



ZONING ORDINANCE

ORDINANCE NO. 1945, as amended

VOLUME I: SECTIONS 1 through 135

Volume I, Sections 1-135, contains regulations governing development not within light rail Station Community Planning Areas (SCPA) or Urban Centers. Development regulations for property located in SCPA zones are contained in Volume II, Sections 136 through 142, and Urban Center zones, Section 143, are contained in Volume II.

Passed by the Council and Approved by the Mayor September 3, 1963

Amended through March 2014

HILLSBORO ZONING ORDINANCE No. 1945

Volume I, Sections 1 through 135

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ORDINANCE NO. 1945

AN ORDINANCE ESTABLISHING ZONING REGULATIONS; ADOPTING A ZONING MAP; REPEALING ORDINANCES NO. 1409, 1725, 1769, 1795, 1809, 1821, 1832, 1851, 1862, 1863, 1882, 1907, 1922, 1924, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The City of Hillsboro does ordain as follows:

Section 1. Short Title. This ordinance shall be known as the Zoning Ordinance of the City.

Section 2. Purposes. The several purposes of this ordinance are to encourage the most appropriate use of land, to conserve and stabilize the value of property, to aid in the rendering of fire and police protection, to provide adequate open space for light and air, to lessen the congestion on streets, to give an orderly growth to the City, to prevent undue concentrations of population, to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety, convenience, and general welfare.

Section 3. Definitions. As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

- (1) **Accessory structure or use.** A structure or use incidental and subordinate to the main use of the property, including a home occupation, which is located on the same lot with the main use and contributes to the comfort or convenience of persons occupying the property, but excluding the keeping of livestock other than ordinary household pets except in accordance with Section 131. (Amended by Ord. No. 3294/1-82.)
- (2) **Alley.** A narrow street through or partially through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (3) **Animal Service Facility.** A commercial establishment primarily engaged in performing veterinary, boarding, grooming, training, and other services for domestic pets, primarily dogs and cats. Outdoor facilities such as runs and exercise yards may or may not be included in the use. Examples of animal service facilities include veterinary clinics, dog and cat day care facilities, dog training facilities, and overnight

- pet boarding. Pet stores are not considered an animal services facility. (Added by Ord. No. 5960/3-11.)
- (4) **Apartment house.** See dwelling, multi-family.
- (5) **At or near a major transit stop.** "At" means and refers to buildings located within 200 feet of the property boundaries of a major transit stop. "Near" means and refers to buildings located within 300 feet of the property boundaries of a major transit stop. (Added by Ord. No. 4465/8-96.)
- (6) **Automated Communication Switching Facility.** A building or structure used primarily to store and operate automated communications equipment requiring minimal human operation and maintenance. Automated communication switching facilities shall be considered a utility substation if the total floor area is less than 1,000 square feet. (Added by Ord. No. 4663/4-98.)
- (7) **Bed and Breakfast Inn.** A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which units do not contain individual cooking facilities, with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five. If located in a residential zone, owners or innkeepers shall reside on the premises, and the bed and breakfast inn shall be considered a home occupation permitted as a conditional use, subject to the provisions of Section 128A Home Occupations and Sections 78 through 83, Conditional Uses. (Added by Ord. No. 4100/10-92 and Amended by Ord. No. 4856/8-00 and Ord. No. 5910/6-09.)
- (8) **Billboard.** (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32.)
- (9) **Boarding.** (Deleted by Ord. No. 5667/9-06.)
- (10) **Building.** A structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, but excluding driveways, walks and similar slab construction not exceeding the surrounding ground level by six inches. For yard exceptions see "Structure". (Amended by Ord. No. 5194/9-02.)
- (11) **Capital Intensive Industrial.** That portion of an industrial building used for manufacturing, repairing, compounding, processing, or storage that is dependent on automated machinery and/or equipment requiring minimal human operation and maintenance. (Added by Ord. No. 4663/4-98.)
- (12) **Child Care Facility.** Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children. (Added by Ord. No. 5168/7-02.)

- (13) **City.** The City of Hillsboro, Oregon.
- (14) **Commercial Recreational Facility.** A sports-oriented business containing facilities for a variety of health, recreational, or social activities. Such facilities may include sports courts; weight rooms; water sports; bowling; miniature golf; indoor or outdoor tracks; restaurants; banquet or conference rooms; child care facilities; and other similar uses. (Added by Ord. No. 3599/2-86 and Amended by Ord. No. 5168/7-02.)
- (15) **Conference Center.** A building or group of buildings used by businesses, community organizations, and individuals for meetings, conferences, and special events. Conference centers may also include kitchen facilities for meal preparation. (Added by Ord. No. 4100/10-92.)
- (16) **Condominium or unit ownership.** Land, all building, improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, which are submitted pursuant to the provisions of ORS 91.500 to 91.671 to 91.990. (Added by Ord. No. 3029/8-79.)
- (17) **Cul-de-sac.** A vehicular turn-around at the terminus of a street. (Added by Ord. No. 2697/5-75.)
- (18) **Disability.** (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; (3) being regarded as having such an impairment. "Disability" does not include current, illegal use of or addiction to a controlled substance as defined by 21 U.S.C. § 802, or pedophilia, exhibitionism, voyeurism or other sexual behavior disorders. "Disability" shall be interpreted consistent with the meaning of "handicap" under 42 U.S.C. § 3602(h)." (Added by Ord. No. 5667/9-06)
- (19) **Dwelling, accessory.** A second, restricted occupancy dwelling unit created on a lot with a detached house. The second unit is created auxiliary to, and is always smaller by at least 25% in total floor area than the primary detached house; however, an accessory dwelling unit may never exceed 750 square feet in total floor area. (Added by Ord. No. 4902/5-00; Amended by Ord. No. 5667/9-06.)
- (20) **Dwelling, common.** (Deleted by Ord. No. 5667/9-06.)
- (21) **Dwelling, condominium.** A dwelling unit within a residential building which is in a condominium. (See condominium) (Added by Ord. No. 3029/8-79.)
- (22) **Dwelling, duplex; or dwelling, two-family; or duplex.** A detached building containing two dwelling units. (Added by Ord. No. 3029/8-79, and Amended by Ord. No. 3435/12-83.)
- (23) **Dwelling, Elderly and Disabled.** (Deleted by Ord. No. 5667/9-06.)
- (24) **Dwelling, Elderly Disabled Congregate Care.** (Deleted by Ord. No. 5667/9-06.)

- (25) **Dwelling, multi-family; or apartment house.** A detached building containing three or more dwelling units in one ownership. (Added by Ord. No. 3029/8-79.)
- (26) **Dwelling, single-family.** A detached building, other than a mobile or manufactured home, containing one dwelling unit. (Added by Ord. No. 3029/8-79; Amended by Ord. No. 4213/3-94.)
- (27) **Specialty Dwelling.** (Deleted by Ord. No. 4099/10-92.)
- (28) **Dwelling, townhouse; or townhouse.** A dwelling unit in a building of two or more dwelling units, with each dwelling unit and its underlying lot platted to allow separate ownership. (Added by Ord. No. 3029/8-79 and Amended by Ord. No. 3387/3-83.)
- (29) **Dwelling unit.** One or more rooms designed for occupancy by one family and not having more than one cooking facility. In the case of a group living structure, each four residents shall constitute a dwelling unit. (Amended by Ord. No. 3029/8-79; Amended by Ord. No. 5667/9-06.)
- (30) **Family.** An individual, or two or more persons related to one or more persons in the household by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit. "Family" also includes persons who live together in a residential home or residential facility and not more than eight persons with disabilities who live together in a dwelling unit.
- (31) **Fence, Sight-obscuring.** A fence or evergreen planting arranged in such a way as to obstruct vision.
- (32) **Floor area.** The area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.
- (33) **Garage, private.** An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.
- (34) **Garage, public.** A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.
- (35) **Garden store.** A retail store for the sale of garden supplies and plants that are used in the care and development of residential property.
- (36) **Grade (ground level).** The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- (37) **Group living structure.** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence by six to fifteen unrelated persons, where the tenancy is arranged on a month-to-month basis or

longer, and the home is occupied by the owner or the owner's agent and that person supervises the use of the home. "Group living structure" does not include a residential home, residential facility, senior or convalescent care facility, or specialty housing facility. "Group living structure" also does not include residential uses accessory to a college, medical center or religious institution (such as dormitories, fraternities, or monasteries), which are included as part of an approved concept development, planned unit development or conditional use plan. The number of residents in a group living structure is limited to the density of the underlying zone, at an equivalency ratio of four persons equaling one dwelling unit. (Added by Ord. No. 5667/9-06)

- (38) **Habitat Benefit Areas.** In accordance with the Tualatin Basin Fish & Wildlife Habitat Program, areas shown on Metro's Regionally Significant Fish and Wildlife Habitat Inventory map as containing Classes I, II, and III riparian corridors/wildlife habitat and Class A Upland Wildlife Habitat. (Added by Ord. No. 5729/3-07)
- (39) **Habitat Friendly Development Practices.** Includes a broad range of development techniques and activities that reduce the detrimental impact on fish and wildlife habitat relative to traditional development practices. (Added by Ord. No. 5729/3-07)
- (40) **Height of building.** The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.
- (41) **High Profile Industrial Building.** An industrial building designed and constructed for manufacturing or warehouse use, characterized by highly specialized mechanical and/or automated equipment requiring structural heights greater than 45 feet. (Added by Ord. No. 4096/9-92.)
- (42) **Home occupation.** A lawful activity, excluding a business in which the primary activity is direct on-site sale of a product(s,) manufactured on or off-site, to the general public, conducted on a residential property, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the property is maintained. Home occupations shall be permitted and operated pursuant to the provisions of Section 128A (IV), General Approval Criteria and performance Standards. (Amended by Ord. No. 4856/8-00.)
- (43) **Hospital.** An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.
- (44) **Hotel.** A building with a common entrance consisting of individual sleeping quarters for rental to transients, and in which no provision is made for cooking in the lodging room. (Amended by Ord. No. 3029/8-79.)
- (45) **Institutional development.** Includes all public/semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums,

hospitals, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, transit transfer stop and park-and-ride facilities, and other similar facilities and uses. (Added by Ord. No. 4465/8-96.)

- (46) **Kennel.** (Deleted by Ord. No. 5960/3-11.)
- (47) **Light Rail Construction Area.** Any property not within the light rail right-of-way used or to be used by light rail construction contractors for the purpose of temporary equipment and materials storage and construction office location. (Added by Ord. No. 4300/12-94.)
- (48) **Light Rail Facility.** Any structures, pieces of equipment, buildings, earthwork, or related facilities involved in the operation of light rail transit, including but not limited to: tracks; bridges; crossings; cautionary poles and overhead wires; signal and communication buildings; operations buildings; traction power stations; platforms; transit stations; and sound walls. (Added by Ord. No. 4300/12-94.)
- (49) **Light rail station site.** Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail station stop, such as the station platform, a park-and-ride lot, bus stops, and other similar facilities. Station site locations shall be determined by the City of Hillsboro in the manner set out in Section 135 of this ordinance. For determining distance from a given light rail station site boundary, measurement shall be made from the nearest boundary of the station site to the point of interest to which measurement is being made. Maps to be used in making this determination shall be the current Washington County Tax Assessors Maps and, as applicable, the most recent right-of-way maps drawn for the Westside Light Rail Project or the Hillsboro Extension of the Westside Light Rail Project. (Added by Ord. No. 4465/8-96.)
- (50) **Lot.** A parcel or tract of land.
- (51) **Lot area.** The total horizontal area within the lot lines of a lot.
- (52) **Lot, corner.** A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
- (53) **Lot depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
- (54) **Lot, Flag.** A lot so shaped that the building area (the "flag") is not adjacent to the street or alley on which the lot fronts, and which includes an access strip (the "pole") connecting the building area to the street or alley. (Added by Ord. No. 5892/12-08)
- (55) **Lot, interior.** A lot other than a corner lot.
- (56) **Lot line.** The property line bounding a lot.

- (57) **Lot line, front.** Unless otherwise specified elsewhere in this Ordinance, in the case of interior or corner lots, the front lot line(s) is or are the property line(s) separating the lot from a street or alley.

In the case of flag lots, the front lot line is the edge of the improved area of the common driveway, or the extension of the access property line closest to the building area, to which the garage or parking area shall be oriented. If the flag lot is the farthest flag lot from the street or alley, with no possibility of future extension of the access to adjacent property, at the option of the applicant the front lot line may be the property line closest to the street or alley, and the garage or parking area may be oriented toward that line. (Amended by Ord No. 5778/8-07 and 5892/12-08.)

- (58) **Lot line, rear.** A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at maximum distance from the front lot line.
- (59) **Lot line, side.** Any lot line not a front or rear lot line.
- (60) **Lot width.** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- (61) **Main building entrance.** A primary entrance to a building, intended for use by residents, employees, students, customers, clients, commuters, visitors, messengers or other members of the public. (Added by Ord. No. 4465/8-96.)
- (62) **Major retail use.** A retail operation with 60,000 square feet or more of gross leasable area per building or business. (Added by Ord. No. 5050/8-01.)
- (63) **Major transit stop.** Includes existing or planned light rail stations and transit transfer stops (except for temporary facilities). "Major transit stop" also includes other planned stops designated as major transit stops in the City's Transportation System Plan and existing stops which are located along transit routes that have, or are planned for 20 minutes service during the peak hour and which either (1) are located in a transit district, or (2) are located within one-quarter mile of an area planned or zoned for (a) medium or high density residential development; (b) intensive commercial or industrial uses which is within one-quarter mile of an area planned and zoned for medium or high density residential development; or (c) uses likely to generate a relatively high level of transit ridership. As used in this definition, "transit route" means the SW Baseline-Main Street roadway, NW Cornell Road, SW 185th Avenue, NW Walker Road, and the Tualatin Valley Highway and other roadways designated as "transit routes" in the adopted City Transportation System Plan. (Added by Ord. No. 4465/8-96.)
- (64) **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (Added by Ord. No. 4213/3-94.)

- (65) **Manufactured Home Park.** A lot, tract or parcel upon which six or more mobile or manufactured homes are placed, and the land upon which said homes are placed is rented or leased to the owners of said homes, or said owners hold ownership in common. (Amended by Ord. No. 3609/4-86; Renumbered and Revised by Ord. No. 4213/3-94.)
- (66) **Minimum Residential Density.** The minimum number of residential dwelling units required per net residential acre of developable land. The minimum residential density shall be at least 80% of the maximum number of dwelling units that can be built per net residential acre permitted by the zoning designation for the site. The minimum density permitted for a project is calculated by multiplying the minimum density standard by the net residential acres within the development site. However, in cases where significant natural resources are encountered within developable land, the minimum residential density may be limited to 50% of the maximum permitted by the zoning designation for the site in order to accommodate the protection of such significant natural resources including those identified within the City's Significant Natural Resource Overlay District, or within Habitat Benefit Areas included in Metro's Regionally Significant Fish and Wildlife Habitat Inventory. (Added by Ord. No. 4902/5-00, Amended by Ord. 5729/3-07.)
- (67) **Mixed Use Development.** One or more structures, on a lot or contiguous lots, in which a combination of residential and commercial or commercial and industrial uses are permitted, but where uses not permitted in the underlying zone are limited to less than 40 percent of the overall floor area of the structure or structures. (Added by Ord. No. 4223/4-94.)
- (68) **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (Amended by Ord. No. 3609/4-86 and Renumbered and Revised by Ord. No. 4213/3-94.)
- (69) **Mobile Home Special Use Area.** (Deleted by Ord. No. 4213/3-94.)
- (70) **Mobile Home Subdivision.** (Deleted by Ord. No. 4213/3-94.)
- (71) **Motel or auto court.** A building or group of buildings on the same lot containing guest units with separate entrance from the building exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.
- (72) **Nearby.** When used in connection with bicycle and pedestrian access, "nearby" means uses within one-half mile distance of such access which can reasonably be expected to be used by pedestrians. (Added by Ord. No. 4465/8-96.)
- (73) **Neighborhood activity center.** Neighborhood activity centers include, but are not limited to, existing or planned parks, schools, shopping areas, employment centers,

transit stops, recreational centers, theaters, museums, and other pedestrian oriented land uses that attract or are capable of attracting a significant level of daily pedestrian usage. (Added by Ord. No. 4465/8-96 and Amended by Ord. No. 5892/12-08.)

- (74) **Net Residential Acre.** A net residential acre is equal to one acre of developable residential land. Net residential acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of "undeveloped" land. Net residential acreage equals the gross square footage of a site minus the undeveloped land divided by 43,560. Undeveloped land is defined as, and limited to, that which is:
1. Required for dedications of public and private rights-of-way and access easements, and for internal streets required for fire access;
 2. Required for storm water treatment and detention facilities;
 3. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;
 4. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;
 5. Delineated wetlands, and vegetated corridors as required by Clean Water Services; and
 6. Any land with slopes of twenty-five percent (25%) or greater or within the most current mapped 100-year floodplain (as referenced in Section 131), unless used for building or parking purposes.

(Added by Ord. No. 4902/5-00, Amended by Ord. No. 5778/8-07 and 5892/12-08.)

- (75) **Nonconforming structure or use.** A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
- (76) **Parent Parcel.** A lot of record or a lot in a proposed land division which is proposed to be developed with one or more multiple-unit residential structure(s), and which may be further divided to allow individual ownership of each unit.
- (77) **Parking space.** A permanently maintained space with proper access for one standard size automobile as indicated in Section 86. (Amended by Ord. No. 2535/11-72.)
- (78) **Pedestrian/bicycle accessway, or Accessway.** Any off-street path or way designed and constructed for use by pedestrians and bicyclists which provides direct

routes within and from new subdivisions and planned unit developments to other residential areas, transit streets, shopping areas and neighborhood activity centers where such routes are not otherwise provided by the street system. Pedestrian/bicycle accessways through parking lots are generally physically separated from adjacent vehicle parking, parallel vehicle parking, of vehicular traffic by curbs or similar devices and include landscaping, trees and lighting. Where pedestrian/bicycle accessways cross driveways, they are generally raised, paved or marked in a manner that provides for convenient and recognized access for pedestrians. (Added by Ord. No. 4465/8-96.)

- (79) **Pedestrian connection.** A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, pedestrian walkways, pedestrian/bicycle accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. (Added by Ord. No. 4465/8-96.)
- (80) **Pedestrian plaza, or Plaza.** A small, semi-enclosed area, usually adjoining and connecting directly to a sidewalk, pedestrian walkway, transit stop or building entrance, that provides a place for pedestrians to sit, stand or rest. Pedestrian plazas are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian scale elements and improvements. Pedestrian plazas typically include low walls or planters and landscaping to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. A plaza including 150 to 250 square feet of area would be considered "small." (Added by Ord. No. 4465/8-96.)
- (81) **Pedestrian scale.** Site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance. (Added by Ord. No. 4465/8-96.)
- (82) **Pedestrian walkway.** A hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway and pedestrian connection by the primary function it serves which is to provide for safe and convenient internal pedestrian movement within a site or property. (Added by Ord. No. 4465/8-96.)
- (83) **Person.** Every natural person, firm, partnership, association, or corporation.
- (84) **Planning Director.** The Planning Director of the City of Hillsboro or the Planning Director's designee. (Added by Ord. No. 4465/8-96.)
- (85) **Reasonably direct.** When used in connection with bicycle and pedestrian access, "reasonably direct" means either a route that does not deviate unnecessarily from a

straight line or a route that does not involve a significant amount of out-of-direction travel for likely users. (Added by Ord. No. 4465/8-96.)

- (86) **Residential Recreation Center.** A private property or structure for which recreation is the primary use, the structure or use being developed in conjunction with a surrounding residential development. (Added by Ord. No. 3599/2-86.)
- (87) **Residential facility.** "Residential facility" as defined by state law (currently ORS 197.660), including a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements are not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (Added by Ord. No. 5667/9-06)
- (88) **Residential home.** "Residential home" as defined by state law (currently ORS 197.660), including a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements are not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (Added by Ord. No. 5667/9-06)
- (89) **Safe and convenient.** When used in connection with bicycle and pedestrian access, "safe and convenient" means bicycle and pedestrian routes, facilities and improvements that are reasonably free from hazards (particularly types or levels of automobile traffic which would interfere with or discourage short pedestrian or bicycle trips); that provide a reasonably direct route of travel between the place of origin and place of destination; and, that meet the travel needs of pedestrians and bicyclists considering destination and length of trip and an optimum trip length for pedestrians of generally one-quarter to one-half mile. (Added by Ord. No. 4465/8-96.)
- (90) **Senior or Convalescent Care Facility.** A living facility for six or more non-related persons, which provides specialized care, supervision, treatment, training, or a combination of these services, for residents. This definition includes, but is not limited to, Assisted Living or Residential Care Facilities, Congregate Care Facilities, Nursing Homes, Sanatoriums, and Geriatric Care Facilities. (Added by Ord. No. 5667/9-06)
- (91) **Sign.** (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32.)
- (92) **Specialty Housing.** An independent living facility for six or more non-related persons, in which specialized care or other services for residents is not provided, but

which has structural accommodations or amenities for senior or disabled residents. (Added by Ord. No. 5667/9-06)

- (93) **Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than 6 feet above grade, such basement or cellar shall be considered a story.
- (94) **Street.** The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.
- (95) **Structure.** That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground. For purposes of this Ordinance the following shall not be considered structures for the purposes of determining yards: sound walls installed adjacent to light rail facilities, pursuant to the March 1994 Final Environmental Impact Statement: Hillsboro Extension of the Westside Corridor; accessibility ramps; and first-story decks located within the required side, rear, and interior setback areas, which comply with the following standards:
1. Decks shall not be located closer than three feet to the side, rear, and interior property lines;
 2. Decks shall not exceed a height of the first-story finished floor or 24 inches (measured from natural grade to the finished deck surface) whichever is less; and,
 3. Deck surfaces, and ground surfaces beneath the deck, both of which are permeable.

(Amended by Ord. No. 4300/12-94 and 5194/9-02.)

- (96) **Structural alteration.** A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or the roof.
- (97) **Third Place.** A commonly accessible location within a neighborhood, which is neither "home" nor "work", which functions as a gathering place for social interaction among residents and visitors. Alternatively, a commonly accessible location within a business district or a campus development which fulfills the same function for employees and customers. Such locations are characterized by planned or spontaneously occurring amenities such as hardscaped or landscaped group seating areas and activities equipment. Third places can be either indoors or outdoors, and either publicly or privately owned. (Added by Ord. No. 5778/8-07)

- (98) **Transit district.** Includes lands within one-quarter mile of a light rail station site as defined in Section 135 of this ordinance or as otherwise identified in the City's comprehensive plan, transportation system plan, or in a detailed station area plan. (Added by Ord. No. 4465/8-96.)
- (99) **Transit oriented uses.** Include multifamily residential, retail, office and institutional developments designed to support a high level of transit use and transit supportive features such as bus stops and pullouts, bus shelters, park and ride stations, pedestrian spaces containing landscaping and benches plus at least two other pedestrian amenities such as awnings, water features, public art or kiosks, pedestrian scale outdoor lighting, or outdoor eating areas or vendors, and the like. (Added by Ord. No. 4465/8-96.)
- (100) **Transit Park and Ride.** Any surface parking lot or parking structure owned and/or operated by or on behalf of Tri-Met, which provides automobile and bicycle parking for light rail and/or bus transit riders. (Added by Ord. No. 4300/12-94.)
- (101) **Transit stop.** Any posted bus or light rail stop. (Added by Ord. No. 4465/8-96.)
- (102) **Transit trunk route.** Any arterial or collector street upon which Tri-Met currently provides continuous 20-minute service during weekday business hours. Upon adoption of the City's Transportation System Plan, "transit trunk route" means any arterial, collector or other street identified as a transit trunk route in that Plan or any subsequent amendment thereto. (Added by Ord. No. 4465/8-96.)
- (103) **Trailer-Coach.** (Deleted by Ord. No. 3029/8-79.)
- (104) **Trailer-Park.** (Deleted by Ord. No. 3029/8-79.)
- (105) **Usable Open Space.** Planned and improved open areas that provide opportunities for active recreation; passive relaxation; or community interaction. Such areas may include, but are not limited to: children's play areas; pocket parks; improved playing fields or courts; and paved or landscaped pedestrian spaces. Usable open space does not include: foundation landscaping; enlarged or enhanced parking strips or sidewalks; or unimproved or vacant areas. Usable open space may include Resource Level 1, 2, or 3 Significant Natural Resource areas, wetlands or buffers only if such areas are enhanced pursuant to the standards of this Ordinance. (Added by Ord. No. 5778/8-07)
- (106) **Use.** The purpose for which land or a structure is designed, arranged, or intended or for which it is occupied or maintained.
- (107) **Vision clearance area.** A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area

contains no planting, walls, structures, or temporary or permanent obstructions exceeding 30 inches in height, except occasional tree trunks or poles. The vision clearance area shall be measured from the top of the curb or, if there is no curb, from the centerline street grade and extend upward 10 feet.

- (108) **Yard.** An open space on a lot which is unobstructed by a building or structure from the ground upward except as otherwise provided in this ordinance. (Amended by Ord. No. 5194/9-02.)
- (109) **Yard, front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
- (110) **Yard, rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.
- (111) **Yard, side.** A yard between the front and rear yard measured horizontally and at right angles to the side lot line from the side lot line to the nearest point of the building.
- (112) **Yard, front (corner lot).** In a corner lot, the yards abutting all intersecting streets. (Added by Ord. No. 2350/4-70.)
- (113) **Yard, interior (corner lot).** In a corner lot, a yard adjacent to any lot line which is not a street line. (Added by Ord. No. 2350/4-70.)

