples in the use category.
- H. Standards for Reasonable Accommodation. In considering whether an accommodation is reasonable, the Planning Director may consider whether the request puts an undue burden or expense on the City and whether the proposed use creates a fundamental alteration in the Code. The Planning Director may ask for, or the applicant may voluntarily submit, additional information based on the requested accommodation, to determine whether the request creates an undue burden or a fundamental alteration. The accommodation may result in a permitted or conditional waiver of any limitation of this Code.

APPROVAL CRITERIA AND REVIEW STANDARDS

(CONTINUED)

- I. Standards for Code Interpretation. An interpretation of code terms, intent, or meaning shall be as consistent as possible with the standards listed below. Not all of the standards need to be met for a code interpretation to be issued.
 - 1. The proposed interpretation is consistent with the common meaning of the words or phrases at issue.
 - 2. The proposed interpretation is consistent with relevant policy direction from official City documents such as the Comprehensive Plan and its supporting documents.
 - 3. The proposed interpretation is consistent with the legislative intent for the words or phrases at issue. The intent is based on the legislative record for the ordinance that adopted or amended the regulations at issue.
 - 4. The proposed interpretation is consistent with the interpretation of other portions of the Community Development Code.
 - 5. The proposed interpretation is consistent with regional, State, and Federal laws and court rulings that affect the words or phrases at issue.
- J. Limitations on Director's Interpretation.
 - 1. The Planning Director may interpret provisions of this Code, but shall not issue any legal opinion or interpretation of case law.
 - 2. A DI does not establish precedent, and does not bind the Planning and Zoning Hearings Board, the Planning Commission, or the City Council in current or future decisions regarding the subject property or application or similar properties or applications.
 - 3. A DI does not run with the land unless the development is substantially consistent with the description in the Director's Interpretation.
- K. Expiration of a Decision. A DI does not expire unless superseded by a subsequent Director's Interpretation or a Text Amendment. A DI for Reasonable Accommodation cannot be superseded, but may be subject to review and/or revocation if it is demonstrated that the use of the site has changed and is no longer consistent with the statements made in the application for Reasonable Accommodation.
- L. Appeal of a Decision. Refer to Section 12.70.180.
- M. Interpretations on File. The Planning Director shall keep a record of all DIs on file in the Planning Division. (Ord. 6322 § 1, 2019; Ord. 6178 § 1, 2016; Ord. 6120 § 1, 2015)

SUBMITTAL REQUIREMENTS CHECK LIST

(INTERPRETATION)

Application submittal requirements are set forth in Section 12.70.110 of the Community Development Code (CDC). The following is a check list based on the specific requirements for Interpretation set forth in Section 12.80.050, and Sections 12.70.030 and 12.70.040 Type I and Type II Procedures:

- Completed, Signed Application Form:** Two (2) copies plus the original completed, signed application form with the applicant and property owner signatures (for a total of 3 sets). The original application form must include a signature from the property owner or authorized agent. This information must be reproduced so please write clearly using black/dark blue ink or type.
- Narrative:** Two (2) copies plus original written narrative clearly describing the request and addressing the applicable standards and approval criteria set forth in 12.80.050 (E) and (H). As set forth in CDC Section 12.80.050 E. Submittal requirements, the narrative shall include the following:
 - If the requested interpretation is for reasonable accommodation, a narrative explaining the following:
 - The specific standard(s) from which accommodation is/are requested,
 - How the use of the subject site with the proposed accommodation(s) will be generally consistent with the purpose of the subject zone, and
 - How the use of the subject site with the proposed accommodation will be generally consistent with the characteristics of the permitted (or conditionally permitted) uses in the subject zone. Examples of characteristics include, but are not limited to: structural setbacks; height limitations; lot coverage; number of persons per household; number of vehicle trips per day to be generated; number of off-street parking spaces to be provided.
- Complete Application Packet Sets:** All submitted material must be folded and collated in sets and to scale. Submittals should include one complete, original application packet along with the applicable number of copy sets indicated above.
- Electronic Files:** A full electronic version of all submitted materials must also be provided in PDF format on a DVD/CD or thumb-drive. Contact the assigned Planner or Planning Technician for additional information or assistance.

SUBMITTAL RECOMMENDATIONS

(INTERPRETATION)

- Applicants are advised to schedule a pre-application meeting with Planning staff to discuss request prior to submittal of application.

- Applicants are advised to submit a draft application package prior to full submittal, or at least one week in advance of application completeness deadline dates for public hearings.

ELECTRONIC FILE NAMING STANDARDS

All files should be named according to their order listed on your provided Title Sheet, Cover Sheet or Table of Contents. ProjectDox displays the files in numeric - alphabetical order, so it is important to name the Drawings with a three digit numeric value followed by the document name before uploading. The numeric value at the beginning of the file name ensures the order in which they are displayed after upload. This only applies to the files in the Drawings folder. Examples of acceptable file names are provided below. Some items shown below may not be applicable to your specific application.

<u>Document Type:</u>	=	<u>Standard Document File Names:</u>
Application Form (Completed, signed)	=	Application
Residential Density Calculation Worksheet	=	Res Density Calcs
Application Narrative	=	Narrative
Clean Water Services Service Provider Letter	=	CWS SPL
Neighborhood Meeting Documentation	=	Neighborhood Mtg
Transportation Study or Traffic Impact Analysis	=	Traffic Report
Stormwater Analysis	=	Stormwater Report
GeoTechnical Report	=	Geotech Report

ProjectDox Tip:

Please limit the number of characters in the file name to **35 characters or less** – abbreviations are acceptable. Do not include “-”(dashes) or special characters (&, %, #, etc.) in the file name. Below are examples of acceptable file names. Reminder, file names for Drawings, should start with the appropriate number given the order and content specific to your application and submittal requirements.

The following components make up the file name for Drawings:

Sequential Display Order No.	Sheet Number	Sheet Title/Name	=	File Name
001	G001	Cover Sheet	=	001 G001 Cover Sheet
002	1.0	Site Plan	=	002 1.0 Prelim Site Plan

The following examples highlight acceptable naming standards for drawing sheets uploaded to the Drawings folder:

List of sheets provided on Drawing Cover Sheet:

DRAWING INDEX	
SHEET NO.	DRAWING TITLE
	COVER SHEET
0.1	PRELIMINARY EROSION & SEDIMENT CONTROL PLAN
1.0	PRELIMINARY SITE PLAN
1.1	EVERGREEN ACCESS PLAN
1.2	PRELIMINARY PHASING PLAN
1.3	PRELIMINARY CIRCULATION PLAN
2.0	PRELIMINARY GRADING AND DRAINAGE PLAN
3.0	PRELIMINARY UTILITY PLAN
3.1	PRELIMINARY LIGHTING PLAN
1.0	LANDSCAPE PLAN
EXISTING CONDITIONS PLAN (ALTA SURVEY)	
1 OF 1	TOPOGRAPHIC SURVEY

Standard Drawing File Names:

- 001 Cover Sheet
- 002 0.1 Erosion Control
- 003 1.0 Prelim Site Plan
- 004 1.1 Evergreen Access
- 005 1.2 Phasing
- 006 1.3 Circulation
- 007 2.0 Grading and Drainage
- 008 3.0 Utility
- 009 3.1 Lighting
- 010 1.0 Landscape
- 011 Topographic Survey

The number value in front of the file name ensures the display order.