(Section 3 amended and renumbered by Ord. No. 4663, 5050/8-01, 5168/7-02, 5667/9-06, 5676/10-06, 5429/3-07, 5778/8-07, 5892/12-08, 5910/6-09 and 5960/3-11.)

Section 4. Compliance with Ordinance Provisions. A structure or lot shall hereafter be used or occupied and a structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered only as this ordinance permits.

Section 5. Classification of Zones. For the purposes of this ordinance, the city is divided into zones designated as follows:

ZONE	ABBREVIATED DESIGNATION
Single-family residential	R-10
Single-family residential	R-8.5
Single-family residential	R-7
Single-family residential	R-6
Single-family residential	R-4.5
Multi-family residential	A-1
Multi-family residential	A-2
Multi-family residential	A-3
Multi-family residential	A-4
Neighborhood commercial	C-4
Central Commercial (deleted by Ordinance No. 4968/11-00)	C-2
General Commercial	C-1
Industrial	M-2
Industrial Park	M-P
Mobile Home overlay (deleted by Ordinance No. 3029/8-79)	M-H
Planned Unit Development overlay	PUD
Regulatory Floodplain District	RFD
Fairgrounds Commercial zone (Deleted by Ordinance No. 4822/9-99)	C-F
Special Industrial District overlay	SID
Shute Road Special Industrial District overlay	SSID
Significant Natural Resource overlay	SNRO
Light Rail Station Area Interim Protection Overlay (deleted by Ordinance No. 4976/11-00)	SAIPO
Station Community Residential – Low Density	SCR-LD
Station Community Residential – Medium Density	SCR-MD
Station Community Residential – High Density	SCR-HD
Station Community Residential – Village	SCR-V
Station Community Residential – Downtown Neighborhood Conservation	SCR-DNC
Station Community Residential – Orenco Townsite Conservation	SCR-OTC

Station Community Commercial – Central Business District	SCC-CBD
Station Community Commercial – Highway-Oriented District (Deleted by Ordinance No. 5973-7-11)	SCC-HOD
Station Community Commercial – Station Commercial	SCC-SC
Station Community Commercial – Multi-Modal	SCC-MM
Station Community Industrial	SCI
Station Community Business Park	SCBP
Station Community Research Park (Deleted by Ordinance No. 6018/6-12)	SCRp
Station Community Fair Complex Institutional	SCFI
Urban Center – Residential Medium Density (Added by Ordinance No. 6018/6-12)	UC –RM
Urban Center – Mixed Use Urban Density (Added by Ordinance No. 6018/6-12)	UC-MU
Urban Center – Activity Center (Added by Ordinance No. 6018/6-12)	UC-AC
Urban Center – Neighborhood Center (Added by Ordinance No. 6018/6-12)	UC-NC
Urban Center – Office/Research (Added by Ordinance No. 6018/6-12)	UC-OR
Urban Center – Research Park (Added by Ordinance No. 6018/6-12)	UC-RP

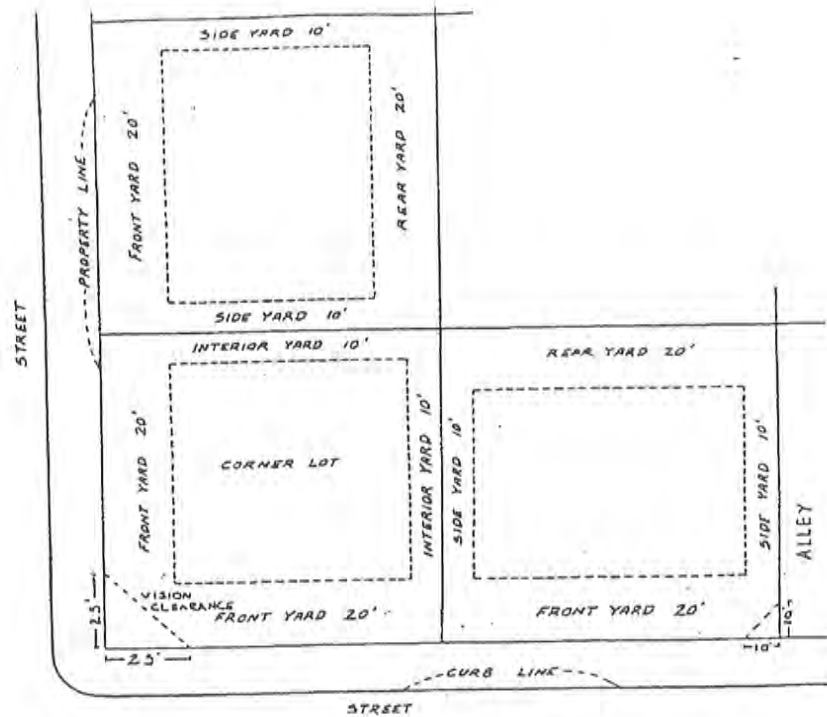
(Amended by Ord. No 5778/8-07 and Ord. No. 6018/6-12)

Section 6. Zoning Map.

- (1) The location and boundaries of the zones designated in Section 5 are hereby established as shown on the map entitled "City of Hillsboro Zoning Map" hereafter referred to as the "Zoning Map." (Amended by Ord. No. 5778/8-07)
- (2) The original signed copy of the zoning map shall be maintained without change on file in the office of the city recorder. (Amended by Ord. No. 5778/8-07)
- (3) Copies of the Zoning Map showing all amendments shall be maintained by the Planning and Information Services Departments. (Added by Ord. No. 3029/8-79, and Amended by Ord. No. 5778/8-07)

For reference only. Information on this page not adopted as part of this Zoning Ordinance.

Residential Zone R-10



R-10 SINGLE FAMILY RESIDENTIAL ZONE	
Minimum Front and Rear Yards.....	20 Feet
Minimum Side Yard.....	10 Feet
Minimum Interior Yard (corner lots).....	10 Feet
Minimum Lot Size.....	10,000 square feet
Minimum Width at Building Line.....	70 Feet
Minimum Lot Depth.....	90 Feet
Maximum Lot Coverage.....	40 percent of interior lot
	45 percent of corner lot
Minimum Density.....	3 Dwelling Units Per Net Acre
Maximum Building Height.....	35 Feet or 2 1/2 stories

Residential Zone R-10

Section 7. Uses Permitted Outright. In a R-10 zone the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling.
- (2) Agricultural use of land, such as truck gardening, orchards and horticulture, but excluding commercial buildings or structures. The raising of animals other than normal household pets is allowable, but only in compliance with Section 131. (Amended by Ord. No. 3294/1-82.)
- (3) Duplex dwellings on not to exceed 20% of the lots in a newly platted, or replatted, subdivision, when such lots are so designated at the time of preliminary subdivision or resubdivision approval or reapproval. The minimum size for a subdivision proposing designation of up to 20% of the lots therein for duplexes is twenty lots. (Amended by Ord. No. 3240/5-81.)
- (4) Home occupation, as defined in Section 3 hereof, subject to the requirements of Section 128A. (Added by Ord. No. 3029/8-79 and Amended by Ord. No. 4856/8-00.)
- (5) A duplex lot, established in conformance with subsection (3) above, otherwise meeting the requirements of the Zoning Ordinance, may be divided for the purpose of allowing two single-family attached dwelling units. (Added by Ord. No. 3395/10-83.)
- (6) A manufactured home complying with the placement standards contained in Section 77E. (Added by Ord. No. 4213/3-94.)
- (7) Light Rail Facility. (Added by Ord. No. 4300/12-94.)
- (8) Accessory Dwelling. (Added by Ord. No. 4902/5-00.)
- (9) Residential Homes and Facilities. (Added by Ord. No. 5667/9-06.)

Section 8. Conditional Uses Permitted. In a R-10 zone the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83:

- (1) Church.
- (2) Governmental structure or use including public park, playground, recreation building, fire station, library, or museum.
- (3) School: primary, elementary, junior high or senior high, college or university, publicly owned. Accessory uses such as tennis courts, grounds or playground

lighting, covered walkways, surface or subsurface improvements, accessory buildings of less than 450 square feet, landscaping, shall be allowed as a part of such use without additional application or submission to the City of Hillsboro. (Amended by Ord. No. 2466/10-77 and 5168/7-02.)

- (4) Utility substation or pumping station with no equipment storage.
- (5) Residential recreation center. (Added by Ord. No. 2733/10-75, and Amended by Ord. No. 3599/2-86.)
- (6) Condominium or unit ownership of duplex units allowed pursuant to Section 7 (3) hereof. (Added by Ord. No. 3029/8-79.)
- (7) Group living structure, limited to the number of dwelling units allowable. (Added by Ord. No. 3029/8-79; Amended by Ord. No. 5667/9-06.)
- (8) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
- (9) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
- (10) Transit Park and Ride. (Added by Ord. No. 4300/12-94.)
- (11) Bed and Breakfast Inn, as defined in Section 3 (6) subject to the requirements of Section 128A. (Added by Ord. No. 4856/8-00.)
- (12) Child Care Facility.

Section 8A. Minimum and Maximum Densities. In the R-10 zone, the minimum density standard is 3.50 dwelling units per net residential acre. The maximum density standard is 4.35 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00, Amended by Ord. No. 5778/8-07, and 5821/12-07)

Section 9. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 10. Lot Size. In a R-10 zone the lot size shall be as follows:

- (1) The minimum average lot area shall be 10,000 sq. ft. with a maximum of one single-family residence (or duplex) per lot. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.
- (2) The minimum lot widths at the front building line shall average 70 feet.
- (3) The minimum lot depths shall average 90 feet.

- (4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line. (Added by Ord. No. 3395/10-83.)

(Section 10 Amended by Ord. No. 5778/8-07)

Section 11. Setback Requirements. Except as provided in Sections 88 and 93, in a R-10 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 20 feet, except as provided in Subsection 7 of this Section. . (Amended by Ord. No. 2350/4-70)
- (2) The side yard shall be a minimum of 10 feet, except as provided in Subsection 7 of this Section.
- (3) The rear yard shall be a minimum of 20 feet.
- (4) All corner lots shall have interior yards of not less than 10 feet, except as provided in Subsection 7 of this Section. (Added by Ord. No. 2350/4-70.)
- (5) All corner lots shall have front yards of not less than 20 feet, except as provided in Subsection 7 of this Section. (Added by Ord. No. 2350/4-70.)
- (6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived. (Added by Ord. No. 3395/10-83.)
- (7) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Added by Ord. No. 5778/8-07)

(Section 11 Amended by Ord. No. 5778/7-07)

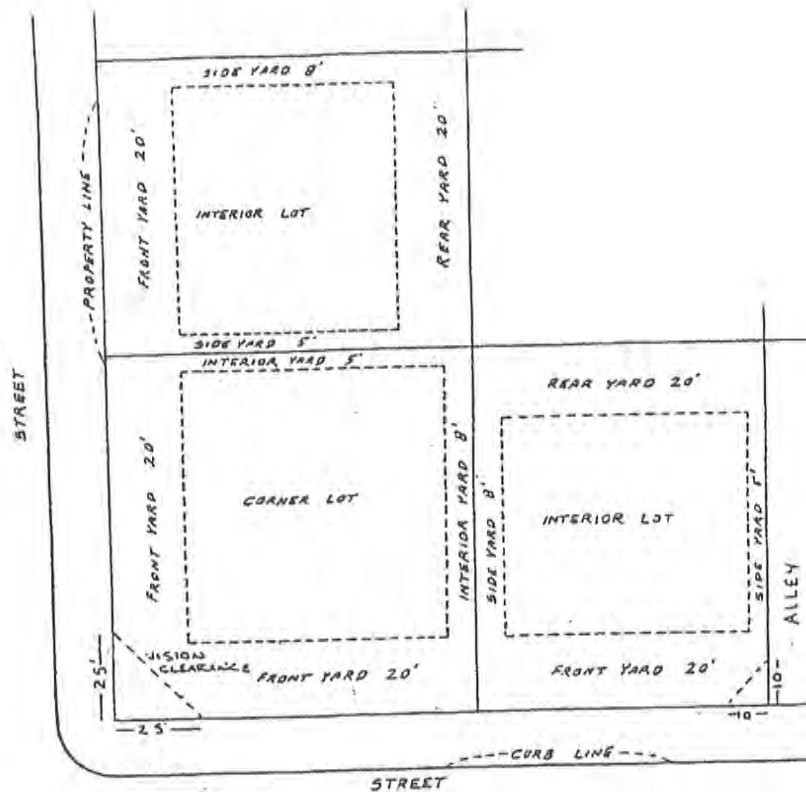
Section 12. Height of Buildings. In a R-10 zone buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

Section 13. Lot Coverage. In the R-10 zone buildings shall not occupy more than 40 percent of the lot area of an interior lot nor 45 percent of a corner lot. (Amended by Ord. No. 4902/5-00.)

RESERVED FOR FUTURE SECTIONS

For reference only. Information on this page not adopted as part of this Zoning Ordinance.

Residential Zone R-7



R-7 SINGLE FAMILY RESIDENTIAL ZONE

Minimum Front and Rear Yards.....	20 Feet
Minimum Side Yard.....	5 Feet, and sum of 2 sides = 13 Feet
Minimum Interior Yard (corner lots).....	5 Feet and 8 feet location determined by developer
Minimum Lot Size.....	7,000 square feet
Minimum Width at Building Line.....	60 Feet
Minimum Lot Depth.....	90 Feet
Maximum Lot Coverage.....	45 percent of interior lot
	50 percent of corner lot
Minimum Density.....	5 Dwelling Units Per Net Acre
Maximum Building Height.....	35 Feet or 2 1/2 stories

Residential Zone R-7

Section 14. Uses Permitted Outright. A use permitted outright in a R-10 zone is permitted outright in a R-7 zone.

Section 15. Conditional Uses Permitted. A use permitted as conditional in a R-10 zone is permitted as a conditional use in a R-7 zone.

- (1) (Deleted by Ord. No. 4213/3-84.)
- (2) Mixed Use Residential/Commercial Development, on sites smaller than two acres, within the Station Area Interim Protection District. (Added by Ord. No. 4223/4-94.)

Section 15A. Minimum and Maximum Densities. In the R-7 zone, the minimum density standard is 5 dwelling units per net residential acre. The maximum density standard is 6.25 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00; Amended by Ord No.5778/8-07)

Section 16. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 17. Lot Size. In a R-7 zone, the lot size shall be as follows:

- (1) The minimum average lot area shall be 7,000 sq. ft. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Amended by Ord. No. 3029/8-79.)
- (2) The minimum lot widths at the front building line shall average 60 feet.
- (3) The minimum lot depths shall average 90 feet.
- (4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, provided that the parent parcel meets or exceeds the minimum average lot area and width specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line. (Added by Ord. No. 3395/10-83.)

(Section 17 Amended by Ord. No. 5778/8-07)

Section 18. Setback Requirements. Except as provided in Sections 88 and 93, in a R-7 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 20 feet, except as provided in Subsection 7 of this Section.
- (2) The side yard shall be a minimum of five feet, and the sum of the two side yards shall be a minimum of 13 feet, except as provided in Subsection 7 of this Section. (Amended by Ord. No. 2350/4-70.)

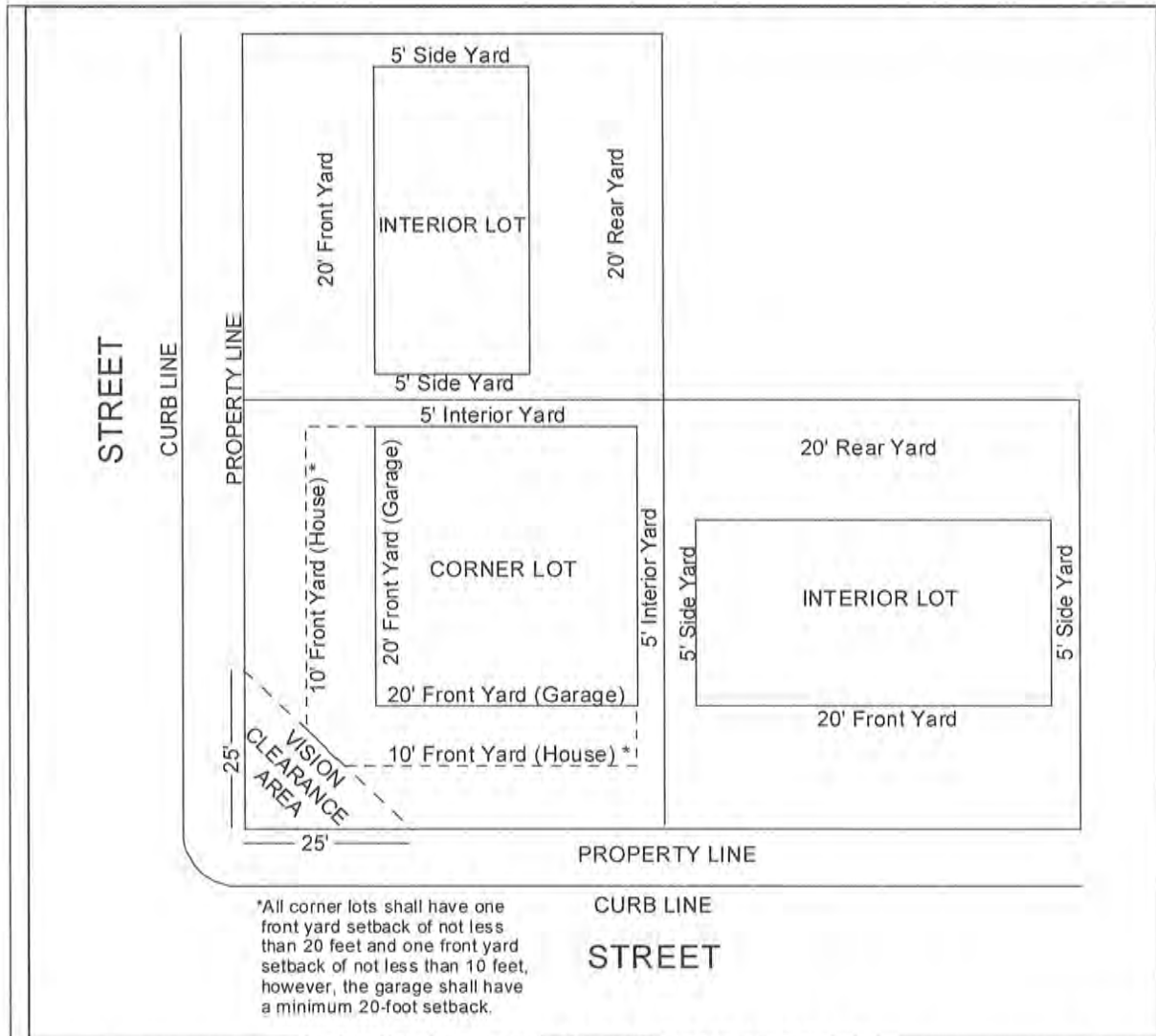
- (3) The rear yard shall be a minimum of 20 feet.
- (4) All corner lots shall have one interior yard of not less than five feet and one interior yard of not less than eight feet, the location of which to be determined by the developer, except as provided in Subsection 7 of this Section. (Added by Ord. No. 2350/4-70.)
- (5) All corner lots shall have front yards of not less than 20 feet, except as provided in Subsection 7 of this Section. (Added by Ord. No. 2350/4-70.)
- (6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived. (Added by Ord. No. 3395/10-83.)
- (7) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Added by 5778/8-07)

(Section 18 Amended by Ord. No. 5778/8-07)

Section 19. Height of Building. In a R-7 zone buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

Section 20. Lot Coverage. In an R-7 zone buildings shall not occupy more than 45 percent of the area of an interior lot nor 50 percent of a corner lot. (Amended by Ord. No. 4902/5-00.)

For reference only. Information on this page not adopted as part of this Zoning Ordinance.

**R-6 SINGLE FAMILY RESIDENTIAL ZONE**

Minimum Front and Rear Yards.....	20 feet (Corner lots allowed one 10-foot front yard. See Section 20.G.5)
Minimum Side Yard.....	5 feet
Minimum Interior Yard (corner lots).....	5 feet
Minimum Density.....	6 Dwelling Units Per Net Residential Acre
Minimum Lot Size.....	6,000 square feet
Minimum Width at Building Line.....	55 feet
Minimum Lot Depth.....	85 feet
Maximum Lot Coverage.....	55 percent of interior lot
	60 percent of corner lot
Maximum Building Height.....	35 feet or 2 1/2 stories

Residential Zone R-6

Section 20A. Locations Permitted. Use of the R-6 zone shall be restricted to the areas identified as Urban Area B and Urban Area C in the Urban Planning Area Agreement between Hillsboro and Washington County (adopted December 28, 1983).

Section 20B. Uses Permitted Outright. A use permitted outright in an R-7 Zone is permitted outright in an R-6 zone.

- (1) (Deleted by Ord. No. 4213/3-94.)

Section 20C. Conditional Uses Permitted. A use permitted as conditional in an R-7 zone is permitted as a conditional use in an R-6 zone.

- (1) (Deleted by Ord. No. 4213/3-94.)

Section 20D. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 20E. Minimum and Maximum Densities. In the R-6 Zone, the minimum density standard is 6 dwelling units per net residential acre. The maximum density standard is 7.5 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07)

Section 20F. Lot Size. In an R-6 zone, the lot size shall be as follows:

- (1) The minimum average lot area shall be 6,000 sq. ft. However, in a newly platted or replatted subdivision of eight lots or lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.
- (2) The minimum lot widths at the front building line shall average 55 feet.
- (3) The minimum lot depths shall average 85 feet.
- (4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, provided that the parent parcel meets or exceeds the minimum average lot area and width specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

(Section 20F Amended by Ord. No. 5778/8-07)

Section 20G. Setback Requirements. Except as provided in Sections 88 and 93, in an R-6 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 20 feet, except as provided in Subsections 5 and 7 of this Section.
- (2) The side yards shall be a minimum of five feet each, except as provided in Subsection 7 of this Section.
- (3) The rear yard shall be a minimum of 20 feet.
- (4) All corner lots shall have interior yards of not less than five feet, except as provided in Subsection 7 of this Section.
- (5) All corner lots shall have one front yard setback of not less than 20 feet and one front yard setback of not less than 10 feet, except as provided in Subsection 7 of this Section. However, the garage shall have a minimum 20 foot setback. (Amended by Ord. No. 4313/2-95.)
- (6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived.
- (7) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Added by Ord. No. 5778/8-07)

(Section 20G Amended by Ord. No. 5778/8-07 and 5892/12-08.)

Section 20H. Height of Building. In an R-6 zone, buildings shall not exceed a height of 35 feet or two-and-a-half stories, whichever is less.

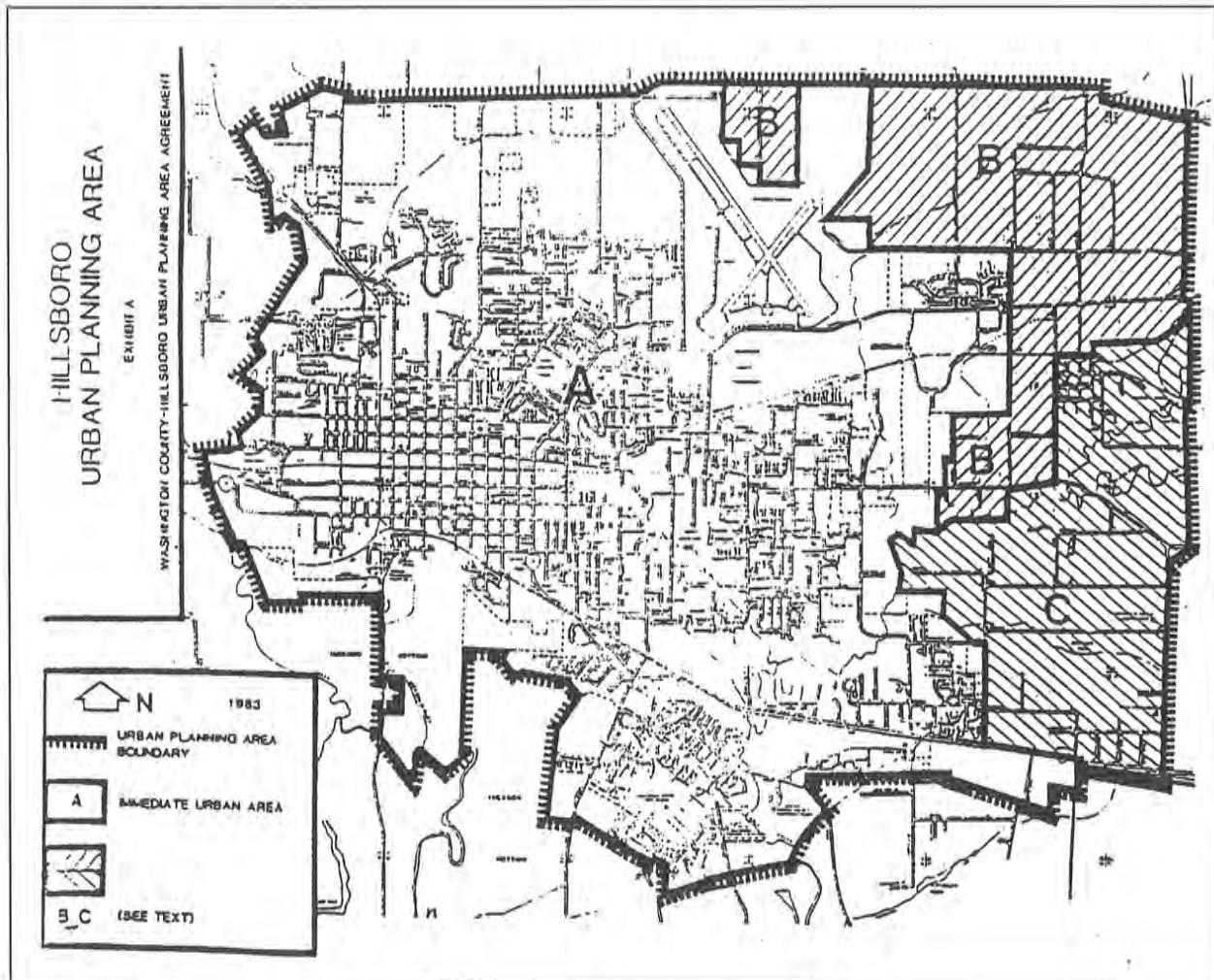
Section 20I. Lot Coverage. In an R-6 zone, buildings shall not occupy more than 55 percent of the area of an interior lot nor 60 percent of a corner lot. (Amended by Ord. No. 4902/5-00.)

Section 20J. Sidewalk and Street Tree Standards. In an R-6 zone, in a newly platted or replatted subdivision, property line sidewalks shall be installed with a minimum 4.5 foot wide planting strip between the curb and the sidewalk. Street trees shall be planted in the planting strip, concurrent with home construction, at two trees per lot for lots with fifty feet of frontage or greater and one tree per lot for lots with less than fifty feet of frontage. Where site conditions are favorable, the City encourages the provision of stormwater management facilities within the planting strip and other low impact development (LID) techniques and practices as described in Section 131B Habitat Friendly Development Practices. Street trees shall be planted in compliance with City standards. (Added by Ord. No. 4313/2-95, Amended by Ord. No. 5729/3-07.)

(Sections 20A. through 20H. Added by Ord. No. 3451/3-84.)

For reference only. Information on this page not adopted as part of this Zoning Ordinance.

Exhibit A- Hillsboro Urban Planning Area Map



Residential Zone R-4.5

Section 20K. Purpose and Intent. The R-4.5 Single Family Residential zone implements the lower densities in the Medium Density Residential Plan designation. This zone provides opportunity for development of single family detached dwelling units on smaller lots.

Section 20L. Uses Permitted Outright. Uses permitted outright in an R-6 Zone, excluding duplex dwellings, are permitted outright in an R-4.5 zone. Accessory dwellings are permitted only internally within a detached house, subject to the building height and lot coverage standards in Subsections 20Q and 20R.

Section 20M. Conditional Uses Permitted. A use permitted as conditional in an R-6 zone is permitted as a conditional use in an R-4.5 zone.

Section 20N. Minimum and Maximum Densities. In the R-4.5 Zone, the minimum density standard is 8 dwelling units per net residential acre, and the maximum density is 10 dwelling units per net residential acre.

Section 20O. Lot Size. In an R-4.5 zone, the lot size shall be as follows:

- (1) The minimum average lot area shall be 4500 square feet. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.
- (2) The minimum lot widths at the front building line shall average 50 feet.
- (3) The minimum lot depths shall average 80 feet.

Section 20P. Setback Requirements. Except as provided in Sections 88 and 93, in an R-4.5 zone the yards shall be as follows:

- (1) The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be a minimum 20 feet, except as provided in Subsections 5 and 6 of this Section. (Amended by Ord. No. 5892/12-08.)
- (2) The side yard shall be a minimum of five feet, except as provided in Subsection 6 of this Section.
- (3) The rear yard shall be a minimum of 15 feet.
- (4) All corner lots shall have interior yards of not less than five feet, except as provided in Subsection 6 of this Section.

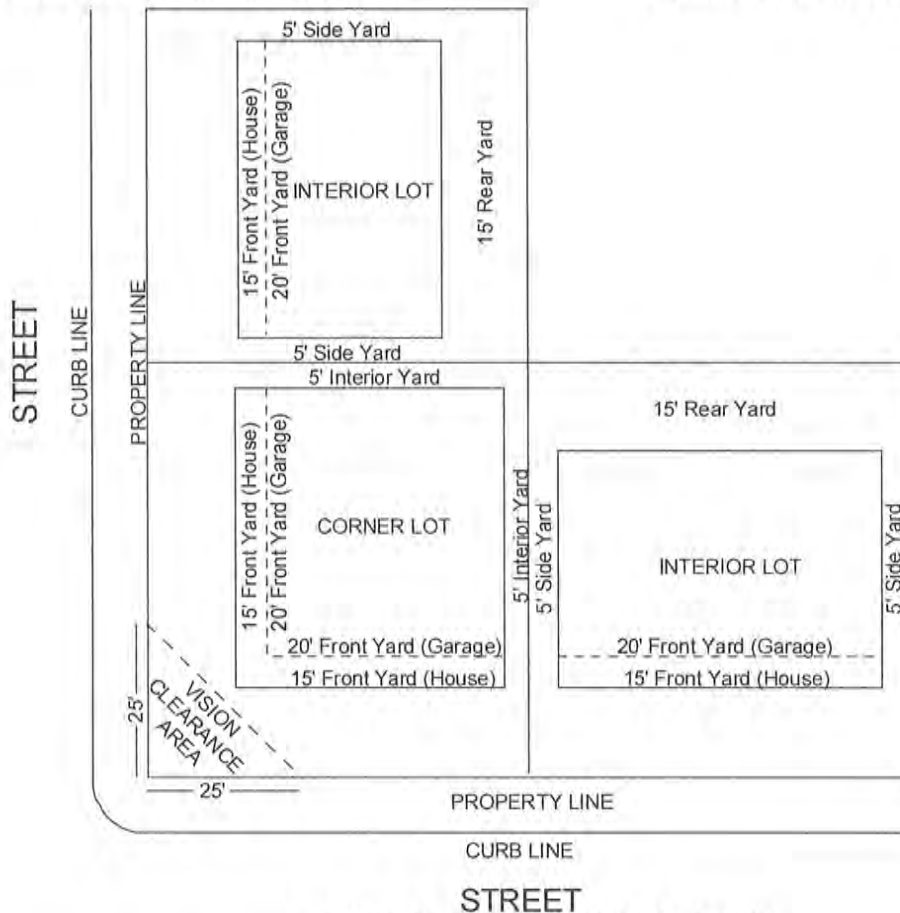
- (5) All corner lots shall have one front yard setback of not less than 15 feet and one front yard setback of not less than 10 feet; however, the garage door shall have a minimum 20 foot setback, measured to the inside edge of the sidewalk or to the curb as applicable.
- (6) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.

Section 20Q. Height of Building. In an R-4.5 zone, buildings shall not exceed a height of 35 feet or two-and-a-half stories, whichever is less.

Section 20R. Lot Coverage. In an R-4.5 zone, buildings shall not occupy more than 55 percent of the area of an interior lot nor 60 percent of a corner lot.

Section 20S. Sidewalk and Street Tree Standards. In an R-4.5 zone, in a newly platted or replatted subdivision, property line sidewalks shall be installed with a minimum 4.5 foot wide planting strip between the curb and the sidewalk. Street trees shall be planted in the planting strip, concurrent with home construction, at two trees per lot for lots with fifty feet of frontage or greater and one tree per lot for lots with less than fifty feet of frontage. Where site conditions are favorable, the City encourages the provision of stormwater management facilities within the planting strip and other low impact development (LID) techniques and practices as described in Section 131B Habitat Friendly Development Practices. Street trees shall be planted in compliance with City standards.

(Sections 20K. through 20S. Added by Ord. No. 5778/8-07)

A-1 DUPLEX RESIDENTIAL ZONE

Minimum Front Yard.....	15 feet from house: 20 feet from garage ¹
Minimum Rear Yard.....	15 feet ¹
Minimum Side Yard.....	5 feet ²
Minimum Interior Yard (corner lots).....	5 feet ¹
Minimum Density.....	See Section 22A. Minimum Density
Minimum Lot Size.....	See Section 24. Lot Size
Minimum Width at Building Line.....	50 feet ³
Minimum Lot Depth.....	85 feet
Maximum Lot Coverage.....	See Section 27. Lot Coverage

¹ Except as provided for in Section 25 Subsection 7² Except as provided for in Section 25 Subsection 6 and 7³ Except as provided for in Section 24 Subsection 4

Duplex Residential Zone A-1

Section 21. Uses Permitted Outright. In an A-1 zone the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in a R-10 zone.
- (2) Duplex dwelling, including individual ownership of each unit through the establishment of a property line through the common wall between the two individual units of a duplex. (Amended by Ord. Nos. 3029/8-79; 3092/2-80; and 3395/10-83.)
- (3) Condominium or unit ownership where the units meet all other requirements of the zone. (Added by Ord. No. 3029/8-79.)
- (4) Group living structure, limited to the density allowable. (Added by Ord. No. 3029/8-79; Amended by Ord. No. 5667/9-06.)
- (5) Manufactured home park which meets the standards of Sections 77A through 77D. (Added by Ord. No. 4213/3-94.)
- (6) Multi-family dwelling or townhouse, subject to Subsections 22A and 24. (Added by Ord. No. 4388/11-95.)

Section 21A. (Deleted by Ord. No. 4902/5-00.)

Section 22. Conditional Uses Permitted. In an A-1 zone the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83.

- (1) A use permitted as a conditional use in a R-7 zone.
- (2) Hospital, sanitarium, home for the aged, rest home, nursing or convalescent home.

Section 22A. Minimum and Maximum Density. In the A-1 zone, the minimum and maximum density standards are as follows:

- (1) 11 dwelling units minimum, and 16 dwelling units maximum per net residential acre; and
- (2) Developments not approved pursuant to Section 127 Planned Unit Development, within areas identified as Urban Area B and Urban Area C in the previous Urban Planning Area Agreement between Hillsboro and Washington County (adopted December 28, 1983), may have overall densities in the multi-family portions of mixed density developments in the A-1 zone exceeding 16 dwelling units per net acre; however, the maximum overall density of the entire mixed density development in the A-1 zone shall be limited to 16 dwelling units per net acre.

(Section 22A added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07.)

Section 23. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 24. Lot Size. In an A-1 Zone, the lot sizes shall be as follows:

- (1) The minimum average lot area shall be 4500 square feet for detached single family lots, 6000 square feet for duplex lots and 9000 square feet for multi-family lots, except as provided in Subsections (4) and (5) of this Section. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Amended by Ord. Nos. 3029/8-79; 3451/3-84; 4388/11-95; and 4902/5-00, and 5778/8-07.)
- (2) The minimum lot widths at the front building line shall average 50 feet, except as provided for in Subsection (4) of the Section. (Amended by Ord. No. 3451/3-84; and 4388/11-95 and Ord. No. 5778/8-07.)
- (3) The minimum lot depths shall average 85 feet. (Amended by Ord. No. 3451/3-84; and 4388/11-95 and 5778/8-07.)
- (4) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be split in order to allow for dual ownership, provided that the parent parcel meets or exceeds the minimum average lot area and width specified in Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line. (Added by Ord. No. 3395/10-83; and Amended by Ord No. 4388/11-95 and 5778/8-07.)
- (5) No more than four (4) dwelling units per structure shall be allowed on lots smaller than 22,000 square feet in area. (Added by Ord. No. 4388/11-95, Amended by Ord. No. 5778/8-07).

Section 25. Setback Requirements. Except as provided in Sections 88 and 93, in an A-1 zone the yards shall be as follows:

- (1) The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet, except as provided in Subsections (5), (7) and (8) of this Section. (Amended by Ord. No. 4388/11-95 5778/8-07 and 5892/12-08.)
- (2) The side yards shall be a minimum of five feet, except as provided for in Subsections (6), (7), and (8) of this Section. (Amended by Ord. Nos. 2350/4-70; 3451/3-84; and 4388/11-95; and 5778/8-07.)
- (3) The rear yard shall be a minimum of 15 feet. (Amended Ord. No. 4388/11-95; and 5778/8-07.)

- (4) All corner lots shall have interior yards of not less than five feet, except as provided in Subsections (7) and (8) of this Section. (Added by Ord. No. 2350/4-70 and Amended by Ord. No. 3451/3-84; and 4388/11-95; and 5778/8-07.)
- (5) All corner lots shall have one front yard setback of not less than 20 feet and one front yard setback of not less than 10 feet, except as provided in Subsection (7) of this Section. However, the garage shall have a minimum 20 foot setback. (Added by Ord. No. 2350/4-70; and Amended by Ord. No. 4388/11-95; and 5778/8-07.)
- (6) The five foot side yard setback required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 24(4), when the proposed property line corresponds with a common wall between individual units. (Added by Ord. No. 4388/11-95)

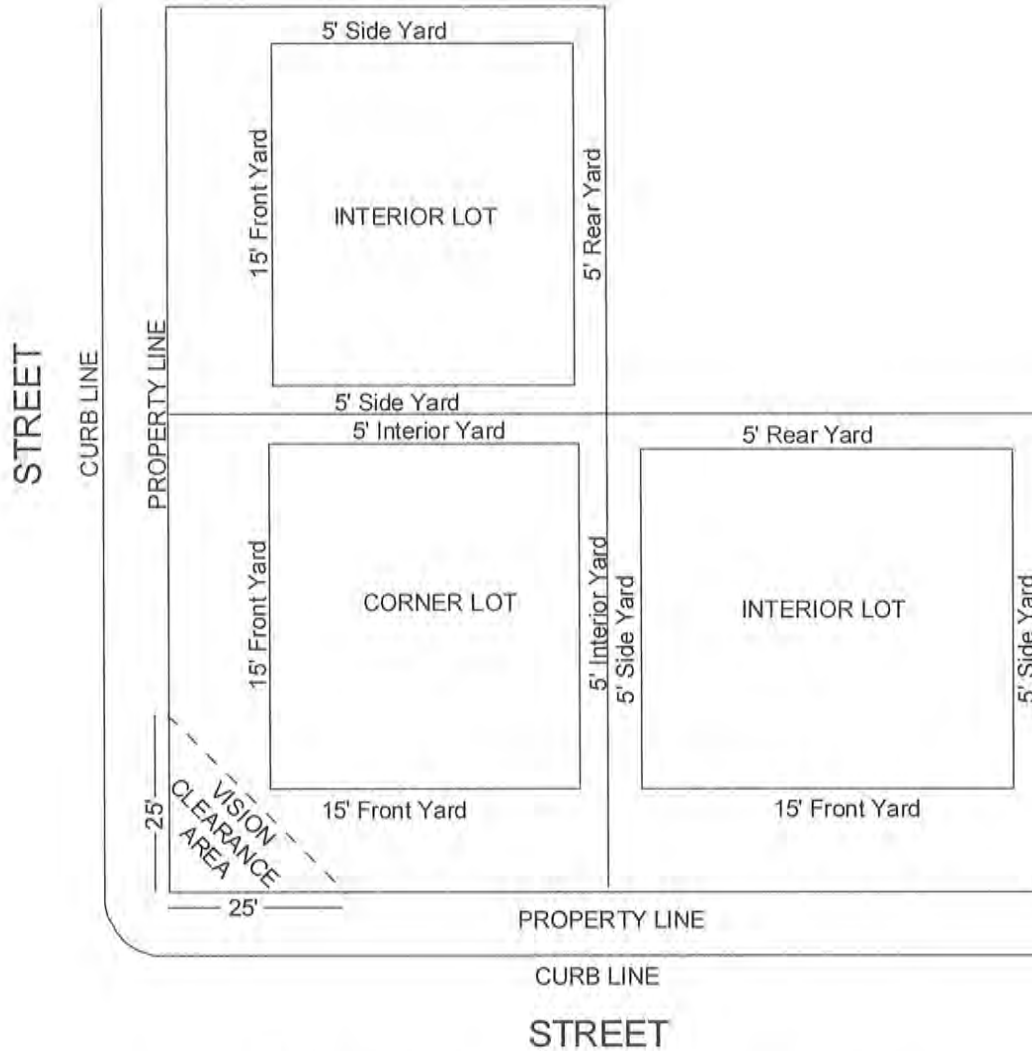
Waiver of the five foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen (18) inches past the common wall property line of a duplex or multi-family lot partitioned or subdivided in accordance with Section 24 (4). Partitions or subdivision of duplex or multi-family lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections. (Added by Ord. No. 4500/1-97.)

- (7) Developments proposing zero lot line sideyard setbacks and reduced front and rear yard setbacks, for attached or detached single family residences such as rowhouses and courtyard cluster houses, may be approved only pursuant the Planned Unit Development process as specified in Section 127 of this Ordinance. (Added by Ord. No. 3395/10-83; Renumbered and Amended by Ord. No. 4388/11-95; Amended by Ord. No. 5778/8-07.)
- (8) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Added by Ord. No. 5778/8-07.)

Section 26. Height of Building. In an A-1 zone buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

Section 27. Lot Coverage. In an A-1 zone buildings shall not occupy more than 50 percent of the lot area. Attached single family dwellings partitioned or subdivided pursuant to Section 24(14) and detached single family dwellings with an accessory dwelling may occupy up to 65 percent of the lot area. (Amended by Ord. No. 4902/5-00.)

For reference only. Information on this page not adopted as part of this Zoning Ordinance.



A-2 MULTI-FAMILY RESIDENTIAL ZONE

Minimum Front Yard.....	15 feet
Minimum Side and Rear Yards.....	5 feet and an additional 1 ½ feet for each additional story over 1 story
Minimum Interior Yard (Corner Lot).....	Same as above
Minimum Density.....	17 dwelling units per net acre
Minimum Lot Size.....	6,000 square feet
Maximum Lot Coverage.....	See Section 34. <u>Lot Coverage</u>
Maximum Building Height.....	35 feet or 2 ½ stories

Multi-Family Residential Zone A-2

Section 27A. Subsequent Zone Changes to A-2. No zone changes to A-2 will be allowed subsequent to the effective date of this Zoning Ordinance Amendment (September 21, 1979.). (Amended by Ord. No. 3029/8-79.)

Section 28. Uses Permitted Outright. In an A-2 zone the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in an A-1 zone, excluding single-family dwellings, accessory dwellings and manufactured home parks. (Amended by Ord. No. 4213/3-94 and 4902/5-00.)
- (2) Multi-family dwelling .
- (3) Group living structure. (Amended by Ord. No. 5667/9-06.)
- (4) Mobile businesses, in compliance with the Municipal Code. (Added by Ord. No. 5540/8-05. Amended by Ord. No. 5982/9-11.)
- (5) Residential facilities. (Added by Ord. No. 5667/9-06.)

Section 29. Conditional Uses Permitted. In an A-2 zone the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83:

- (1) A use permitted as a conditional use in an A-1 zone.
- (2) Child Care Facility. (Amended by Ord. No. 5168/7-02.)
- (3) (Subsection (3) Deleted by Ord. No. 4099/10-92.)

Section 29A. Minimum and Maximum Densities. In an A-2 zone, the minimum density standard is 17 dwelling units per net residential acre. The maximum density standard is 21.25 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07.)

Section 30. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 31. Lot Size. In an A-2 Multi-Family Residential zone, the lot sizes shall be as follows:

- (1) The minimum lot size shall be 6000 square feet, except as provided in Subsection (3) of this Section. A minimum of 2,000 square feet of lot area is required per dwelling unit.
- (2) The minimum lot width at the front building line shall be 55 feet, and the minimum lot depth shall be 85 feet except as provided for in Subsection (3) of the Section.

- (3) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be partitioned or subdivided in order to allow for ownership of each dwelling unit, provided that the parent parcel meets or exceeds the minimum lot areas and widths specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

(Section 31 is added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07.)

Section 32. Setback Requirements. Except as provided in Sections 88 and 93, in an A-2 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 15 feet.
- (2) The side yard shall be a minimum of five feet and shall be increased one and one-half feet for each additional story over one story. (Amended by Ord. No. 2350/4-70.)
- (3) The rear yard shall be a minimum of ten feet. (Amended by Ord. No. 5778/8-07)
- (4) All corner lots shall have interior yards of not less than five feet and shall be increased one and one-half feet for each additional story over one story. (Added by Ord. No. 2350/4-70.)
- (5) All corner lots shall have front yards of not less than 15 feet. (Added by Ord. No. 2350/4-70.)
- (6) The side yard setbacks required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 31 (3), when the proposed property line corresponds with a common wall between individual units. (Added by Ord No. 5778/8-07.)

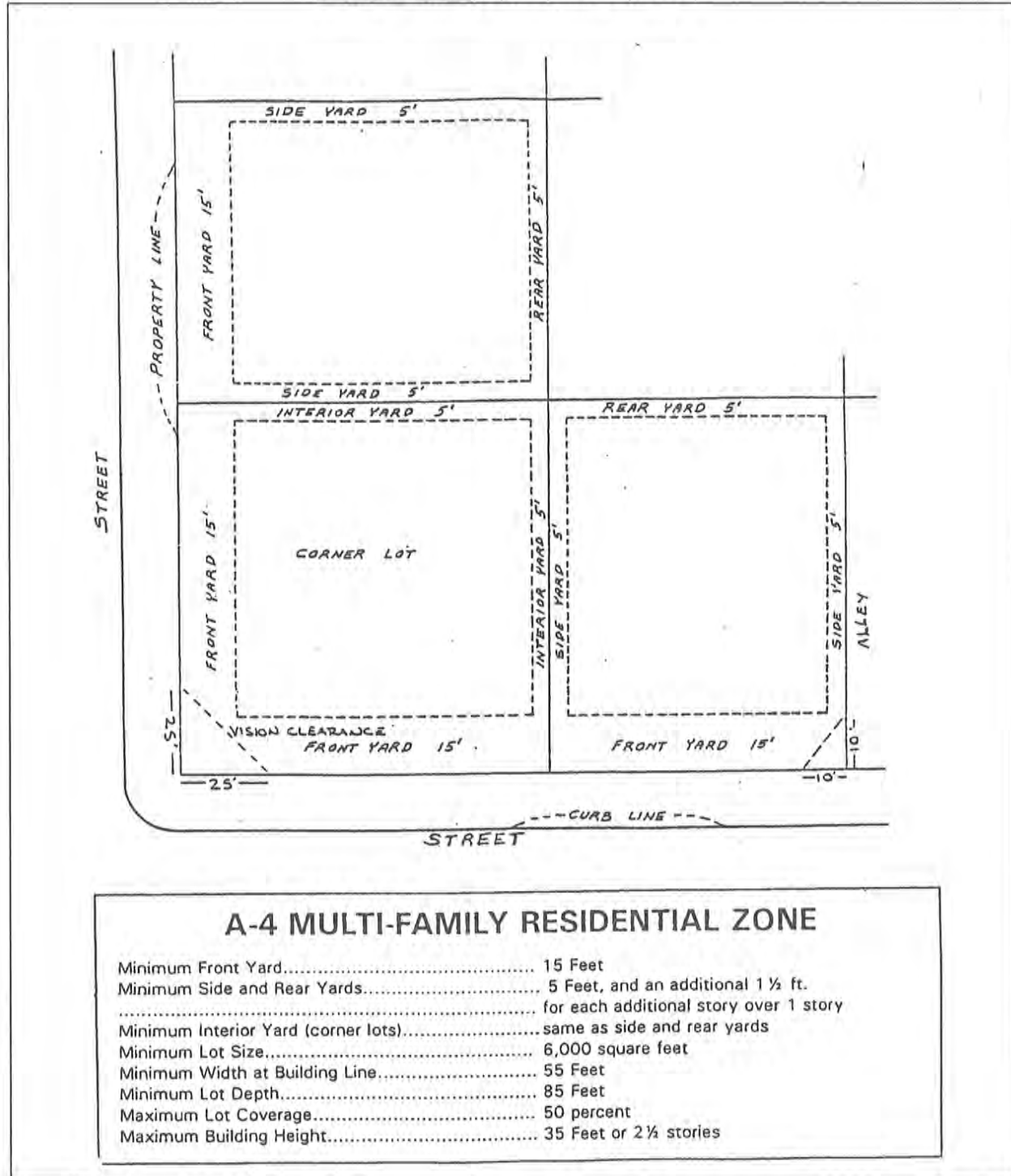
Section 33. Height of Buildings. In an A-2 zone no building shall exceed a height of two and a half stories or 35 feet, whichever is less.

Section 34. Lot Coverage. In an A-2 zone buildings shall not occupy more than the following percentage of the lot area:

Number of Dwelling Units	Percent of Lot Coverage
1	35
2	40
3 to 21	45
22 to 37	50
38 and up	55

For reference only. Information on this page not adopted as part of this Zoning Ordinance.

Multi-Family Residential Zone A-4



Multi-Family Residential Zone A-4

Section 34A. Uses Permitted Outright. In an A-4 zone, the following uses and their accessory uses are permitted outright.

- (1) A use permitted outright in an A-1 zone, excluding single-family dwellings, accessory dwellings and manufactured home parks. (Amended by Ord. No. 4213/3-94 and 4902/5-00.)
- (2) Multi-family dwelling.
- (3) Group living structure. (Amended by Ord. No. 5667/9-06).
- (4) (Deleted by Ord. No. 5667/9-06).
- (5) Condominium or unit ownership of units which meet all other requirements of the zone. (Added by Ord. No. 3029/8-79.)
- (6) Mobile businesses, in compliance with the Municipal Code. (Added by Ord. No. 5540/8-05. Amended by Ord. No. 5982/9-11.)

Section 34B. Conditional Uses Permitted. In an A-4 zone, the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83.

- (1) A use permitted as a conditional use in an A-2 zone.
- (2) Child Care Facility. (Amended by Ord. No. 5168/7-02.)

(Added by Ord. No. 3029/8-79.)

Section 34C. Minimum and Maximum Densities. In the A-4 zone, the minimum density standard is 17 dwelling units per net residential acre. The maximum density standard is 21.25 dwelling units per net residential acre. . (Added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07.)

Section 34D. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 34E. Lot Size. In an A-4 Multi-Family Residential zone, the minimum lot size shall be as follows:

- (1) The minimum lot size shall be 6,000 square feet, except as provided for in subsection 3 of this Section. A minimum of 2,000 square feet of lot area is required per dwelling unit.
- (2) The minimum lot width at the front building line shall be 55 feet, and the minimum lot depth shall be 85 feet, except as provided for in subsection 3 of this Section.

- (3) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be partitioned or subdivided in order to allow for ownership of each dwelling unit, provided that the parent parcel meets or exceeds the minimum lot area and width specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

(Amended by Ord. No. 4500/1-97, and 5778/8-07.)

Section 34F. Setback Requirements. Except as provided in Sections 88 and 93, in an A-4 zone, the yards shall be as follows:

- (1) The front yard shall be a minimum of 15 feet.
- (2) The side yard shall be a minimum of five feet, and shall be increased one and one-half feet for each additional story over one story.
- (3) The rear yard shall be a minimum of ten feet.
- (4) All corner lots shall have interior yards of not less than five feet, and shall be increased one and one-half feet for each additional story.
- (5) All corner lots shall have front yards of not less than 15 feet.
- (6) The five foot side yard setback required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 24(4), when the proposed property line corresponds with a common wall between individual units.

Waiver of the five foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen (18) inches past the common wall property line of a duplex or multi-family lot partitioned or subdivided in accordance with Section 24 (4). Partitions or subdivision of duplex or multi-family lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections.

(Added by Ord. No. 3029/8-79; and Amended by Ord No. 4500/1-97; and Ord. No. 5778/8-07.)

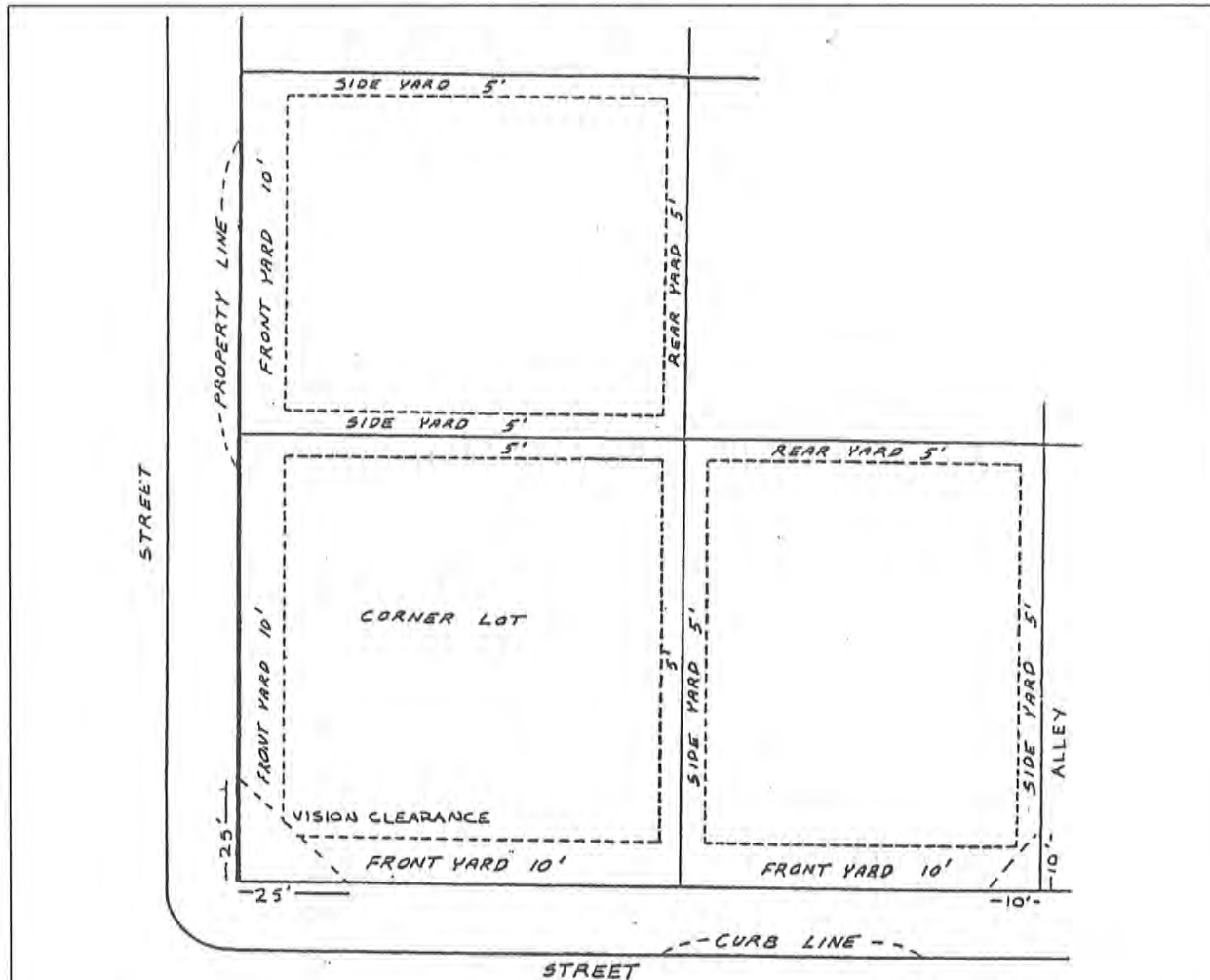
Section 34G. Height of Buildings. In an A-4 zone, no building shall exceed a height of two and a half stories or 35 feet, whichever is less. (Added by Ord. No. 3029/8-79.)

Section 34H. Lot Coverage. In an A-4 zone, buildings shall not occupy more than 50% of the lot area. Attached single family dwellings partitioned or subdivided pursuant to Section 34D (3) may occupy up to 75 percent of the lot area.

(Added by Ord. No. 3029/8-79; and Amended by Ord. No 4500/1-97.)

For reference only. Information on this page not adopted as part of this Zoning Ordinance.

Multi-Family Residential Zone A-3



A-3 MULTI-FAMILY RESIDENTIAL ZONE

Minimum Front Yard.....	10 Feet
Minimum Side and Rear Yards.....	5 Feet, and an additional 1 foot for each additional story over 2 stories
Minimum Lot Size.....	6,000 square feet
Minimum Width at Building Line.....	60 Feet
Minimum Lot Depth.....	90 Feet
Maximum Lot Coverage.....	none
Maximum Building Height.....	3 stories or with Planning Commission Approval - 5 stories or 50 feet whichever is less

Multi-Family Residential Zone A-3

Section 35. Uses Permitted Outright. A use permitted outright in an A-2 zone is permitted in an A-3 zone.

Section 36. Conditional Uses Permitted. In an A-3 zone the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83:

- (1) A use permitted as a conditional use in an A-2 zone.
- (2) Lodge or club.

Section 36A. Minimum and Maximum Densities. In an A-3 zone, the minimum density standard is 23 dwelling units per net residential acre. The maximum density standard is 28.75 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07.)

Section 37. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 38. Lot Size. In an A-3 Multi-Family Residential zone, the minimum lot size shall be as follows:

- (1) The minimum lot area shall be 6,000 sq. ft. A minimum of 1,500 sq. ft. of lot area is required per dwelling unit. (Amended by Ord. No. 3029/8-79)
- (2) The minimum lot width at the front building line shall be 60 feet.
- (3) The minimum lot depth shall be 90 feet.
- (4) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be partitioned or subdivided in order to allow for ownership of each dwelling unit, provided that the parent parcel meets or exceeds the minimum lot area and width specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line. (Added by Ord. No. 4902/5-00; Amended by 5778/8-07.)

Section 39. Setback Requirements. Except as provided in Section 88 and 93, in an A-3 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 10 feet.
- (2) The side yard shall be a minimum of five feet plus, an additional one foot for each story over two. On corner lots the side yard shall be a minimum of 10 feet on the side abutting a street.
- (2) The rear yard shall be a minimum of ten feet.

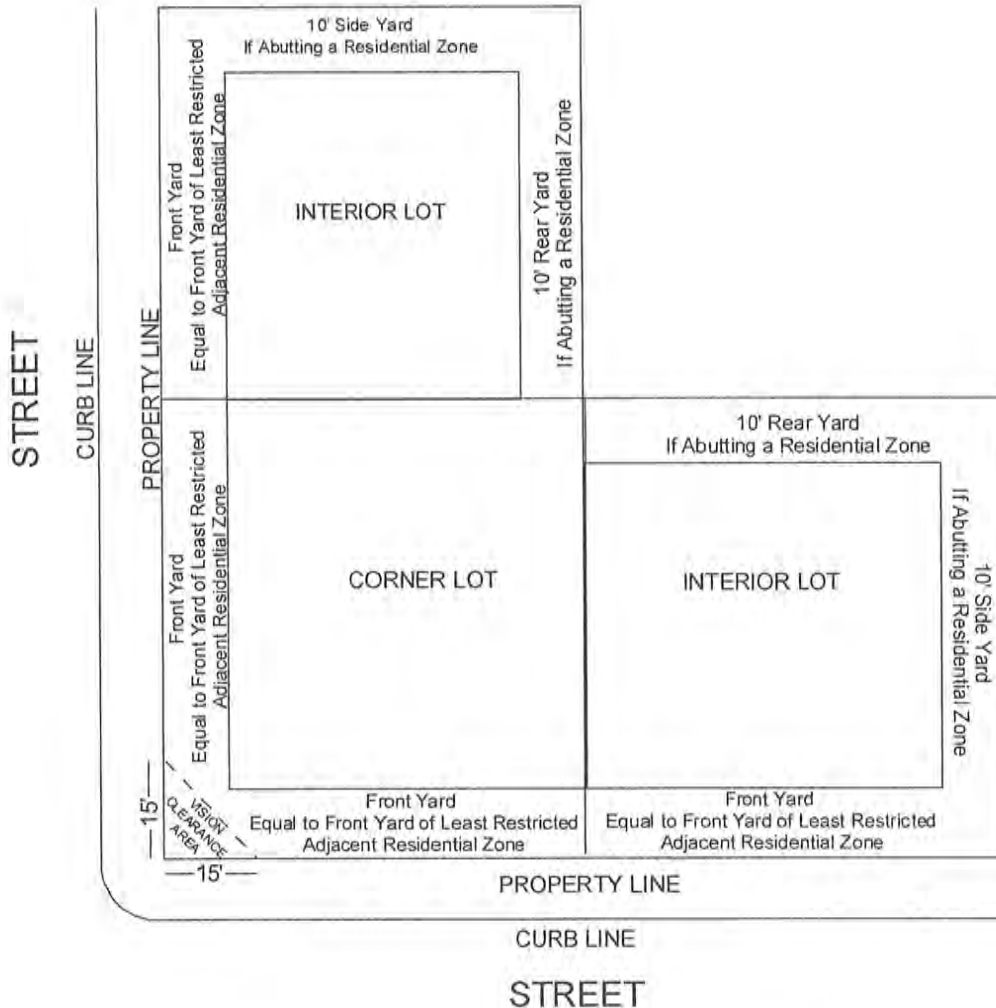
- (3) The side yard setback required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 24(4), when the proposed property line corresponds with a common wall between individual units.

Waiver of the five foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen (18) inches past the common wall property line of a duplex or multi-family lot partitioned or subdivided in accordance with Section 24 (4). Partitions or subdivision of duplex or multi-family lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections. (Added by Ord. No. 5778/8-07.)

(Section 39 Amended by Ord. No. 5778/8-07.)

Section 40. Height of Buildings. In an A-3 zone, buildings shall not exceed a height of three stories. However, where Planning Commission approval of a site development plan has been granted, a maximum height of 5 stories or 50 ft., whichever is less, may be allowed. (Amended by Ord. No. 3029/8-79.)

For reference only. Information on this page not adopted as part of this Zoning Ordinance.



C-4 NEIGHBORHOOD COMMERCIAL ZONE

Minimum Front Yard.....	Equal to Front Yard of Least Restricted Adjacent Residential Zone
Minimum Side and Rear Yards.....	10 Feet if Abutting a Residential Zone
Minimum Lot Size.....	7,000 square feet
Minimum Width at Building Line.....	60 feet
Minimum Lot Depth.....	90 feet
Maximum Lot Coverage.....	50 Percent
Maximum Building Height.....	2 Stories or 30 Feet, Whichever is Less

Neighborhood Commercial Zone C-4

Section 41. Uses Permitted Outright. In a C-4 zone the following uses and their accessory uses are permitted outright:

- (1) (Deleted by Ord. No. 3029/8-79.)
- (2) (Deleted by Ord. No. 2526/8-72.)
- (3) Bakery.
- (4) Barber shop.
- (5) Beauty shop.
- (6) Clothes cleaning or laundry pick-up agency, including pressing.
- (7) Commercial school – such as dance, sports, martial arts, and physical fitness center, with a maximum floor area not exceeding 2,500 square feet. (Added by Ord. No. 5903/5-09)
- (8) Confectionery.
- (9) Drug store, including fountain.
- (10) Florist shop.
- (11) Frozen food locker, excluding wholesale storage.
- (12) Garden store.
- (13) Grocery store, including meat market.
- (14) Hardware store.
- (15) Laundry and cleaning, self-service.
- (16) Office or clinic for the following:
 - (a) Accountant.
 - (b) Architect or designer.
 - (c) Attorney at law.
 - (d) Dentist.

- (e) Doctor or other practitioner of the healing arts.
- (f) Engineer or surveyor.
- (g) Insurance agent.
- (h) Real estate agent.
- (17) (Deleted by Ord. No. 2595/8-73.)
- (18) (Deleted by Ord. No. 2595/8-73.)
- (19) Restaurant, including carry-out (no drive-thru), with limited seating, not exceeding a maximum floor area of 1,500 square feet. (Added by Ord. No. 5903/5-09)
- (20) Variety or dry goods store.
- (21) Light Rail Facility. (Added by Ord. No. 4300/12-94.)
- (22) Residential activity on the second floor of a commercial building. (Added by Ord. No. 5150/6-02.)
- (23) Commercial activity on the second floor of property designated as MU – Mixed Use on the City's Comprehensive Plan Land Use Map. (Added by Ord. No. 5150/6-02)
- (24) Residential homes and facilities. (Added by Ord. No. 5667/9-06.)
- (25) Animal Service Facility, excluding outdoor exercise areas. Overnight boarding is permitted outright at veterinary clinics and as a conditional use elsewhere as provided in Section 42. (Added by Ord. No. 5960/3-11.)

(Section 41 Amended by Ord. No. 5903/5-09)

Section 42. Conditional Uses Permitted. A use permitted as a conditional use in an adjacent residential zone is permitted as a conditional use in a C-4 zone.

- (1) Automobile service station. (Added by Ord. No. 2526/8-72.)
- (2) Church with a maximum floor area not exceeding 3,000 square feet. (Added by Ord. No. 5903/5-09)
- (3) Repair or service shops to accommodate the following: (Added by Ord. No. 2595/8-73.)
 - (a) Appliance sales and service.

- (b) Bicycle sales and service.
- (c) Catering service.
- (d) Radio or television sales and service.
- (e) Sewing machine sales and service.
- (f) Shoe repair.
- (g) Typewriter sales and service.
- (h) Upholstery, automobile, and furniture.
- (i) Other uses found similar to (Subparts) (a) through (h)
- (j) Eating establishment, which meets all of the following limitations: (Added by Ord. No. 3701/6-87.)
 - (1) has a maximum seating capacity of 50 or fewer persons, and
 - (2) excludes provision of drive-in service, and
 - (3) excludes the serving of distilled liquor (beer and wine allowed).
- (4) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
- (5) Mixed Use Commercial/Residential Development, on sites smaller than two acres, within the Station Area Interim Protection District. (Added by Ord. No. 4223/4-94.)
- (6) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
- (7) Transit Park and Ride (Added by Ord. No. 4300/12-94.)
- (8) Commercial activity on the second floor of property designated other than MU – Mixed Use on the City's Comprehensive Plan Land Use Map. (Added by Ord. No. 5150/6-02.)
- (9) Overnight pet boarding at animal services facilities other than veterinary clinics. (Added by Ord. No. 5960/3-11.)

(Section 42 Amended by Ord. No. 5903/5-09 and 5960/3-11.)

Section 43. Limitations on Use. In a C-4 zone the following conditions and limitations apply:

- (1) The maximum floor area of each separate use confined within enclosing walls shall be 4,000 square feet on the first story. Below grade square footage (i.e. basements) shall not be included in the maximum floor area. (Amended by Ord. No. 5222/2-03).
- (2) All business, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings except the display of plants and off-street parking and loading.
- (3) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.

Section 44. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 45. Lot Size. In a C-4 zone the lot size for nonresidential uses shall be as follows:

- (1) The minimum lot area shall be 7,000 square feet.
- (2) The minimum lot width at the front building line shall be 60 feet.
- (3) The minimum lot depth shall be 90 feet.

Section 46. Setback Requirements. Except as provided in Sections 88 and 93, in a C-4 zone the yards for nonresidential uses shall be as follows:

- (1) The minimum yard along a street other than an alley shall equal the front yard required in the least restricted adjacent residential zone.
- (2) Minimum side and rear yards of 10 feet shall be required for those portions of a lot in a C-4 zone abutting a residential zone.
- (3) The minimum front, rear, and side yard setbacks for two-story buildings with commercial activity occurring on the second floor for property located in non-Mixed Use designated areas shall be at least one-half of the height of the principal structure. (Added by Ord. No. 5150/6-02.)

Section 47. Height of Buildings. In a C-4 zone structures shall not exceed a height of two stories or 30 feet, whichever is less. (Amended by Ord. No. 5150/6-02.)

Section 48. Lot Coverage. In a C-4 zone commercial buildings shall not occupy more than 50 percent of the lot area.

Section 48A. Mixed Use Districts

(Added by Ord. No. 5435/10-04)

I. PURPOSE

Mixed Use Districts implement the city's Comprehensive Plan, Hillsboro 2020 Vision and concepts Metro Urban Growth Management Functional Plan and the Regional Urban Growth Goals and Objectives (RUGGO) with high transit and pedestrian accessibility. These areas are part of the Hillsboro 2020 Vision to create "third places." The Hillsboro Comprehensive Plan (HCP) map designates specific areas for mixed use under the MU Mixed Use Plan designation.

There are two mixed use zoning districts which implement the MU Mixed Use Comprehensive Plan designation – Mixed Use - Commercial (MU-C) and Mixed Use - Neighborhood (MU-N). These two mixed use districts anticipate two different levels of intensity – the MU-C which allows for larger commercial and residential projects while the MU-N has an emphasis on residential and neighborhood-serving-retail uses.

The overall purpose of these districts is to create and enhance urban neighborhoods with a variety of intermixing of uses that complement the established surrounding communities. In order to accomplish these purposes, the mixed use districts permit commercial, residential, and multiple use developments and are distinguished by differences in emphasis on primary uses and intensity of development. Mixed uses may occur vertically or horizontally. The districts also include design requirements to create active pedestrian amenities in both the MU-C and MU-N Districts. These land use districts are designed to work together to result in lively, prosperous neighborhoods that serve as attractive places to live, work, shop, and recreate.

A. Mixed Use - Commercial District (MU-C)

The Mixed Use - Commercial District is designed to provide for a mix of larger-scale commercial and residential uses on sites that are considerably larger than those located within MU-N zones. Development objectives for the MU-C District are:

- Develop large-scale lots/parcels with a mix of commercial and residential uses with design amenities that provide equal accommodations for pedestrians and motorists.
- Create a grid pattern from existing and new streets as may be established by a local street plan.
- The street plan should provide the transportation and development framework of the area that accommodates pedestrian, bicycle, transit and automobile travel.
- Provide flexibility over the entire District to allow for a complimentary mixture of uses across the area, but not necessarily on the same parcel.
- Limit the ground floor area of retail uses and provide for creative façade designs that reflect a more village center feel over that of a shopping center, thereby providing for a vibrant pedestrian environment.
- Use environmentally-friendly building materials, construction and landscaping techniques in all development projects that reduce energy and water usage, improve

indoor air quality and more effectively manage storm water in order to provide healthier places to live, work, shop and recreate.

- Within residential and mixed use development projects provide a mix of types of dwelling units including units with age- or disability-friendly features that allow "visitability".
- Provide "third places", which are gathering spaces for social interaction among residents, employees and visitors which are neither "home" nor "work" within all development projects. (Amended by Ord. 5877/8-08.)

B. Mixed Use - Neighborhood District (MU-N)

The Mixed Use - Neighborhood District is designed to provide for a mix of small to medium scale residential uses, with minor emphasis on commercial uses, within a multi-modal environment. Development objectives for the MU-N District are:

- Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal development.
- Encourage infill and redevelopment of commercial, residential and mixed use development within surrounding uses.
- Allow flexibility in development standards to recognize the challenge of developing small scale mixed use buildings that are a similar scale to surrounding residential development.
- Limit the size of any one commercial retail use to keep the scale of commercial activity appropriate to the surrounding area.
- Support the street system and the existing street grid patterns through redevelopment and land divisions as much as possible, or use street plans as appropriate.

II. PERMITTED AND CONDITIONAL USES

A. Use Table

Land uses listed in Table 48A-1 shall be allowed, conditionally allowed or not permitted in each of the Mixed Use Districts. The listed uses must be consistent with the description of the relevant district as set forth in subsection I of this Section, and may be further restricted by other subsections of this Section and other applicable standards throughout the Zoning Ordinance.

Table 48A-1 Land Uses		
P: Use Permitted Outright	C: Conditional Use	N: Not Permitted
Use	Mixed Use Districts	
	MU-C Commercial	MU-N Neighborhood
Residential Uses¹		
Residential Facilities (Added by Ord. No. 5667/9-06.)	P	P
Single Family Detached Housing	N	P
Single Family Attached Housing	P	P
Townhouse and Rowhouse	P	P
Home Occupation	P	P
Garden Apartment	P	N
Mid-Rise Apartments	P	N
Multi-Family Dwelling	P	P
Bed and Breakfast	P	P
Mixed Use Building or Development (subject to use restrictions)	P	P
Public/Institutional Uses		
Community Service	C	C
Religious Institutions	C	C
Geriatric Care Facilities		
-- Up to 50 patients	P	P
-- 50 or more patients	P	C
Utility Substation or Pumping Station	C	C
Radio and Transmission Towers	N	N
Permanent Open Space	P	P
Public Parks and Recreational Facilities	P	P
Commercial Uses²		
Neighborhood Commercial and Cottage Industry ³	P	P
Commercial Uses	P/C ⁵	P/C ⁵
Automobile Sales	N	N
Hotels and Residential Hotels	P	N
Drive Through Facilities	P ⁴	N
General Office	P	P
Retail	P	P
Automobile Service Station	N	N
Motor Vehicle Servicing or Repair ⁵	N	N
Small Appliance Repair and Service Shops	P	P

¹ Subject to Density Ranges in Table 48A-2² Subject to Maximum Occupant on First Floor provisions in Table 48A-2³ Subject to Definition in 48A.VI.Y⁴ Drive through facilities are only permitted within 100 feet of a roadway designated an Arterial on the City TSP and are subject to the standards contained in Section 48A.IV.C.5⁵ New uses are prohibited. Existing uses are subject to the non-conforming uses requirements in Sections 98 to 105.⁶ Accessory overnight pet boarding permitted outright at veterinary clinics; permitted elsewhere only with Conditional Use approval. Outdoor exercise areas not permitted in the MU-N or MU-C zones. (Added by Ord. No. 5960/3-11)

(Table 48A-1 Amended by Ord. No. 5877/8-08 and 5960/3-11.)

III. DEVELOPMENT STANDARDS

A. Purpose

This Section establishes clear and objective development standards with which all uses permitted in Mixed Use Districts shall comply. In the Mixed Use Districts, site development standards are used to encourage urban development with pedestrian character. Site development standards include minimum and maximum setbacks; these create a street with a walkable character. In the mixed use districts, buildings must be close to the street to create a vibrant pedestrian environment, slow traffic down, provide a visually interesting character to the street, and encourage walking. The setback standards encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks).

Table 48A-2 Development Standards		
Development Standard	Mixed Use District	
	MU-C Commercial	MU-N Neighborhood
Minimum Mixed Use or Residential Development Density	0.75 Floor Area Ratio (FAR)	<p>If housing is a part of a mixed use development, dwellings are permitted on and above the second floor of commercial uses with no minimum density</p> <p>Freestanding residential buildings are allowed at a minimum density of 8 dwelling units per net residential acre on lots fronting local or collector streets or 12 dwelling units per net acre on lots fronting arterial streets</p>
Maximum Mixed Use or Residential Development Density	Increases in FAR above 0.75 may be permitted subject to the standards contained in Section 48A.III.B	<p>11 dwelling units per net residential acre on lots fronting local or collector streets or</p> <p>24 dwelling units per net residential acre on lots fronting arterial streets, either in free-standing residential buildings or in mixed use buildings on and above the second floor</p>

Table 48A-2 Development Standards		
Development Standard	Mixed Use District	
	MU-C Commercial	MU-N Neighborhood
Street Level Uses	A minimum of 60% of each street frontage at street level of residential development projects with street frontage on arterial or collector streets shall be occupied by street level uses subject to the standards contained in Section 48A.III.C, with the remaining 40% of the street frontage at street level containing residential uses and/or pedestrian or vehicular entries	N/A
Lot size	No lot size restrictions	No lot size restrictions
Minimum Lot Frontage	18 feet	18 feet
Maximum Building Footprint	30,000 square feet Up to 40,000 square feet may be permitted for buildings where structured parking is integrated into the building envelope subject to the standards contained in Section 48A.III.E	12,000 square feet
Maximum Occupant on First Floor	20,000 square feet	6,000 square feet
Setbacks		
<u>Minimum (front) based on type of development</u>	Residential – 5 feet Mixed Use – 0 feet Commercial/Other – 0 feet	Residential – 10 feet Mixed Use – 0 feet Commercial/Other – 0 feet
Maximum (front)	10 feet Additional maximum setback widths may be permitted subject to the standards contained in Section 48A.III.F.4.b	20 feet
Minimum (side and rear)	5 feet 0 feet on common wall for attached residential or commercial development	5 feet 0 feet on common wall for attached residential or commercial development
Building Height		
Minimum	22 feet	1 story

Table 48A-2 Development Standards		
Development Standard	Mixed Use District	
	MU-C Commercial	MU-N Neighborhood
Maximum	5 stories Increases in the building height may be permitted for buildings where structured parking is integrated into the building envelope subject to the standards contained in Section 48A.III.G.1	3 stories
Off Street Parking and Loading		
Minimum	Per Section 48A.III.I.3	Per Sections 84 to 86
Maximum	Per Section 48A.III.I.4	Per Sections 84 to 86
Useable Open Space	100 square feet per dwelling unit	100 square feet per dwelling unit

(Table 48A-2 Amended by Ord. No. 5877/8-08.)

B. Minimum and Maximum Residential Density

The minimum and maximum residential densities for the Mixed Use Districts are shown in Table 48A-2. The minimum and maximum densities for the MU-N District are expressed as dwelling units per net acre, and the minimum and maximum densities for the MU-C District are expressed as floor area ratio (FAR) per net acre. The minimum FAR for the MU-C District is 0.75. Increases in FAR above 0.75 in the MU-C District may be granted by the Planning Commission subject to the review requirements contained in Section 48A.V.E, provided that the standards contained in Table 48A-3 are met, in addition to the development and design standards contained in Sections 48A.III and 48A.IV. Two review tiers have been established for requests for increased FAR: Tier 1 has a FAR range from 0.75 to 1.49, and Tier 2 covers 1.50 FAR and greater. There is no maximum FAR for Tier 2 development projects. (Added by Ord. No. 5877/8-08.)

Table 48A-3 Development Standards in the MU-C District			
Public Benefit	Development Standards	Tier 1	Tier 2
		FAR 0.75 – 1.49	FAR 1.50 – Maximum Building Envelope
Water Efficiency: Reduce water usage	<ul style="list-style-type: none"> ▪ Harvest rainwater: (collect, store with sediment filtration) and use for irrigation, especially during summer drought periods. ▪ Use efficient irrigation systems: install high efficiency drip irrigation systems. ▪ Use native and drought-tolerant plants and trees for landscaping. Limit lawn to play and recreational areas. ▪ Use water conserving plumbing fixtures: 1.6 gpf (gallons per flush) toilets or dual-flush toilets; 1.0 gpf urinals or waterless type; 2.0 gpm (gallons per minute) showerheads or better. ▪ Install water conserving or energy efficient appliances: refrigerators, washing machines, dishwashers, and water heating systems in all dwelling units and for non-residential uses. 	Use at least 3 techniques throughout the project	Use all 5 techniques throughout the project
Energy Efficiency: Reduce energy usage	<ul style="list-style-type: none"> ▪ Design buildings to maximize natural ventilation (air circulation and cooling) and solar access (solar water heating potential and day-lighting opportunities). ▪ Install energy-efficient (glazing), operable windows. ▪ Use energy-efficient lighting: for example, specify and install efficient outdoor lighting (30 lumens per watt or better, with low temperature ballasts), install lamps with automated controls (including but not limited to photo sensors, timers and motion control sensors), provide solar lighting for walkways or outdoor area lighting. 	Use at least 5 techniques throughout the project	Use all 8 techniques throughout the project

Table 48A-3 Development Standards in the MU-C District			
Public Benefit	Development Standards	Tier 1	Tier 2
		FAR 0.75 – 1.49	FAR 1.50 – Maximum Building Envelope
	<ul style="list-style-type: none"> Centrally locate heating/cooling systems to reduce the size of the distribution system. Document building envelope improvements of at least 10% beyond code. Flash and seal all penetrations between interior spaces and outside. Seal all penetrations for ducting, wiring, plumbing, lights and fans. Use cool roofs or eco roofs for all buildings Use alternative heating systems such as ground-source heat pumps, radiant heating, on-demand water heaters, solar heating, etc. 		
Storm Water Management: Reduce contaminants from storm water runoff from hard surfaces, improve infiltration, and potentially reduce and/or eliminate provision of water quality treatment or detention facilities	<ul style="list-style-type: none"> Use eco roofs and roof gardens for the majority of building roofs. Use pervious paving for parking areas, walkways, etc. Use infiltration planters Use flow-through planters Use rain water gardens Minimize impervious surfaces 	Use at least 4 techniques throughout the project	Use all 6 techniques throughout the project
Green Building Materials: Improve indoor air quality	<ul style="list-style-type: none"> Use recycled-content building materials, where practicable Use locally made or harvested materials and products, such as wheat board Use certified or recycled wood Use low- or no-VOC (Volatile Organic Compounds), low-toxic interior paint and water-based finishes and stains Use formaldehyde-free carpet, cabinets and insulation 	Use at least 4 techniques throughout the project	Use all 8 techniques throughout the project

Table 48A-3 Development Standards in the MU-C District			
Public Benefit	Development Standards	Tier 1	Tier 2
		FAR 0.75 – 1.49	FAR 1.50 – Maximum Building Envelope
	<ul style="list-style-type: none"> ▪ Use low-VOC, low-toxic, water-based, solvent-free adhesives, caulks, grouts, mortars, and sealants inside the building ▪ Use longer life cycle materials (durable and recyclable roofing and siding) ▪ Limit use of carpet to one-third of unit's square footage, use low pile or less allergen-attracting carpet, and install carpet by tacking (no glue) 		
Noise and Privacy: Reduce external and interior noise and enhance privacy	<ul style="list-style-type: none"> ▪ Use enhanced landscaping to buffer sound ▪ Use water features to mask sound ▪ Provide intervening internal streets and sidewalks to buffer activity and noise ▪ Locate bedrooms and/or quiet rooms away from noise sources ▪ Insulate activity rooms ▪ Provide sound-rated walls, floors and sound-absorbing materials on the building exterior ▪ Locate shared community and/or commercial spaces on the first floor ▪ Define and screen the edges of the development through the location of buildings, vegetation, building elevations, or materials changes, fencing, porches, stoops, etc. 	Use at least 4 techniques throughout the project	Use all 8 techniques throughout the project

Table 48A-3 Development Standards in the MU-C District			
Public Benefit	Development Standards	Tier 1	Tier 2
		FAR 0.75 – 1.49	FAR 1.50 – Maximum Building Envelope
Housing with age- or disability-friendly features that allow “Visitability”	<p>Provide the specified percentage within dwelling units:</p> <ul style="list-style-type: none"> ▪ <u>An entrance without a step or threshold (zero-step)</u>: that is from an accessible path of travel from the street, sidewalk or driveway. An accessible path of travel has no steps, is at least 36-inches wide and is not steeper than 1:20 (5% grade) for walkways or 1:12 for ramps. ▪ <u>Through the ground floor of the unit provide</u>: 32-inch clear opening doorways and hallways that have at least 36-inches of clear width. ▪ <u>Provide at least a half bath on the ground floor of the unit</u>: of sufficient depth within the bathroom for a person in a wheelchair to enter and close the door. 	20% of all dwelling units	40% of all dwelling units
Third Places: Provide gathering places for social interaction among residents, employees, and visitors which are neither “home” nor “work”, within the development project.	<p>The following forms can be used individually or in combination, if it can be demonstrated that a Community need(s) is being met:</p> <ul style="list-style-type: none"> ▪ <u>Multi-purpose space (consisting of interior community rooms/spaces or outdoor spaces)</u>: Interior community rooms/spaces consist of rooms/spaces where a variety of uses such as computer use, dance, exercise, martial arts, yoga, continuing education, arts and crafts classes, and community meeting space could be accommodated. Outdoor spaces consist of plazas, paved areas or courtyards, etc., where a variety of activities could be accommodated. ▪ <u>Shared open space</u>: community gardens, walking trails and viewpoints if located next to a natural area. 	Establish 2 different types of Third Places	Establish 3 different types of Third Places

(Table 48A-3 Added by Ord. No. 5877/8-08.)

C. Street Level Uses

As indicated in Table 48A-2, for residential development projects in the MU-C District, a minimum of 60% of each street frontage at street level of the projects with street frontage on arterial or collector streets shall be occupied by street-level uses subject to the standards contained in this Section, with the remaining 40% of the street frontage at street level containing residential uses and/or pedestrian or vehicular entries. The frontage of any exterior outdoor common recreation area required for residential uses shall not be counted in street frontage. The intent of these standards is to establish vertical mixed use developments, with commercial storefronts and create a vibrant pedestrian environment with plazas, ground-level public open spaces, etc. Required street-level uses shall meet the standards of this Section.

1. The following uses qualify as required street level uses:
 - a) Commercial uses, such as personal, business and consumer services, daycare for children and elderly, entertainment, art galleries, product repair or services for consumer and business goods, small scale physical fitness studios/gyms (that serve the neighborhood), and medical (medical, dental and veterinarian clinics);
 - b) Eating and drinking establishments;
 - c) Community service uses, such as libraries, senior centers, community centers, museums and indoor public recreation facilities;
 - d) Public open space areas, such as Third Places and transit stops with shelters.
2. In order to allow for the provision of required street level uses within buildings with frontage on arterial or collector streets, when market factors are not conducive to mixed use development projects, the ground floor level of buildings shall be constructed to allow for the future accommodation of commercial uses, and may be occupied by residential uses. The property owner or leasing agent or property manager shall provide the Planning Director with annual market reports that provide documentation of the status of the market, where it can be determined when these spaces should be actively advertised for sale or lease, so that conversion to these uses can occur.
3. The space occupied by the required street level uses must have a minimum floor to floor height of thirteen (13) feet and extend at least thirty (30 feet) in depth at street level from the street front façade.
4. Required street level uses must be located within ten (10) feet of the street property line or abut a public open space permitted in subsection 1(d), unless an increase in the maximum front setback is granted by the Planning Director subject to the requirements in Section 48A.III.F.4.b.
5. Pedestrian access to the required street level uses shall be provided directly from the street or permitted public open space. Pedestrian entrances must be located

no more than three (3) feet above or below sidewalk grade or at the same elevation as the abutting permitted public open space. (Added by Ord. No. 5877/8-08.)

D. Lot size

There is no minimum lot size in the Mixed Use Districts.

E. Maximum Building Footprint

The maximum building footprint standard for the Mixed Use Districts is shown in Table 48A-2. An increase in the maximum building footprint up to 40,000 square feet may be permitted for buildings located in the MU-C District where structured parking is integrated into the building envelope, provided that:

1. The design of the building with integrated structured parking complies with the development standards contained in Section 48A.III.1 for off-street parking and the design standards contained in Section 48A.IV.5, for location and design of off-street parking including structured parking.
2. The design of the building complies with the design standards contained in Section 48A.IV, that address building facade, building step-back and architectural design requirements. (Added by Ord. No. 5877/8-08.)

F. Setbacks

Minimum setbacks are intended to ensure new construction occurs in a manner consistent with applicable building code, public utility easement or public open space requirements. Required maximum building setbacks are intended to complement applicable standards as a means for ensuring the placement of buildings to promote an attractive streetscape and pleasant pedestrian environment.

1. Front Yard Setbacks.

- a) Minimum Setback. The minimum front setbacks are shown in Table 48A-2.
- b) Maximum Setback. The maximum front setbacks are shown in Table 48A-2. Where a MU-C zoned lot has multiple frontages, maximum setbacks shall be applied to all frontages adjacent to public rights-of-way designated Collector or Local on the City of Hillsboro Transportation System Plan as well as on private streets. Where a property located in a MU-C District only has frontage on a road designated an Arterial on the Transportation System Plan, the maximum setbacks shall apply along that frontage. Maximum setbacks shall apply to all street frontages on MU-N zoned lots. The maximum setback standard for commercial, multi-family, apartment, or mixed use buildings is met when a minimum of 75 percent of the front building facade is located no farther from the property line or future right-of-way lines than the maximum setback specified for the applicable Mixed Use District or as specified in Section 48A.III.F.4. The

maximum setback standard for single family attached and detached housing, townhouses, and rowhouses is met when at least one façade, including a porch, is located no farther from the property line than the setback specified for the applicable Mixed Use District.

2. Rear Yard Setbacks.

- a) Minimum Setback. The minimum rear setback for all structures is shown in Table 48A-2.

3. Side Yard Setbacks.

- a) Minimum Setback. The minimum side yard setback for all structures in the Mixed Use Districts is shown in Table 48A-2.

4. Setback Exceptions.

- a) Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, balconies, stoops, and similar architectural features may encroach into setbacks by no more than 4 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Second story bay windows, balconies, awnings, and canopies may extend up to two feet into public right-of-way upon approval by the City Engineer and Building Official.
- b) Maximum front setbacks may be exceeded up to ten additional feet for mixed use or non-residential developments upon determination by the Planning Director that 100 percent of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.
- c) Where a public utility easement is wider than the maximum setback of the applicable district, the structure may be set back to accommodate the easement.
- d) Where a residential garage or carport is directly accessible from a public or private street or alley, the setback to the opening of the garage or carport shall be either five feet or nineteen feet except:
 - i. Where the setback of the dwelling unit is greater than nineteen feet, then the setback to the garage/carport shall be equal to or greater than the dwelling unit; or
 - ii. Where the garage door or carport entrance is oriented perpendicular or nearly perpendicular to the front property line, and there is sufficient distance to park in front of the garage/carport entrance without extending over the property line or the sidewalk, then the setback shall be equal to or greater than the dwelling.
- e) Where loading areas or drive through lanes are permitted between a public or private street and the associated structure, the maximum setback requirement

may be exceeded to accommodate the loading area or drive through lanes. The building shall be placed as close to the street as practicable in order to accommodate the loading area and drive through lanes.

- f) Cantilevered awnings and canopies may extend into the public or private street right-of-way, upon approval of the jurisdiction having authority over the right-of-way, the City Engineer, and the Building Department.

G. Building Height

1. Maximum height standards. Maximum height standards for the Mixed Use Districts are shown in Table 48A-2. For buildings where structured parking is integrated into the building envelope, the floors occupied by parking shall not be counted toward the maximum building height, provided that:
 - a) The design of the building with integrated structured parking complies with the development standards contained in Section 48A.III.1 for off-street parking and the design standards contained in Section 48A.IV.5, for location and design of off-street parking including structured parking.
 - b) The design of the building complies with the design standards contained in Section 48A.IV, that address building facade, building step-back and architectural design requirements.
2. Minimum height standards. Minimum height standards for the MU Districts are shown in Table 48A-2.
3. Within Mixed Use Districts building height is measured from native grade, four feet outside the foundation of the structure. For purposes of calculating minimum and maximum height as cited in Table 48A-2 and notwithstanding the provisions of the Oregon Building Code, a residential use "story" shall be considered to be not greater than 10 feet. For all non-residential or mixed use buildings and parking structures, a "story" shall be considered to be not greater than fifteen feet. The maximum height shall not include the roof structure above the ceiling of the top floor of the residential living space or the commercial occupancy, provided the roof pitch does not exceed 12:12. Where construction of grade level floors includes placement of earth berms above the native grade, such grade level floors are considered stories within this standard. However, a basement is not a story if the finished floor of the basement is at least six feet below native grade. (Amended by Ord. No. 5877/8-08.)

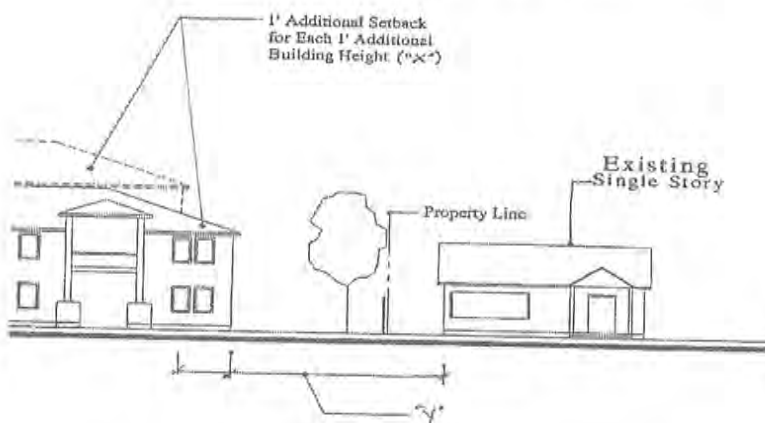
H. Building Height Transition

1. Notwithstanding the setback standards provided in Section 48A.III.F, development in the Mixed Use Districts shall provide for a building height transition when adjacent to existing single family residential development which is zoned R-10 Single Family Residential, R-7 Single Family Residential, R-8.5 Single Family Residential, and R-6 Single Family Residential to provide compatible scale and privacy between

developments. This requirement is that taller buildings shall "step-down" to create a building height transition to adjacent single family residential developments.

2. This standard applies to new and vertically expanded buildings in the MU-N and MU-C Districts within 20 feet (measured horizontally) of an existing single family residential building with a height of 30 feet or less.
3. This standard is met when the height of the taller building (x) does not exceed one foot of height for every one foot separating the new building from the existing single family residential structure (y) as shown in Figure 48A-2.

**Figure 48A-2
Building Height Transition**



I. Off Street Parking and Loading

1. Off-Street Parking and Loading Standards. Off-street parking and loading for development in the MU-N District shall be developed in accordance with Sections 84 to 86 of this ordinance, except as modified in this Section. In the event of conflict, the parking standards contained in this Section shall control. For development located within the MU-C District, off-street parking and loading shall be developed in accordance with the parking standards contained in this Section.
2. Minimum Required Off-Street Parking for Non-Residential Development Projects Including the Non-Residential Component of Mixed Use Development Projects in the MU-C District. The minimum required parking for the permitted commercial, cottage industry, public and semi-public uses in the MU-C District shall average 2 spaces per 1,000 square feet of leasable gross floor area throughout the project. Shared parking shall be required when the development project is under the control of a single owner/developer and contains commercial, cottage industry, public and semi-public uses with staggered peak parking demands. A reduction in the minimum required

parking may be granted by the Planning Director, provided that the following criteria have been met:

- a) The amount of off-street parking to be provided will be sufficient to serve the uses for which it is intended.
 - b) The decrease in required off-street parking shall be based on a parking demand study prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting a reduced number of parking spaces. The parking demand study shall include, at a minimum, the following:
 - i. Size and type of uses or activities on site;
 - ii. Composition of tenancy on site;
 - iii. Rate of parking turnover;
 - iv. Peak traffic and parking loads to be encountered;
 - v. Local parking habits including proximity and convenience factors;
 - vi. Availability of public transportation.
 - c) Use of shared parking for the development project and transportation demand management techniques such as employee carpooling or vanpooling, dedicated valet parking, increased bicycle parking facilities, provision of subsidized or discounted transit passes to employees, and rideshare promotions.
 - d) A transit stop is located within 800 feet of the development project.
3. Minimum Required Off-Street Parking for Residential Development Projects Including the Residential Component of Mixed Use Development Projects in the MU-C District. The minimum required off-street parking spaces for residential uses is as follows:

Type of Dwelling Unit	Minimum Required Off-Street Parking Spaces
Attached dwelling units (studio, 1-bedroom, 2-bedroom, 3-bedroom units) and the residential portion of live-work units	1 space per dwelling unit
Age-restricted dwelling unit (60 years or older)	0.50 space per dwelling unit

4. Off-Street Maximum Parking. The off-street parking cap for Non-Residential Development Projects including the Non-Residential Component of Mixed Use Development Projects in the MU-C District is 3 spaces per 1,000 square feet of leasable gross floor area throughout the project. The off-street parking cap for Residential Development Projects including the Residential Component of Mixed Use Development Projects in the MU-C District is not more than 150% of the minimum required off-street parking. All development projects providing off-street parking in excess of the minimum required off-street parking shall comply with the following criteria:

- a) The need for increased off-street parking is based on a parking demand study prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting the increased number of parking spaces. The parking demand study shall include, at a minimum, the following:
 - i. Size and type of uses or activities on site;
 - ii. Composition of tenancy on site;
 - iii. Rate of parking turnover;
 - iv. Peak traffic and parking loads to be encountered;
 - v. Local parking habits including proximity and convenience factors;
 - vi. Availability of public transportation.
 - b) Use of shared parking for the development project. Required off-street parking may be accommodated within shared parking facilities located on-site or off-site if the shared parking facilities are located within 800 feet from the development and are for non-residential uses. Shared parking located within off-site shared parking facilities shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.
 - c) Use of transportation demand management techniques such as employee carpooling or vanpooling, dedicated valet parking, provision of alternative vehicles for shared use by residents, increased bicycle parking facilities, provision of subsidized or discounted transit passes to employees or residents, rideshare promotions.
 - d) Reduction in surface parking through provision of on-site structured parking which is integrated into the building envelope to accommodate the increased off-street parking.
5. Shared Parking. Shared parking is encouraged within the MU-C Use District. Shared parking can be provided on-site or off-site if the shared parking facilities are located within 800 feet of the development project and are for non-residential uses. Shared parking located within off-site shared parking facilities shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.

A parking demand study shall be provided to the Planning Director for any development projects proposing or required to provide shared parking facilities. The parking demand study shall be prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting the increased number of parking spaces. The parking demand study shall include, at a minimum, the following:

- a) Size and type of uses or activities on site;
- b) Composition of tenancy on site;
- c) Rate of parking turnover;
- d) Peak traffic and parking loads to be encountered;
- e) Local parking habits including proximity and convenience factors;
- f) Availability of public transportation.

The Planning Director may utilize the Urban Land Institute's (ULI) Shared Parking methodology as a guide in reviewing shared parking proposals.

6. On-Street Parking Credit. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. The following constitutes an on-street parking space:
- a) Parallel parking, each 24 feet of uninterrupted curb;
 - b) Curb space must be connected to the lot which contains the use;
 - c) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - d) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted. (Amended by Ord. No. 5877/8-08.)

J. Open Space for Residential Developments

Residential projects including mixed use projects with residential uses shall provide a minimum of 100 square feet of usable open space per unit, which may be private yards, courtyards, atriums, balconies, patios, gardens including rooftop gardens, porches, terraces, or commonly owned tracts. Usable open space within such residential projects may be privately accessible to residents and guests only, without providing public accessibility; however projects are encouraged to provide some public or semi-public usable open space in order to create attractive, vibrant places to live, work, shop, and recreate. The development standards for some of the different types of usable open space listed herein are as follows:

- 1. Common open space areas shall be convenient to the majority of dwellings and shall contain amenities appropriate to the development project's size. Potential amenities could include art, sculpture, fountains or water features, benches, seat walls, raised planting beds, etc.

2. Private usable open space shall be contiguous to the unit served and should be screened from public view for privacy. All balconies and patios that front a public street should be substantially enclosed for screening and privacy. Balconies are encouraged to be oriented so as not to have a direct line-of-sight into adjacent units within the development.
3. Private usable open space in the form of balconies or porches shall have a minimum average depth and width of six (6) feet in order to accommodate a small table and chairs.
4. Patios shall have a minimum depth of six (6) feet and width of ten (10) feet. Patio depths and widths greater than ten (10) feet are preferable.
5. Use of rooftop spaces for courtyards, gardens and terraces may be used as common open space for the development, when directly accessible to the units it serves.
6. Use of decorative pavers and pervious pavement treatment for hardscape areas such as plazas and courtyards is encouraged. Changes in paving color, pattern and texture also help to define public and private open space and add visual interest.
7. Within usable open space areas, incorporation of ample landscaping in beds or planters which provide year-round greenery is encouraged. (Amended by Ord. No. 5877/8-08.)

(Section 48A.III Amended and Re-alphabetized by Ord. No. 5877/8-08)

IV. DESIGN STANDARDS

A. Purpose

This Section establishes design standards for development in Mixed Use Districts. These clear and objective standards shall apply to permitted uses in all Districts. The design standards contained in this subsection are in addition to and supplement the standards in Section 133, Development Review/Approval of Plans. In the event of conflict, the design standards of this subsection shall control.

The design standards described in this subsection are intended to promote good quality design in site development and new building construction within mixed use zoning designations. Good design in mixed use zones results in buildings and dwellings visually compatible with one another and adjacent neighborhoods, contributing to a district which is attractive, visually stimulating, active and safe. These qualities contribute to the creation of an environment which facilitates easy pedestrian movement and a rich mixture of uses. A diversity of architectural styles is encouraged except in large scale mixed-use developments where unified architectural and urban design is important to the identity of the development project. On sites protected by a historic or cultural resource overlay zone or designation, architectural consistency with the design standards of the overlay zone or designation shall be required.

B. Process

All new development and expansions of existing uses located in mixed use districts shall comply with these design standards during Development Review.

C. Building and Site Design Standards

The standards and guidelines contained in this subsection are intended to encourage good quality, pedestrian-sensitive design in new building construction. These qualities contribute to the creation of a mixed use area which facilitates easy pedestrian movement and establishment of a rich mixture of uses.

1. Building Entry and Orientation Requirements

The purpose of this subsection is to require buildings and entrances to be oriented to the street to the maximum extent practicable to encourage pedestrian access and movement. Requirements for orientation and primary entrances are intended to provide for convenient, direct and accessible pedestrian routes to and from public sidewalks and transit facilities; provide for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and promote the use of pedestrian and transit modes of transportation to retail and commercial facilities.

The following design standards shall apply to development in MU-C and MU-N Districts except where noted:

- a) All ground-floor tenant spaces with at least 25 feet of frontage facing a public or private street shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos and the like without being in violation of this provision. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance to the corner where the two streets intersect. Where one single tenant has 200 feet or more of frontage on a public or private street, one additional entrance shall be provided for each 200 feet of frontage on one of the public or private streets. Freestanding banking institutions and restaurants located in the MU-C District are exempt from the provisions contained in this subsection and may locate the primary building entrance on any façade of the structure. A clear internal site pedestrian sidewalk or pathway shall be provided to the building entrance from all public or private street sidewalks. A building may have more building entrances than required by this Section oriented to a public or private street, and may have secondary entrances facing off-street parking areas and loading areas.

- b) An exception to the requirement of paragraph a. above shall be allowed upon finding that:
 - i. The slope of the land between the building and the street is greater than 1:12 for more than twenty feet (20') and a more accessible pedestrian route to the building is available from a different side of the building;
 - ii. The land between the building and the street contains a natural resource which would be unavoidably and irreparably degraded by providing a reasonably direct pedestrian connection and an alternative route without such impacts is available; or
 - iii. The land between the building and the street contains mature, healthy trees of greater than 8" caliper which would be unavoidably destroyed or damaged by any reasonably direct routing of a pedestrian connection and an alternative route without such impacts is available.
- c) Residential dwellings fronting on a public or private street shall have a main entrance to the dwelling opening onto the front of the dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp or similar architectural feature is included in the design. Ground floor single family attached and row/townhouse residential units fronting on a public or private street shall have separate entries directly from the major pedestrian route. Ground floor and upper story residential units in a multi-family building fronting on a public or private street may share one or more entries accessible directly from the street.
- d) Residential building facades over 150 feet in length facing a street shall provide two or more main building entrances.
- e) Entryways into mixed use buildings containing residential units shall be clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

2. Ground Floor Windows and Building Façade Requirements

Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape and perceived safety of pedestrians using those spaces. The standards of this subsection are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians along streets. These standards also have the purpose of encouraging surveillance opportunities where buildings face abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment. The standards also help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers. By encouraging "window shopping" in mixed use districts the activity on the street is increased along with security.

The following design standards shall apply to development in MU-C and MU-N Districts:

- a) All development shall provide ground floor windows on the building facade facing and adjacent to a public street, or facing onto a park, plaza or other public outdoor space. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide a lower sill no more than three feet (3') above grade; except where interior floor levels prohibit such placement, the sill may be located not less than two feet (2') above the finished floor level to a maximum sill height of five feet (5') above exterior grade. Where on-site service docks and loading areas are provided, buildings containing 10,000 square feet or more, and demised up to two individual tenants, are exempt from the ground floor window requirement.
- b) Darkly tinted windows and mirrored windows which block two way visibility are prohibited as ground floor windows required under this provision except where the closest face of the building to the nearest edge of the sidewalk within a public right-of-way or private street parallel and adjacent to the building is greater than fifty feet (50').
- c) In all districts, building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale to the first floor.
- d) Where ground floor windows are required by this section on multifamily, apartment, public institutional and commercial structures, exterior walls facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least fifty (50%) of the length and fifty percent (50%) of the area of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen feet (15') above finished grade, whichever is less.
- e) On single family detached, single family attached, townhouse, and rowhouse structures, exterior walls facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least twenty percent (20%) of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen (15') above finished grade, whichever is less.

3. Building Step-Back Requirements

Step-back requirements help assure a comfortable street environment by preventing fortress-like facades, providing light and air at the street level, and providing features of interest to pedestrians along streets in mixed use districts.

The following design standards shall apply to development in MU-C and MU-N Districts:

- a) Step-back requirements shall be achieved, at the option of the applicant, by one of two methods:
 - i. Floors above the second floor shall be stepped back a minimum of five feet (5') for the first story above two, and an additional five feet (5') for floors above three (3). The maximum step-back under this method shall not exceed fifteen feet (15'); or
 - ii. A building shall be stepped-back by an appropriate amount from the plane of the street so as to maintain an angle not greater than sixty (60) degrees between the top of the building facade fronting on to the street and the back of the sidewalk of the opposite side of the same street.
- b) Upon petition of the applicant, the Planning Director may waive the building step-back requirements of this subsection provided that the applicant clearly demonstrates the proposed project:
 - i. includes window treatments, entry placement, facade relief and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape; and
 - ii. extends the same architectural features described in paragraph (a) above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street facade; and
 - iii. is designed so as not to obstruct sunlight from falling on the back of the sidewalk on the opposite side of the street for more than four hours of any given day between March 21 and September 21.

4. Architectural Design Requirements

Good design results in buildings visually compatible with one another and adjacent neighborhoods, contributing to mixed use areas which are attractive, stimulating, active and safe.

The following design requirements shall apply to development in MU-C and MU-N Districts:

- a) Buildings shall promote and enhance a pedestrian scale and orientation on the facade facing the public street. Street-side building facades and dwelling units within all Mixed Use Districts shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. In addition, development proposals shall make provisions and include designs consistent with the following:

- i. All new commercial, public/institutional, mixed use, and residential buildings constructed within a Mixed Use District shall demonstrate during the Development Review process that it promotes and enhances a pedestrian scale and orientation on any facade facing a public or private street and it incorporates discernible and architecturally appropriate features; such as, but not limited to, cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of themselves, does not meet the requirements of this subsection; and
 - ii. All residential dwellings, of any type, constructed within any Mixed Use District shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, and including, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, authentic vertical board & batten siding, articulated architectural concrete masonry units (CMU), and similar durable architectural materials are allowed. Materials such as, and including, T-111 siding, plain or plain painted plywood and strandboard sheets, concrete or cinder block, smooth surface concrete panels, and similar quality and non-durable material are prohibited.
- b) Commercial buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall- or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.

5. Location and Design of Off-Street Parking

Parking should be located and designed so as to not only facilitate its major function but also to complement and encourage easy and safe pedestrian movement to, through and around the facility. The scale and orientation of parking areas shall be consistent with their purposes in supporting a mix of commercial and residential uses and shall be consistent with the pedestrian- and transit-oriented community to which they contribute.

Except as expressly modified below, the parking design standards contained in Sections 84 through 86 shall apply. The following additional standards shall apply only within Mixed Use Districts:

- a) No surface parking or maneuvering area shall be located between the facing façade of an adjacent building (or a line extended from the plane thereof) and a public or private street where a maximum setback is prescribed by this Section. Service docks and loading areas may be located between a building and public or private street when an anchor tenant requires the use of delivery vehicles with an overall length of forty (40) feet or greater and where the service docks and loading areas comply with the provisions contained in Section 48A.IV.C.5.b.
- b) To create pedestrian interest, maneuvering areas, service docks, and loading areas shall be located interior to the site wherever practicable. Where locations of these facilities on the site exterior, adjacent to a street, driveway, or pedestrian route cannot be avoided, exterior building walls or screen walls for such facilities shall include decorative elements that provide visual (pedestrian) interest such as openings with decorative grates, artwork, and decorative tiles. Screening walls surrounding service docks and loading areas shall be a minimum of 12 feet in height. Windows and display area are not required on walls surrounding service docks and loading areas.
- c) For development projects in the MU-C District that are required to provide integrated structured parking for increases in the maximum building footprint per Section 48A.E, and where the floors occupied by parking are not counted toward the maximum building height per Section 48A.G.1, the structured parking shall be wrapped at the ground level with street level uses for projects with street frontage on arterial or collector streets. For projects proposing integrated structured parking with frontage on local or neighborhood route streets, the structured parking shall be wrapped at the ground level with residential or public open space areas, such as small plazas with seating areas.

If there are multiple parking floors within the integrated structured parking, the upper floors shall be wrapped with office and/or residential uses or two-story eating and drinking establishments. The area of the roof of the structured parking not occupied by buildings shall provide usable courtyard space, terraces, green roofs and/or community garden plots, which are accessible by the office and residential uses and/or eating and drinking establishments.

- i. The size of the parking entrance shall be minimized and visually integrated into the overall architecture of the building by continuing a frieze, cornice, canopy, overhang, trellis, decorative grilles, or other devices from adjacent structures along the façade.
- d) Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the

Except as expressly modified below, the parking design standards contained in Sections 84 through 86 shall apply. The following additional standards shall apply only within Mixed Use Districts:

- a) No surface parking or maneuvering area shall be located between the facing façade of an adjacent building (or a line extended from the plane thereof) and a public or private street where a maximum setback is prescribed by this Section. Service docks and loading areas may be located between a building and public or private street when an anchor tenant requires the use of delivery vehicles with an overall length of forty (40) feet or greater and where the service docks and loading areas comply with the provisions contained in Section 48A.IV.C.5.b.
- b) To create pedestrian interest, maneuvering areas, service docks, and loading areas shall be located interior to the site wherever practicable. Where locations of these facilities on the site exterior, adjacent to a street, driveway, or pedestrian route cannot be avoided, exterior building walls or screen walls for such facilities shall include decorative elements that provide visual (pedestrian) interest such as openings with decorative grates, artwork, and decorative tiles. Screening walls surrounding service docks and loading areas shall be a minimum of 12 feet in height. Windows and display area are not required on walls surrounding service docks and loading areas.
- c) For development projects in the MU-C District that are required to provide integrated structured parking for increases in the maximum building footprint per Section 48A.E, and where the floors occupied by parking are not counted toward the maximum building height per Section 48A.G.1, the structured parking shall be wrapped at the ground level with street level uses for projects with street frontage on arterial or collector streets. For projects proposing integrated structured parking with frontage on local or neighborhood route streets, the structured parking shall be wrapped at the ground level with residential or public open space areas, such as small plazas with seating areas.

If there are multiple parking floors within the integrated structured parking, the upper floors shall be wrapped with office and/or residential uses or two-story eating and drinking establishments. The area of the roof of the structured parking not occupied by buildings shall provide usable courtyard space, terraces, green roofs and/or community garden plots, which are accessible by the office and residential uses and/or eating and drinking establishments.

- i. The size of the parking entrance shall be minimized and visually integrated into the overall architecture of the building by continuing a frieze, cornice, canopy, overhang, trellis, decorative grilles, or other devices from adjacent structures along the façade.
- d) Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the

bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle parking shall provide security and protection from the weather. Covered parking may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within a building or residential complex. Except in single-family detached and duplex dwelling units, allowance for required bicycle parking within an individual residence is not considered to be in compliance with this requirement.

- e) Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street other than a major pedestrian route which meets one of the following standards:
 - i. A five foot (5') wide planting strip between the right-of-way and the parking area shall be provided for streets designated Collector or Local on the City of Hillsboro Transportation System Plan. A ten foot (10') wide planting strip between the right-of-way and parking area shall be provided for streets designated Arterial. The planting strip may be pierced by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be no less than thirty (30") inches or more than forty-two (42") inches in height. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.
 - ii. In lieu of hedges specified in subsection d.1, decorative walls or fences thirty (30") inches to forty-two (42") inches in height parallel to and not nearer than two feet (2') from the right-of-way line may be utilized. The area between the wall or fence and the back of the sidewalk shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.
- f) Surface parking areas shall provide interior landscaping which meets the following standards:
 - i. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.
 - ii. All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least four feet (4'). Perimeter landscaping shall not be required where two parking lots using a common driveway are joined by a common circulation aisle or other traffic area, and landscaping may be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two areas. Landscaping shall also be installed within

planting bays, and in any other area where parking stalls, circulation aisles, driveways, or pedestrian movements would not be precluded by the landscaping. Except where requested by the applicant, if in following these standards, the amount of interior landscaping would exceed ten percent (10%) of the area devoted to outdoor auto parking facilities, the amount of required landscaping shall be limited to ten percent (10%). All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.

- iii. A minimum of one 2½" caliper street tree shall be provided in protected planting bays located within the surface parking area at the end of each parking row and at intervals not exceeding 100 feet within the parking rows. Planting bays shall have a minimum width of five feet (5') and a minimum area of 185 square feet for double loaded parking bays and 90 square feet for single loaded parking bays. The remainder of each bay shall be landscaped in a manner consistent with the provisions of this subsection.
- iv. All parking lot construction, internal walkways, markings and access shall meet and fully comply with the requirements of the Americans with Disabilities Act.
- g) Except in residential areas, parking associated with new development shall be designed to the extent practicable to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the street for parallel movements.
- h) General Landscaping Standards for Off-Street Parking Areas.
 - i. The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least thirty-five feet (35') in height and spread at maturity.
 - ii. A minimum of seventy percent (70%) of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
 - iii. Evergreen shrubs shall be not less than two feet (2') higher than finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least thirty-six inches (36") higher than finished grade.
 - i) All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, traffic flow, access points needed for the proper functioning of the development and the objectives of the Section. To meet these standards, consolidation of curb cuts may be a condition of development approval.

(Section 48A.IV.C.5 Amended and Renumbered by Ord. No. 5877/8-08)

6. Requirements for Drive Through Facilities

Where Drive Through Facilities are permitted in Mixed Use Districts the following standards shall apply:

- a) A maximum of two drive through service lanes shall be permitted between a building façade and a public street right-of-way.
- b) Drive through lanes located between a building façade and a public right-of-way shall be buffered by evergreen shrubs. The shrubs shall be not less than two feet (2') higher than finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least thirty-six inches (36") higher than finished grade.

7. Requirements for Improvements Between Streets and Buildings

Landscaping or "hardscaping" of property between the street curb and buildings promotes and enhances a comfortable pedestrian scale and orientation and encourages pedestrian use of the area.

The following street design standards shall apply to development in MU-C and MU-N Districts:

- a) The property between the street curb and an adjacent building shall be landscaped or hardscaped. Landscaping shall be irrigated.
- b) Except for single family detached dwellings, where a hard-surfaced area, other than a pedestrian connection leading from the sidewalk to a building entrance, is used in lieu of landscaping between the sidewalk and the building, such areas shall contain at least two (2) pedestrian-sensitive amenities. Such amenities include, but are not limited to, benches, low walls with seating or planters atop, drinking fountains, courtyards, free-standing planters, street furniture, public art or other pedestrian space or design features integrated into the overall design of the building or portion of the site in order to enhance the pedestrian environment.
- c) Trees selected from the City's approved street tree list. Trees may be within tree wells with a minimum planting area of 15 square feet (with standard 3' x 5', 4' x 4' or 4' diameter cast iron grates.) Such trees shall be planted every thirty feet (30') on center (or, depending on species, at some other distance to ensure their proper spacing) so as to develop a continuous canopy when mature. Street trees shall be at least 2½ inches in caliper at planting, shall be planted within an approved root barrier, and shall be irrigated and maintained by the property owner along with other landscaping planted within the parking strip.
- d) Topping, shearing or pollarding of street trees is prohibited, unless necessary to protect overhead utility lines.
- e) Except as noted below, all public utility distribution and service connections to new buildings and dwellings within all Mixed Use Districts shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:

- i. The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;
- ii. The project is located between other utility users on the same block face;
- iii. It would not be practicable to serve the new project underground without also serving the neighboring uses; and
- iv. The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service;
- f) Ornamental street lights shall be installed when public right-of-way improvements are required as a part of a development.
- g) Bulb-outs, or curb extensions, shall be constructed at all intersections of public streets when public right-of-way improvements are required as a part of a development. The design of the bulb-outs shall be approved by the Planning Director and City Engineer.

V. REVIEW PROCEDURES

- A. Section 133, Development Review**, or any amendment thereof, and the provisions of this section shall apply to all uses permitted in Mixed Use Districts except for construction of single family detached dwellings built on a single lot. Provisions of Ordinance No. 2808, Subdivisions, applies to all project proposals involving the subdivision or partitioning of existing properties.
- B. Applications for Development Review** approval for projects within a Mixed Use District shall include the pertinent materials specified in Section 133 as well as preliminary plans and drawings, and other pertinent materials and reports illustrating and documenting the following:
 - 1. Site plans, housing types, proposed commercial and industrial uses, elevation sketches, exterior building material/color boards and floor plans for all typical multi-family and attached single family dwellings, mixed use and non-residential buildings within the project;
 - 2. Residential densities;
 - 3. Usable open space, landscaping, and natural resource and tree preservation plan;
 - 4. Planned streets and alleys, public rights-of-way, pedestrian and bicycle system plan, and off- and on-street parking;
 - 5. Stormwater management and grading plans, underground utility service plan and easement dedications, including infrastructure location, sizing, and system connections;

6. Where applicable, compliance with the Hillsboro Comprehensive Plan goals, policies, and implementation measures of Section 17 NE 28th Avenue / East Main Street Plan Area; Section 18 Hillsboro Tanasbourne Community Plan; or Section 22 Witch Hazel Village Community Plan.
7. Compliance with the Zoning Ordinance provisions for the applicable Mixed Use District.

C. Development Review

The City shall require that the developer provide for and establish one or more property owner associations, or similar mechanism acceptable to the City Attorney, for the ownership and maintenance of any common open space, private streets or alleys, or other appropriate lands and improvements which are of a public nature and are not dedicated to and accepted by the City.

Further, the City shall require any such association be incorporated, or otherwise legally organized such that the association is legally capable of, and shall adopt and file by-laws, restrictive covenants, and/or other binding agreements that provide an enforceable mechanism to raise the revenue required to maintain such property, and which include provisions that prohibit the association from disposing of or abandoning any common open space, private street or alley without the permission of the City, in which case the association shall first offer to dedicate the property to the City and shall provide for its long-term maintenance in a manner satisfactory to the City. Nothing in this provision shall obligate or be construed to imply any obligation by the City to accept any street, alley, park, greenway, open space, or other common lot, parcel or tract of land or improvement proposed to be dedicated by an applicant, owner or developer of a project, or by any owner's association.

D. Variances

The development and design standards in Section 48A are intended to implement the goals and policies of the Comprehensive Plan. Variances to these standards are discouraged. However, some sites may be difficult to develop in compliance with these regulations. In those instances, the Variance process provides relief where the proposed development continues to meet the intended purpose of these regulations.

1. Standards

- a) A Variance by the Planning Commission may be granted to any development regulation or design standard contained in Section 48A, provided the Commission finds that by granting the Variance:
 - i. The adjustment will equally or better meet the purposes of the Mixed Use Districts and of the regulation to be modified;
 - ii. The Variance or cumulative Variance adjustments results in a project which is still consistent with the overall purpose and intent of the district; and

- iii. The Variance will not result in significant detrimental impacts to the environment or the natural, historic, cultural or scenic resources of the City.
- b) The Planning Commission may approve a Variance from the standards listed below if, in addition to the criteria listed in subsection (D)(1)(a), the proposal meets the following criteria:
 - i. Multiple main building entrances required to be oriented to the street. Variances may be granted to allow a single secured entrance to an establishment upon a finding that the internal security measures which are standard operating procedures of the applicant would be irreparably harmed by this requirement; except in no case shall there be less than one main entrance oriented to a public or private street unless otherwise authorized by an exception contained in this Section.
 - ii. Ground floor windows. A variance to the percentage of window area required for ground floor windows in building facades where required by this Section may be allowed upon findings that:
 - a) such windows would unavoidably compromise necessary personal privacy or security within the building (for example, privacy in a clinic examination room, security in a pharmacy storeroom, or security and privacy in a research and development laboratory);
 - b) due to the design of the structure or other demonstrable restrictions or constraints, the required personal privacy or security cannot otherwise be provided; and
 - c) the loss of the window area cannot be recaptured elsewhere on the facade.

2. Application and Fee

A request for a variance may be initiated by a property owner or authorized agent by filing an application with the City Recorder. The applicant shall submit plans to the Commission as provided in Section 119 and shall pay the fee as set in Section 129.

3. Public Hearing on a Variance

Before acting on a request for a variance, the Planning Commission shall consider the variance at a Public Hearing held within 40 days after filing of the application. Not less than 20 days prior to the date of the Hearing, the City Recorder shall give written notice by mail of the hearing to owners of property situated within a 200 foot radius of the boundary of the property subject to the request using for this purpose names and addresses of owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a variance. (Amended by Ord. No. 5778/8-07.)

4. Action of the Planning Commission

The Commission may attach conditions to an authorized variance which it feels are necessary to protect the public interests and carry out the purpose of this Ordinance. The City Recorder shall notify the applicant for a variance, in writing, of the Commission's action within five days after the Commission has rendered its decision.

E. Increases in Mixed Use and Residential FAR in the MU-C District

Mixed Use and/or residential development projects in the MU-C District, as specified in Section 48A.III.B, may be granted an increase in FAR by the Planning Commission, provided that the mixed use and/or residential development project meets the development and design standards contained in Sections 48A.III and 48A.IV, and applicable development and design standards contained in Section 133: Development Review.

1. Development Review by Planning Commission

Mixed-Use and/or residential development projects in the MU-C District are subject to Development Review approval by the Planning Commission.

2. Application and Fee

A request for increased mixed-use or residential FAR in the MU-C District may be initiated by a property owner or authorized agent by filing an application with payment of the fee for processing such application to the Planning Department. Applications for increases in mixed use or residential FAR shall include the pertinent materials specified in Section 133, as well as the preliminary plans, drawings, reports and other pertinent materials listed in Section 48A.V.B. Prior to submittal of an application for Development Review by the Planning Commission, the applicant shall hold a neighborhood meeting subject to the procedures in Section 129A.

3. Public Hearing

Before acting on a request for increased mixed use or residential FAR in the MU-C District, the Planning Commission shall consider the request at a public hearing. Not less than 20 days prior to the date of the hearing, public notice shall be mailed to property owners within a 500-foot radius of the boundary of the property subject to the request for increased FAR. For this purpose, the names and addresses of the owners as shown on the current records of the County Assessor shall be used.

4. Action of the Planning Commission

The Commission's decision to approve, approve with conditions, or deny an application for increased mixed use or residential FAR, may be appealed to the City Council, by filing written notice with the City Recorder within 15 days after such decision is made. A fee must be submitted with the filed notice of appeal, equal to one-half of the fee of the original application.

(Section 48A.V.E. Added by Ord. No. 5877/8-08)

VI. DEFINITIONS

Except as expressly modified below, the definitions set forth in Section 3 of City of Hillsboro Ordinance No. 1945 shall apply. The following additional definitions shall apply only within Mixed Use Districts.

A. Access. An unobstructed means of ingress and egress from a lot or parcel to a public street, alley or a City-approved private street or tract, either through private ownership or permanent easement over an improved private street, alley or driveway of sufficient width and structural cross-section to meet or exceed the standards for emergency vehicle approach to the use on said lot or parcel. Also applicable to "flag lots," where there is no frontage on an existing or proposed alley, or public or private street.

B. Adjacent. A building or use is adjacent to a transit trunk route, major pedestrian route, transit station or point of interest if the building or use is sited on a parcel or lot abutting the route, station or point of interest, and is not separated from the route, station or point of interest by an existing or planned intervening building as shown on an approved master plan. Intervention of a street or alley does not interrupt adjacency.

C. Auto-Accommodating. A use, area or district which is primarily pedestrian-sensitive but includes facilities where access by automobiles is allowed without giving preference to autos or allowing auto-oriented services such as drive-through windows or services.

D. Bed and Breakfast. A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which unites do not contain individual cooking facilities with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five.

E. Certified Wood Products. Certified wood products are those made from lumber harvested in a sustainable manner and certified by a reliable third party. The certifying groups most active at this time are the Forest Stewardship Council (FSC), Sustainable Forestry Initiative (SFI) and the Canadian Standards Association (CSA).

F. Commercial Uses. Uses and activities involving the sale, lease or rent of new or used products to the general public; the provision of personal, consumer and business services (including daycare for children and the elderly) and entertainment; the provision of product repair or services for consumer and business goods; and office facilities for business, government, professional, medical (including free-standing medical, dental and veterinarian clinics), and financial services. Commercial Uses do not include hospitals and those which are specifically identified as not permitted in Table 48A-1. Animal Services Facilities as defined in Section 3 are considered Commercial Uses; accessory overnight pet boarding if permitted may be subject to conditional use approval under Section 89. (Amended by Ord. No. 5960/3-11.)

G. Community Service. Activities and uses of a public, non-profit or charitable nature generally providing a local service to people of the community on site or through

employees on the site on a regular basis. Examples include libraries, museums, senior centers, community centers, indoor public recreation facilities, religious institutions, corrections facilities, emergency services and similar facilities. Community services do not include schools, hospitals, or geriatric care facilities.

H. Contiguous. Parcels, lots and tracts of land, projects, and expansions of existing uses are considered contiguous regardless of interruptions by streets, alleys, public easements or rights-of-way provided that the parcels would otherwise abut.

I. Cool Roof. A roof which reflects most solar radiation before it penetrates the interior of the building, and which maintains a temperature a few degrees above the ambient air temperature.

J. Drive-Through Facilities. Facilities allowing transactions for goods or services without leaving a motor vehicle, but excluding car washes, and motor vehicle service, maintenance or repair facilities. Also known as "drive-in" facilities.

K. Eco Roof. An eco roof is a vegetated roof system used in place of a conventional roof. Eco roofs are comprised of several layers that include a root barrier, waterproof membrane, drainage, soil system, and plants. Eco roofs are also referred to as green roofs.

L. Emergency Service Facilities. Facilities housing police, fire or ambulance services; excluding jails.

M. Establishment. A term used to describe business activity. For purposes of this code, businesses shall be defined and described at the four digit Standard Industrial Classification ("SIC") level set forth in the most recent edition of the Standard Industrial Classification Manual, published by the U.S. Office of Management and Budget.

N. Expansion. Enlargement of a land use increasing the overall density or intensity of the use. The expansion may be an addition attached to an existing structure or service facility, an additional structure or service facility on the same parcel, or additional structures or facilities constructed on land contiguous with the existing parcel. Construction of new facilities on parcels which are not contiguous are considered new uses, not expansions of an existing use. Except as applied to commercial parking facilities, the term is not applicable to enlargement of existing parking lots and structures.

O. Flex Space. A building constructed to accommodate a variety of commercial, office and/or light industrial uses, including: administration, direct and telephone sales, back-office operations, product assembly, component and inventory warehousing, shipping, and related or similar activities.

P. Floor Area Ratio (FAR). Floor area ratio is the ratio of the total amount of enclosed gross floor area (GFA) within a building or structure to the amount of net lot area. To calculate FAR, the total GFA is divided by the net lot area, and typically expressed as a decimal. For the purposes of calculation, both floor area and net lot area are expressed in square feet. For example, if the GFA for all buildings on a site totals 75,000 and the

net lot area is 100,000, then the FAR equals 0.75, or if the total GFA equals 200,000 and the net lot area is 100,000, then the FAR equals 2.0.

Q. Gross Floor Area (GFA). The sum of the horizontal areas of all floors of a building intended for occupancy or storage and not including interior parking or loading spaces, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. GFA is also referred to as gross square feet or GSF.

R. Gross Leasable Area (GLA). The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less "common" areas that are not leased to tenants, including spaces for circulation to and from tenant spaces (lobbies, atriums elevator cores, stairs, corridors), restrooms, utility/mechanical spaces, and loading docks.

S. Hardscape. Hard-surfaced areas improved in lieu of landscaping. Such areas include specially treated or textured concrete designed as a plaza, courtyard or building entrance and contain pedestrian-sensitive amenities such as benches, drinking fountains, planters, trees in grated wells, street furniture, lighting, public art, water features or other design features integrated into the overall design of a building or portion of the site.

T. Hotel. A building with a common entrance consisting of individual sleeping quarters for rental to transients, and in which no provision is made for cooking in the lodging room. A "residential hotel" is a hotel typically providing for longer term stays and which may allow in-room cooking.

U. Major Pedestrian Route. Any pedestrian route located along an arterial or collector street, a transit trunk route, or light rail transit route. A major pedestrian route also includes any local street or street segment within 1,300 feet of a light rail station or Transit Center where the street or street segment provides reasonably direct connection to the station or center.

V. Master Plan. A development plan for a project to be built in two or more phases. A master plan may involve multiple blocks, provided the blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian ways or space, designated open space, park space or protected natural areas, or surface water treatment facilities. May provide the basis for a Concept Development Plan in Development Review.

W. Mixed Use Building or Development. A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed use building is a structure at least two stories in height which includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed use development typically consists of multiple buildings, usually with multiple stories, designed to assure a diversity of compatible land uses which may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a district. A campus development is considered a mixed use development. However, within a mixed use development, a mix

of residential and industrial uses is prohibited in a single building or on immediately adjoining land.

X. Motor Vehicle Service, Maintenance or Repair Facilities. Facilities servicing motor vehicles, including gasoline stations, oil and lubrication services, tire and muffler installation and service, body shops, car washes, and other motor vehicle services.

Y. Neighborhood Commercial and Cottage Industry. Neighborhood commercial includes "commercial uses" as defined in this subsection, provided they are small scale retail and service uses primarily serving nearby residential areas and neighborhood businesses and their employees. General office and other commercial uses which are not retail or service in nature are allowed on and above the second floor of a neighborhood commercial building. Cottage Industry includes very light industrial or manufacturing uses that do not use hazardous materials, and have a low impact to adjacent properties related to noise, dust, odor or light glare. Outdoor storage for Cottage Industry uses must be screened.

Neighborhood commercial and Cottage Industry uses are limited in size and intensity to promote a local orientation and to limit adverse impacts on nearby residential areas. Neighborhood commercial uses may be auto-accommodating and provide off-street parking behind the building, but the overall development is intended to be predominantly pedestrian-sensitive and compatible with the scale of surrounding residential development.

Z. Parking structure. Any building above grade, below grade, or both for parking motor vehicles. Also referred to as structured parking.

AA. Pedestrian-Related Office or Service Use. Commercial uses, excluding the sale, lease or rental of new or used durable goods, whose primary business relies on face-to-face customer contact or walk-in trade.

BB. Pedestrian Space. An area or plaza on public or private property which is directly accessible to pedestrians and which includes two or more of the following features covering the entire area or disbursed throughout the entire pedestrian space: Hardscaped areas; lawn areas with trees and seating; awnings or other weather protection; water features incorporating, or with nearby, seating areas, public art or kiosks; outdoor eating areas with seating, and street-side vendor carts or stands selling flowers, food or other small consumer goods. Interior corridors within a building, used primarily as access among rooms within the building, are not considered pedestrian space, but an atrium or interior court containing the above named features and is accessible from common hallways by the public shall qualify. A space otherwise meeting the definition of a pedestrian space which is located within a secured area on private property but is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this definition.

CC. Pedestrian Way. Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes such as a bicycle/pedestrian accessway or intended solely for pedestrian use.

DD. Permanent Open Space. A parcel, lot, or tract of land identified on a recorded plat or by deed designation as intended to provide natural area preserves or environmental, scenic or recreational benefits to an adjacent development. Such a parcel, lot, or tract may, at the discretion of the applicant, be considered a part of an abutting lot for purposes of lot setback, open space and similar requirements, provided that the open space is not double counted in the process.

EE. Project. Sometimes referred to as a “development project” or “development.” A residential, non-residential or mixed use development to be built in one or more phases. A project may involve single or multiple buildings and single or multiple blocks, provided the multiple blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian connections or spaces, designated open space, park spaces or protected natural areas, or stormwater treatment or detention facilities. The construction of one single family, duplex or ancillary dwelling built on or added to a single lot is not a project unless constructed as part of a larger residential development project of ten or more dwellings.

FF. Recreational Facilities. Indoor and outdoor facilities, excluding usable open space, intended to serve the recreational needs of the general public. Indoor and outdoor “Land-extensive recreational facilities” are generally discouraged within the Mixed Use Districts and include such activities as golf courses, driving ranges, polo fields, shooting ranges, and similar uses.

GG. Redevelopable Land. Land on which development has already occurred but on which, due to present or expected market forces, existing development is likely to be converted or replaced with a more intensive use.

HH. Residential Structures.

1. Single Family Detached Dwelling. A detached dwelling unit, constructed on-site or elsewhere, situated on its own lot or parcel.
2. Single Family Attached Dwelling. A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units.
3. Attached Duplex. A duplex, located on its own lot, which shares one or more common or abutting walls with one other duplex, thereby totaling four dwelling units.
4. Multi-Family Dwelling. A structure on a single lot or parcel containing three or more units which share common walls or floor/ceilings with the adjacent unit(s). Multifamily dwellings include condominium and apartment units without regard to ownership status, and includes congregate (or independent) care and assisted care facilities for the elderly, but excludes all types of nursing home, convalescent care and institutional type living arrangements.
5. Garden Apartment. A multifamily dwelling with access to a large open space area(s) such as a courtyard, garden or plaza, where such access is typically provided at the ground floor level.

6. Mid-Rise Apartment. A three- to six-story multi-family dwelling with reduced landscaping, generally built at 25 or more units per acre.
7. Rowhouse. An attached dwelling of two or more stories that has the appearance of a townhouse but not located on individual lots.
8. Townhouse. A single family attached dwelling of two or more stories, in a building of two or more units, with each dwelling unit and its underlying lot platted to allow separate ownership.
9. Ancillary Dwelling Unit. An additional dwelling unit located on the same lot as a single family dwelling or duplex.

II. Shared Parking. A public or private parking facility shared by two or more uses.

JJ. Transit Street. A public arterial or collector street designated as a bus or LRT route on the Comprehensive Transportation Plan Map.

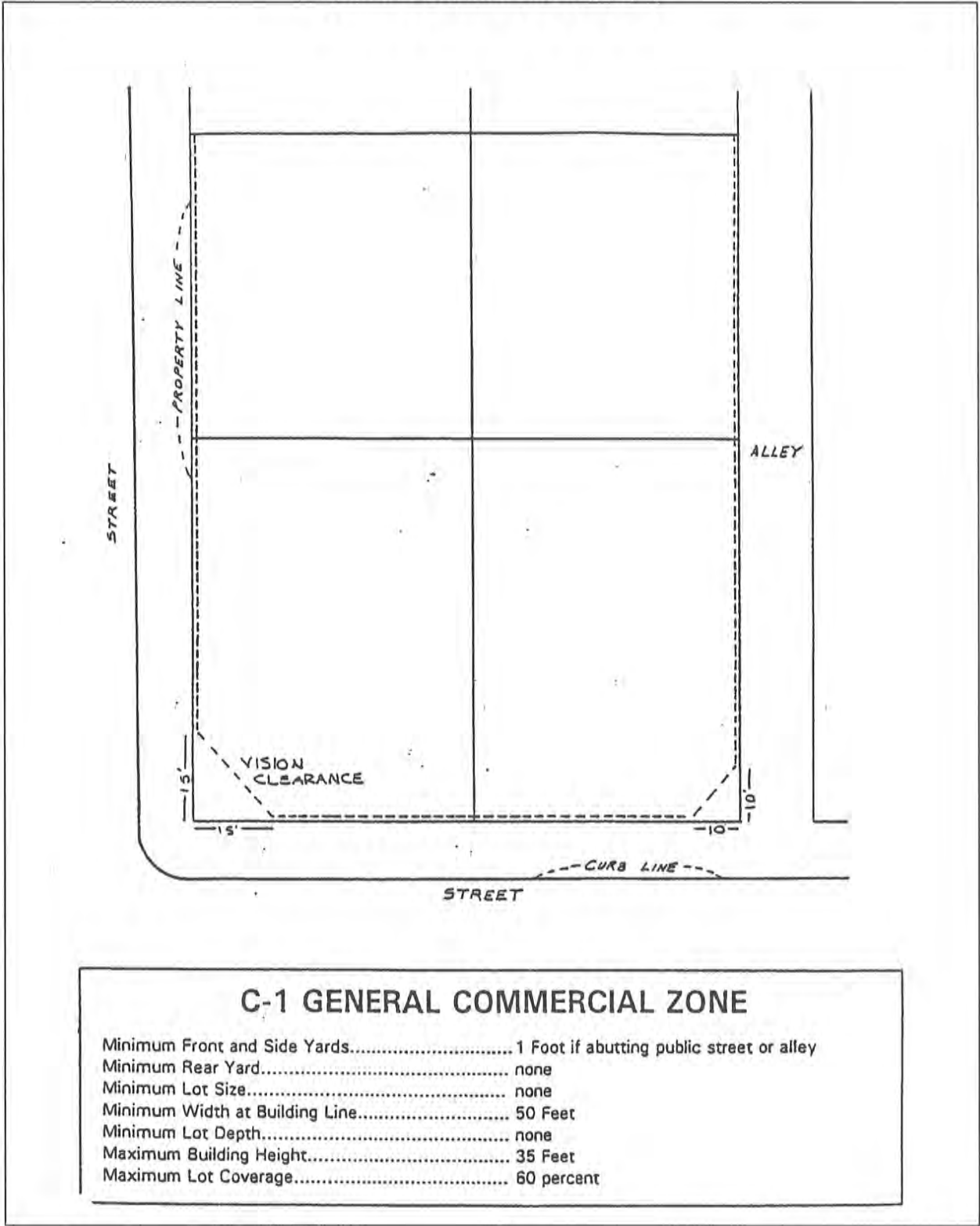
KK. Transit-Supportive. A use or development which supports increased mobility, particularly by transit, walking and bicycling and is sited in a pedestrian-sensitive manner. Transit-supportive developments are designed to enhance pedestrian and bicycle mobility and access, and to reduce conflicts with motor vehicles through a system of streets, pedestrian ways and bicycle facilities designed for multimodal access and circulation for cars and commercial vehicles, transit vehicles, bicycles, and pedestrians. Also known as "transit-oriented development," "transit-oriented use" and "TODs."

LL. Visitability. Building designs which allow persons with mobility impairments to enter and stay, but not live, in a residence. The dwelling must include at least one zero-step entrance, 32-inch clear opening doorways and at least one half- bathroom on the main level that meets the minimum clear floor space for half-bathrooms as required by the Fair Housing Act.

MM. Volatile Organic Compounds (VOCs). Volatile Organic Compounds are an entire class of carbon-based chemicals that give off vapors at normal room temperatures. Vapors may be harmful or trigger allergic reactions in people with environmental allergies. Products that emit VOCs include paints and lacquers, paint strippers, adhesives and sealants, carpets and carpet backing, cleaning supplies, pesticides, building materials and furnishings, office equipment (copiers and printers), graphics and craft materials, and permanent markers.

(Section 48A.VI. Amended and Re-alphabetized by Ord. No. 5877/9-08.)

General Commercial Zone C-1



General Commercial Zone C-1

Section 54. Uses Permitted Outright. In a C-1 zone the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in a C-4 zone, together with any of the following uses:
 - (a) Auditorium, exhibition hall, or other public assembly room.
 - (b) Bank, loan company, or similar financial institution.
 - (c) Blueprinting, Photostatting, or other reproduction processes.
 - (d) Bus passenger station.
 - (e) Catering establishment.
 - (f) Club, lodge.
 - (g) Eating or drinking establishment.
 - (h) Hotel or motel.
 - (i) Laboratory for experimental, photo, or electronic research or testing.
 - (j) Magazine or newspaper distribution agency.
 - (k) Medical or dental laboratory.
 - (l) Newspaper or printing establishment.
 - (m) Offices.
 - (n) Offices or clinics for medicine, dentistry or other practices of the healing arts.
 - (o) Pawnshop.
 - (p) Retail stores or businesses.
 - (q) Secondhand store.
 - (r) Studio, including music, dancing, art, photography, or health.
 - (s) Telephone or telegraph exchange.
 - (t) Theater, except drive-in type.
 - (u) Wholesale office and showroom with merchandise on the premises limited to small parts and samples.
 - (v) Business, trade, or technical schools.
- (2) Automobile or boat sales, rental, or storage. (Amended by Ord. No. 2526/8-72.)
- (3) Book bindery.
- (4) Building materials supply.
- (5) (Deleted by Ord. No. 2873/1-78.)
- (6) Cold storage plant.
- (7) Commercial amusement or recreation activity.
- (8) Custom manufacturing of goods for retail sale on the premises.
- (9) Drive-in restaurant.
- (10) Electric power generator, transformer station or substation.
- (11) Fuel yard, provided liquid fuel storage and distribution is from underground tanks.

- (12) Garage.
- (13) Governmental Structure or Use except those specified in Section 55 (9) of this Ordinance. (Amended by Ord. No. 2910/6-78.)
- (14) Laundry or cleaning establishment.
- (15) Machinery, farm equipment, truck or implement sales, service, or rental.
- (16) Major retail use except as restricted in Section 56 (4). (Added by Ord. No. 5050/8-01.)
- (17) Mortuary.
- (18) Nursery or greenhouse.
- (19) Storage building for household goods.
- (20) Tire shop, including incidental recapping.
- (21) (Deleted by Ord. No. 3029/8-79.)
- (22) Trailer rental or sales establishment.
- (23) Upholstering, plumbing, sign painting, blacksmith, machine, cabinet, carpenter, or similar craft or trade shop.
- (24) Utility station or substation.
- (25) Veterinary office or animal hospital.
- (26) Wholesale store.
- (27) Animal Services Facility including overnight boarding, but excluding outdoor exercise areas except as provided in Section 55. (Added by Ord. No. 5960/3-11.)

Section 55. Conditional Uses Permitted. In a C-1 zone the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83:

- (1) Improvement of an existing dwelling (as pertains to this subsection, the planning commission may waive the requirement of public hearing and payment of application fee if it be deemed desirable).
- (2) Child Care Facility. (Amended by Ord. No. 5168/7-02.)
- (3) Hospital, sanitarium, rest home, home for the aged, nursing or convalescent home.
- (4) Group living structure. (Amended by Ord. No. 5667/9-06).
- (5) Church.
- (6) (Deleted by Ord. No. 5676/10-06.)

- (7) A mobile home may be used as a sales office upon a mobile home sales lot when in accordance with the following conditions:
 - (a) A temporary permit is granted by the planning commission.
 - (b) This permit shall expire at the end of one year, but may, following reconsideration, be renewed by the planning commission.
 - (c) Such structure shall be allowed in this classification only if it relates directly to the sale of mobile homes, such sale of mobile homes being the sole use upon a lot or tract.
 - (d) Such structure shall not be used for dwelling purposes when located upon a mobile home sales lot.
 - (e) Such structure shall conform to the city sanitary sewer requirements and/or to county septic tank regulations if city sewers are not readily available.
 - (f) There shall be only one such structure used for office purposes located upon a mobile home sales lot.
 - (g) Minimum setback requirements of such structure shall be 25 feet from any public right-of-way.
 - (h) Minimum off-street parking requirements shall be six spaces, improved to asphaltic concrete standards. (Added by Ord. No. 2416/3-71.)
- (8) Automobile service station. (Added by Ord. No. 2526/8-72.)
- (9) Corrections Facilities including, but not limited to, jails, half-way houses, probation centers, and restitution centers. (Added by Ord. No. 2910/6-78.)
- (10) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
- (11) School: Junior high or senior high, college or university. (Added by Ord. No. 3711/7-87.)
- (12) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
- (13) Transit Park and Ride. (Added by Ord. No. 4300/12-94.)
- (14) Car Wash Facilities. (Added by Ord. No. 5106/2-02.)
- (15) Outdoor exercise areas accessory to animal services facilities. (Added by Ord. No. 5960/3-11.)

Section 56. Limitations on Use. In a C-1 zone the following conditions and limitations shall apply:

- (1) All business, service, repair, processing, storage, or merchandise display on property abutting a residential zone shall be conducted wholly within an enclosed

building, unless screened from the residential zone by a sight-obscuring fence permanently maintained at least six feet in height.

- (2) Openings to structures on sides adjacent to or across a street from a residential zone shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
- (3) Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape areas.
- (4) Title 4: Major Retail Use Restriction Overlay Map. In compliance with Title 4, Retail in Employment and Industrial Areas of the adopted Metro Urban Growth Management Functional plan, the "Title 4 Major Retail Use Restriction Overlay Map" identifies where major retail uses are prohibited or restricted. Showing these prohibited or restricted areas is the only purpose of this overlay Map. (The Map is shown on the following page in this Ordinance.)

Within the "employment" areas shown on the Map currently (August 21, 2001) zoned C-1 General Commercial where major retail uses are restricted, a new major retail use may be permitted as a conditional use pursuant to conditional use standards and it is demonstrated that:

- (a) Transportation facilities are adequate to serve the retail use consistent with the City's Transportation System Plan and adopted Metro Regional Transportation System Plan and will be in place at the time when the retail use begins operation; and
- (b) Transportation facilities are adequate to meet the transportation need for other planned land uses within the surrounding employment area are contained within the City's Transportation System Plan.

(Added by Ord. No. 5050/8-01.)

Section 57. Lot Size. In a C-1 zone the minimum lot width at the front building line shall be 50 feet.

Section 58. Height of Buildings. In a C-1 zone buildings shall not exceed 35 feet in height.

Section 59. Lot Coverage. In a C-1 zone business buildings shall not occupy more than 60 percent of the lot area.

Section 59A. Setback Requirements. The front yard and any side yard abutting upon a public street or alley shall be a minimum of one foot. (Added by Ord. No. 2497/3-72.)

Title 4: Major Retail Use Restrictions Map

Scale: 1" = 0.663 miles

Plot Date: June 20th, 2001



Legend



Industrial Area (Major Retail Uses Prohibited)



Employment Area (Major Retail Uses prohibited/subject to regulations & conditions)



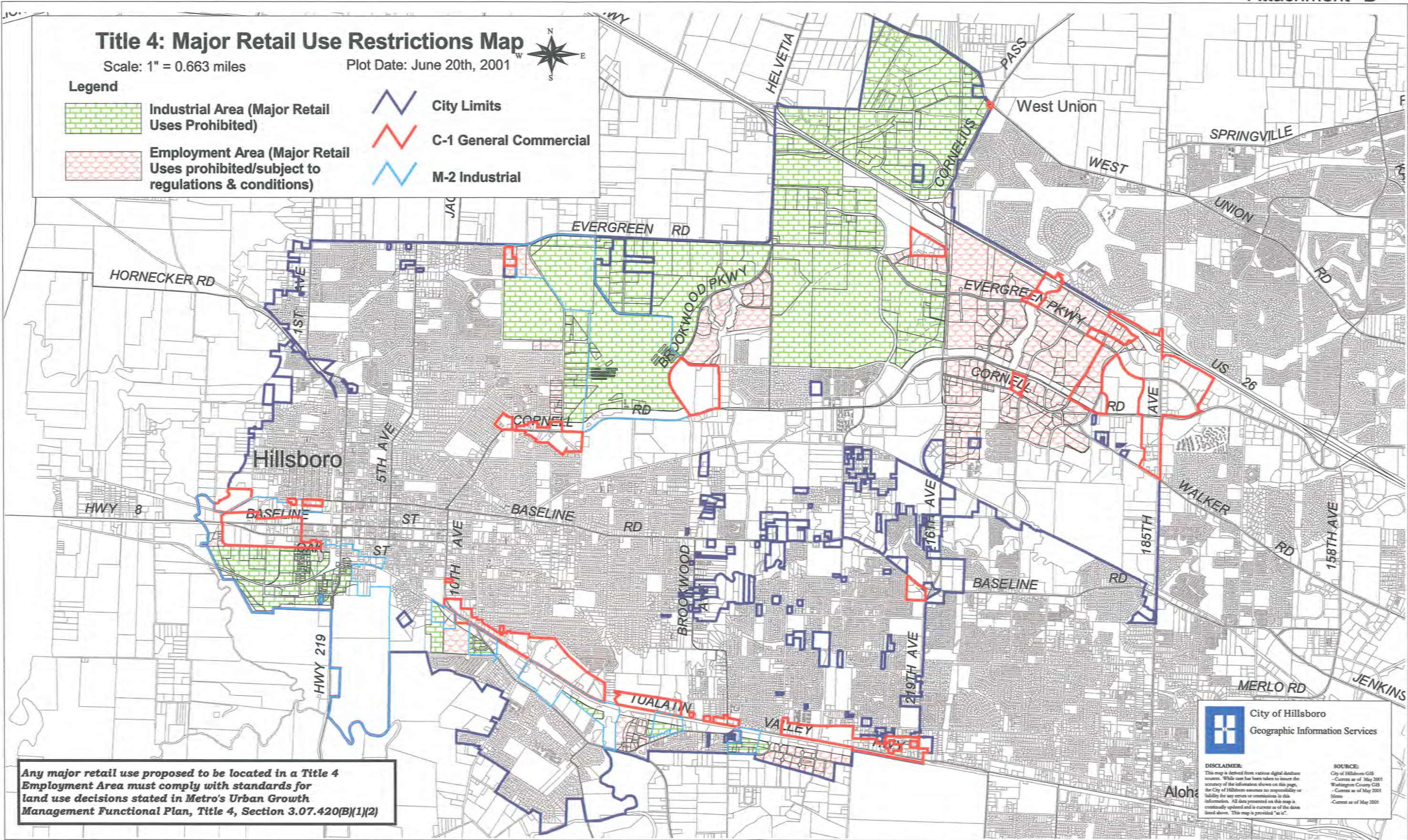
City Limits



C-1 General Commercial



M-2 Industrial



Any major retail use proposed to be located in a Title 4 Employment Area must comply with standards for land use decisions stated in Metro's Urban Growth Management Functional Plan, Title 4, Section 3.07.420(B)(1)(2)

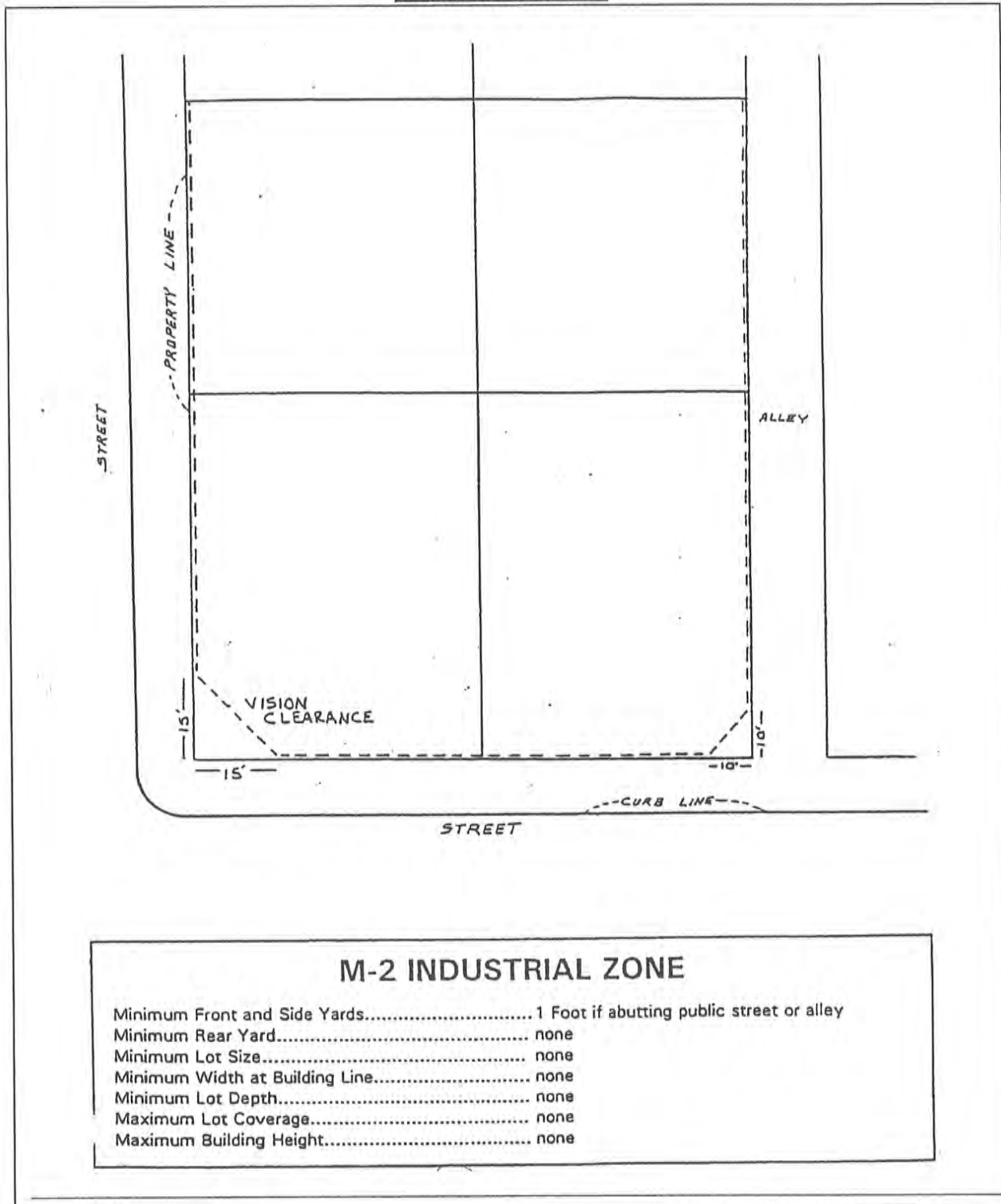


City of Hillsboro
Geographic Information Services

DISCLAIMER:
This map is derived from various digital database sources. While care has been taken to ensure the accuracy of the information shown on this page, the City of Hillsboro assumes no responsibility or liability for any errors or omissions in this information. All data presented on this map is continually updated and is current as of the date listed above. This map is provided "as is."

SOURCE:
City of Hillsboro GIS
-Current as of May 2001
Washington County GIS
-Current as of May 2001
Metro
-Current as of May 2001

Industrial Zone M-2



Industrial Zone M-2

Section 60. Uses Permitted Outright. In a M-2 zone, the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in a C-1 Zone, excluding mobile home parks and major retail use. (Amended by Ord. Nos. 2386/10-70 and 5050/8-01.)
- (2) Manufacturing, repairing, compounding, processing, or storage.
- (3) Dwelling for a caretaker or watchman working on the property.
- (4) (Deleted by Ord. No. 2910/6-78.)
- (5) Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
- (6) Wholesale distributor or outlet.
- (7) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
- (8) Transit Park and Ride. (Added by Ord. No. 4300/12-94.)
- (9) Animal Services Facility including overnight boarding, but excluding outdoor exercise areas except as provided in Section 61. (Added by Ord. No. 5960/3-11.)

Section 61. Conditional Uses Permitted. In a M-2 Zone the following uses and their accessory uses are permitted when in accordance with Section 78 to 83:

- (1) Junk yard.
- (2) Motor vehicle wrecking yard.
- (3) (Deleted by Ord. No. 3029/8-79.)
- (4) Automobile service station. (Added by Ord. No. 2526/8-72.)
- (5) Corrections Facilities including, but not limited to, jails, half-way houses, probation center, and restitution centers. (Added by Ord. No. 2910/6-78.)
- (6) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
- (7) Child Care Facility. (Added by Ord. No. 3280/11-81 and Amended by Ord. No. 5168/7-02.)
- (8) Recreation Vehicle Parks (Added by Ord. No. 3609/4-86.)
- (9) School: junior high or senior high, college or university. (Added by Ord. No. 3775/8-88.)
- (10) Car Wash Facilities. (Added by Ord. No. 5106/2-02.)
- (11) Outdoor exercise areas accessory to animal services facilities. (Added by Ord. No. 5960/3-11.)

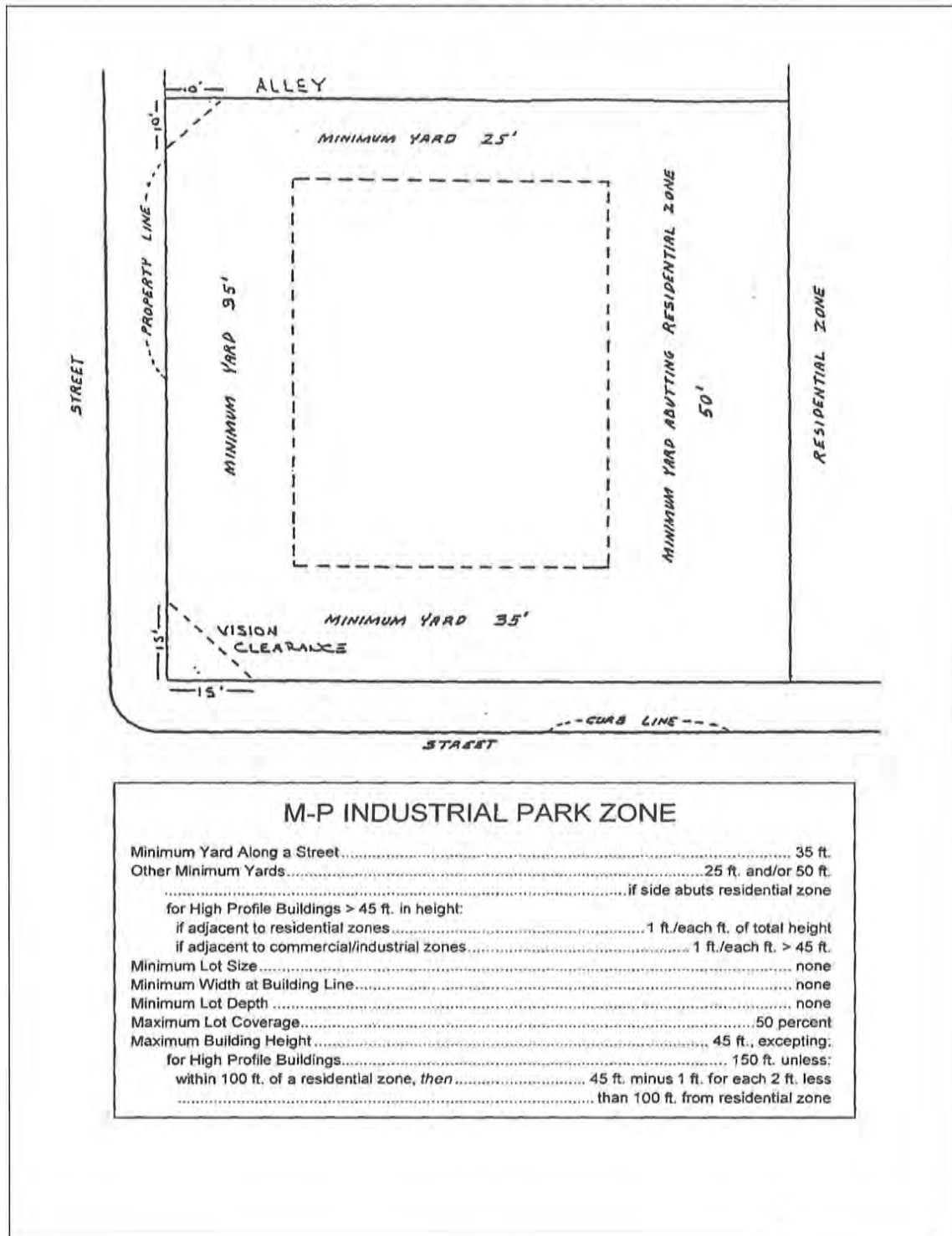
Section 62. Limitations on Use. In a M-2 Zone the following conditions and limitations shall apply:

- (1) A use having the primary function of storing, utilizing or manufacturing explosive materials is prohibited.
- (2) (Deleted by Ord. No. 3343/7-82.)
- (3) Materials including wastes shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.
- (4) Any use or operation shall comply with current state air quality and noise statutes and rules, as administered by the Department of Environmental Quality. (Added by Ord. No. 3343/7-82.)

Section 62A. Setback Requirements. The front yard and any side yard abutting upon a public street or alley shall be a minimum of one foot. (Added by Ord. No. 2497/3-72.)

Section 63 – 64A. (Deleted) (Deleted by Ord. No. 2670/9-74.)

M-P Industrial Park Zone



Commercial Support Services: The following uses have been interpreted by the Hillsboro Planning Commission as commercial support services within the Industrial Park (M-P) zone; as referenced in the City of Hillsboro Zoning Ordinance No. 1945, Volume 1, Section 65 (8).

- (1) Banks;
- (2) Restaurants; (Amended by INT 1-04)
- (3) Day care centers;
- (4) Quick print shops;
- (5) Beauty salons and barber shops;
- (6) Dance, sports, and physical fitness center with a maximum floor area not exceeding 6,000 square feet;
- (7) Physical therapy clinics primarily for rehabilitation of injured workers;
- (8) Educational Facility providing tutoring service for students ages 5 through 18, restricted to 5,000 square feet or less in existing buildings;
- (9) Private Mailbox Service Center;
- (10) Private university restricted to 15,000 square feet of building space;
- (11) Executive suites hotel with restaurant and other amenities to serve industrial/business community; and,
- (12) Office supply retailer.

Section 65. Uses Permitted Outright. In a M-P zone the following uses and their accessory uses are permitted outright:

- (1) Dwelling for a caretaker or watchman working on the property.
- (2) Manufacturing, repairing, compounding, processing, or storage.
- (3) Office.
- (4) Public service or utility use.
- (5) Railroad tracks and facilities necessary to serve other permitted uses.
- (6) Research laboratory.

- (7) Wholesale distributor or outlet.
- (8) Commercial support services. (Amended by Ord. No. 3018/7-79.)
- (9) Offices or clinics for medicine, dentistry or other practices of the healing arts. (Added by Ord. No. 3942/8-90.)
- (10) Light Rail Facility. (Added by Ord. No. 4300/12-94.)
- (11) Customer service communications center. (Added by Ord. No. 4902/5-00.)

Section 65A. Conditional Uses Permitted. In a M-P zone, the following uses and their accessory uses are permitted when in accordance with Sections 78 to 83: (Added by Ord. No. 3194/12-80.)

- (1) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
- (2) Commercial recreational facility. (Added by Ord. No. 3599/2-86.)
- (3) Bed and Breakfast Inn. (Added by Ord. No. 4100/10-92.)
- (4) Conference Center. (Added by Ord. No. 4100/10-92.)
- (5) Mixed Use Industrial/Commercial Development, on sites smaller than two acres, within the Station Area Interim Protection District. (Added by Ord. No. 4223/4-94.)
- (6) Church, within an existing building. (Added by Ord. No. 4232/5-94.)
- (7) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
- (8) Transit Park and Ride. (Added by Ord. No. 4300/12-94.)
- (9) Incidental truck and trailer rental within existing storage facilities. (Added by Ord. No. 4618/10-97.)
- (10) Veterinary Clinics and Animal Hospitals excluding outside animal runs. (Added by Ord. No. 4712/10-98.)
- (11) Colleges and Universities. (Added by Ord. No. 4772/4-99.)
- (12) Card lock fueling center. (Added by Ord. No. 5036/6-01.)
- (13) Animal Services Facility, with or without overnight boarding and/or outdoor exercise area. (Added by Ord. No. 5960/3-11.)

Section 66. Excluded Uses. In a M-P zone, notwithstanding the provisions of Section 65, the following uses are prohibited: (Added by Ord. No. 4670/4-98.)

- (1) A use having the primary function of storing, utilizing, or manufacturing explosive materials;
- (2) Rock crushing facilities; (Added by Ord. No. 4670/4-98.)
- (3) Aggregate storage and distribution facilities; (Added by Ord. No. 4670/4-98.)
- (4) Concrete and/or asphalt batch plants. (Added by Ord. No. 4670/4-98.)

Section 67. Signs. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

Section 68. Setback Requirements. Except as provided in Section 93, in a M-P zone the yards shall be as follows:

- (1) For buildings 45 feet in height or less, the yard along a street other than an alley shall be a minimum of 35 feet.
- (2) For buildings 45 feet in height or less, the size of other yards shall be a minimum of 25 feet, except where the side of the lot is abutting a residential zone the yard shall be a minimum of 50 feet.
- (3) For high profile industrial buildings 45 feet or more in height, front, side, and rear yard setbacks shall be as specified in sections (1) and (2) above, plus an additional setback as follows:
 - (a) Adjacent to residential zones, one foot for each foot of total structural height; or
 - (b) adjacent to commercial or industrial zones, one foot for each foot of structural height above 45 feet. (Added by Ord. No. 4096/9-92.)

Section 69. Height of Buildings. In an M-P zone, the maximum structural height shall be 45 feet, with the exception of high profile industrial buildings as defined in Section 3 of this Ordinance. The maximum structural height of a high profile industrial building shall be 150 feet. However, all industrial structures placed closer than 100 feet to a residential zone shall have a maximum height of 45 feet minus one foot for each two feet less than 100 feet from the residential district boundary. (Amended by Ord. No. 4096/9-92 and 5955/12-10.)

Section 70. Lot Coverage. In a M-P zone buildings shall not occupy more than 50 percent of the lot area.

Section 71. Off-Street Parking and Loading. In a M-P zone, in addition to the requirements of Section 84 to 86, parking or loading shall not be permitted within a required side

or rear yard abutting a residential zone or within a required front yard unless the setback is increased to 75 feet and the first 20 feet from the property line are landscape.

Section 72. Performance Standards. In a M-P zone no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

- (1) **Air Quality and Noise.** All uses and operations shall comply with current state air quality and noise statutes and rules, as administered by the Department of Environmental Quality. (Amended by Ord. No. 3343/7-82.)
- (2) (Deleted by Ord. No. 3343/7-82.)
- (3) (Deleted by Ord. No. 3343/7-82.)
- (4) (Deleted by Ord. No. 3343/7-82.)
- (5) **Heat and glare.**
 - (a) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
 - (b) Exterior lighting shall be directed away from adjacent properties.
- (6) **Insects and rodents.** Materials including wastes shall be stored, and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.
- (7) **Materials and equipment storage.** The open storage of materials and equipment is permitted only under the following conditions:
 - (a) The storage must be in an area contained by a sight-obscuring fence at least six feet high, but no more than 10 feet high.
 - (b) Other standards of this Section apply.
- (8) **Boundary fences.** Fences will be allowed inside of a boundary planting screen and where it is necessary to protect property of the industry concerned or to protect the public from a dangerous condition with the following provisions:
 - (a) No fence shall be constructed in the required setback from a public right-of-way.
 - (b) Fences shall be of open wire mesh or similar open construction.

(9) Vehicular access.

- (a) Access points to an industrial site from a street shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas, all as approved by the Planning Commission.
- (b) Where possible within industrial districts, access to the street shall be made to serve more than one industrial site.

(10) Landscaping.

- (a) Properties abutting a residential Comprehensive Plan Land Use Map designation boundary shall provide and maintain a dense evergreen landscape buffer and such other screening measures as may be prescribed by the Planning Director in the event differences in elevation should defeat the purpose of this requirement. (Amended by Ord. No. 5955/12-10)
- (b) Yards adjacent to streets and those abutting a residential Comprehensive Plan Land Use Map designation boundary shall be continuously maintained in lawn, with lawn and trees or shrubs established and maintained in a manner providing a park-like character to the property. (Amended by Ord. No. 5955/12-10)
- (c) Other yards and unused property shall be maintained in grass or other suitable ground cover.
- (d) Sites of high profile industrial buildings shall have enhanced evergreen landscaping buffers and earthen berms as necessary to mitigate the increased visual impact of the taller building(s). The height and/or screening intensity of the landscaping and berms shall be determined in relation to the proximity of the high profile building(s) to a public street or an adjacent non-Industrial Comprehensive Plan Land Use Map designation boundary. (Added by Ord. No. 5955/12-10)

Section 73. (Deleted by Ord. No. 3543/6-85.)

Section 74. Administration and Enforcement.

- (1) Records. In an M-P zone as a condition for the granting of a building permit, it shall be agreed that, upon request of the city, information sufficient to determine the degree of compliance with the standards in Section 72 shall be furnished by the industry. Such requests may include a requirement for continuous records of operation likely to violate the standards, for periodic checks to assure maintenance of standards, or for special surveys in the event a question arises as to compliance.
- (2) (Deleted by Ord. No. 3110/4-80.)

Mobile Home and Manufactured Home Standards

Section 77A. Purpose. The purpose of Sections 77A, 77B, 77C, 77D, and 77E is to provide location and development standards for manufactured home development within the City of Hillsboro. These standards are intended to provide a quality residential environment for residents of manufactured home developments and are also intended to ensure the compatibility of manufactured home development with adjacent property. (Added by Ord. No. 3029/8-79; Amended by Ord. No. 3609/4-86 and Ord. No. 4213/3-94.)

Section 77B. Applicability. The standards contained in Sections 77C, 77D, and 77E shall apply to manufactured home development within the City of Hillsboro. These standards are intended to supplement and implement federal and state statutes, rules, and regulations, and local ordinances governing manufactured homes and are not, in any way, to be construed as superseding or replacing said federal and state statutes, rules, and regulations. Manufactured home development within the City shall comply with all applicable federal and state statutes, rules, and regulations and local ordinances. If local ordinances should conflict with other applicable federal and state statutes, rules, and regulations, the stricter standard shall apply. (Amended by Ord. No. 3609/4-86 and Ord. No. 4213/3-94.)

Section 77C. Standards for Mobile Home Parks. All manufactured home parks constructed after January 1, 1986 shall conform to the following standards:

- (1) **Location.** Manufactured Home Parks may be permitted in any residential zone subject to the minimum and maximum density standards of that zone except that no new manufactured home park shall be permitted which would allow placement of manufactured homes below the elevation of the base flood, as defined in Section 131(2)(b). (Added by Ord. No. 5523/6-05).
- (2) **Density.** Housing density for manufactured home parks shall not exceed the housing density normally allowed by the Comprehensive Plan. For the purposes of this Section, density calculations shall include land proposed for dedication for public right-of-way by the Hillsboro Transportation Plan.
- (3) **Age.** All manufactured homes shall have been constructed after June 15, 1976 and shall bear an "Insignia of Compliance" indicating compliance with the Federal Manufactured Home Construction and Safety Standards and bear a date of manufacture; except that manufactured homes relocated from another manufactured home park and constructed prior to June 15, 1976 shall not be excluded from placement in a manufactured home park.
- (4) **Minimum Dwelling Unit Size.** All manufactured homes shall exceed 800 square feet of gross floor area.
- (5) **Design Requirements.** All manufactured home parks shall be subject to the procedures and requirements of Section 133. Development Review/Approval of Plans, excepting the requirement for submission of building elevations and floor plans, and shall be further subject to the following requirements:

- a) Design Team. All manufactured home parks shall be designed by a design team which shall include an architect or landscape architect, and a civil engineer, all licensed by the State of Oregon.
- b) Minimum Lot Size/Minimum Frontage. The minimum lot size shall be *one (1) acres* for a manufactured home park. Said parcel shall have a minimum frontage of 100 feet on a public street. *(NOTE: In 1997, the minimum lot size was reduced to one acre by State Law which supercedes the Zoning Ordinance minimum of eight (8) acres.)*
- c) Lot Coverage. The maximum lot coverage of structures shall not exceed 50% of the gross lot area.
- d) Common Recreation Area. A minimum of 5% of the site area of the manufactured home park shall be reserved for recreation facilities to be used in common by park residents.
- e) Yard Requirements - Perimeter. The minimum yard requirements for the perimeter of a manufactured home park shall be as follows:
- 1) Front Yard. The minimum front yard shall be 30 feet. Each yard abutting a public street shall be considered a front yard.
 - 2) Other Yards. All other yards shall be a minimum of 20 feet.
- f) Yard Requirements - Interior. The minimum yard and separation requirements for structures not within the perimeter yards of a manufactured home park shall be as follows:
- 1) Front Yard. The minimum front yard for a manufactured home space shall be 10 feet from the edge of the curb or sidewalk closest to the manufactured home.
 - 2) Structure Separation. The minimum separation between structures shall be 10 feet.
- g) Streets and Sidewalks. All private streets within a manufactured home park shall conform to the following street width table:

PAVING WIDTH FOR PRIVATE STREETS (curb to curb)				
Number of Dwelling Units Using a Street	TYPE OF STREET			
	Entry	Loop	Cul-de-sac less than 300 feet	Cul-de-sac greater than 300 feet
0 - 120 DU	32 Feet	28 Feet	24 Feet	28 Feet
121+ DU	36 Feet	32 Feet	24 Feet	28 Feet
* A cul-de-sac shall have a maximum length of 500 feet.				
* Each Cul-de-sac shall have a turn-around area at its terminus having a minimum radius of thirty (30) feet.				

- 1) Street Construction. All private streets shall have a crowned profile and shall be constructed of asphaltic concrete or Portland Cement.
 - 2) Curbs. All private streets shall be bordered by a continuous concrete curb with a minimum height of 2 inches above the street surface. Curbs shall be a minimum of 6 inches wide.
 - 3) Sidewalks. All private streets shall have a sidewalk on one side of the street, excepting streets 36 feet wide which shall have a sidewalk on both sides of the street. All sidewalks shall have a minimum width of 3 feet. Mailboxes, light poles, or other obstructions shall be located on a sidewalk in a manner that provides an unobstructed sidewalk of 3 feet.
 - 4) Street Names & Addresses. All private street names and manufactured home addresses within a manufactured home park shall conform to the City of Hillsboro street name and address grid as provided by City Ordinance. Street identification signs shall be standard City street signs unless other similar street identification signs are approved pursuant to the procedures and requirements of Section 133. Development Review/Approval of Plans. Street identification signs shall be installed prior to the placement of any manufactured-home in the park and shall be maintained by the park owner.
- h) Utilities.
- 1) Plans. All plans for water, sanitary sewer and storm drainage lines shall be approved by the City Engineer.
 - 2) Storm Drainage. All storm water shall be collected on the site in a piped storm drainage system, unless otherwise approved by the City Engineer. Underground service connections shall be made from each manufactured home to the street gutter. Storm water from the manufactured home park shall be piped to a public storm drain line, if available. If a public storm drain line is not available, then the developer may be required to construct an off-site storm drainage system acceptable to the City Engineer.
 - 3) Electricity, Telephone & Television Cable. All electrical, telephone and television cable lines shall be located underground.
- i) Parking. Off-street parking spaces shall be required as follows: two spaces per dwelling unit plus one space for each five dwelling units for guest parking. Allowable on-street parking may be counted as guest parking. The two parking spaces required for each dwelling unit may be provided end to end. All driveways for individual manufactured homes and off-street parking areas shall be paved with asphaltic concrete or Portland Cement. No parking shall occur in

a perimeter yard. Parking shall be allowed on private streets only in accordance with the following table:

Street Width	Parking Allowed
36 feet	both sides
32 feet	both sides
28 feet	one side
24 feet	no parking

- j) Recreational Vehicles. Storage areas for vehicles, including motor homes, recreation trailers, boats, boat trailers or other similar vehicles or equipment shall not be located within 100 feet of the perimeter lot lines of a manufactured home park site. Recreation vehicle storage areas shall have a 10 foot yard between the storage area and the nearest structure. Said storage areas shall be screened from the view of adjacent structures by a sight-obscuring fence and landscaping.
- k) Landscaping. All land within a manufactured home park not paved or containing a structure shall be landscaped with grass, trees, shrubs or flowers in a manner that will enhance the residential character of the manufactured home park and surrounding neighborhood. All landscaping shall be maintained, said maintenance to include regular irrigation, mowing, removal of weeds and trimming and pruning as necessary.
- l) Fencing. All yards, excepting the front yard, shall have a continuous permanently maintained perimeter fence separating the manufactured home park from the adjacent property. Said fence shall have a minimum height of four feet and a maximum height of six feet.
- m) Manufactured Home Design. All manufactured homes within a manufactured home park shall conform to the following design standards:
 - 1) Removal of Towing Equipment. All towing hitches, wheels, running lights and other towing related equipment shall be removed within 30 days after installation of the manufactured home.
 - 2) Foundations. All manufactured home foundations shall conform to the construction specification of Oregon Administrative Rules, Chapter 814.
 - 3) Exterior Design. All manufactured homes shall have vinyl, wood or aluminum lap siding or pretreated simulated wood siding and composition shingle roofing. Roof slope shall have a minimum 2:12 pitch with a minimum six inch overhang. All roof areas shall have gutters with runoff draining through piped connections to the adjacent street gutter or to the

manufactured home park storm drainage system. Manufactured homes and manufactured home decks shall be skirted with vinyl, wood or aluminum lap siding, pretreated simulated wood siding or masonry to blend with the color and texture of the manufactured home exterior. Skirting shall be installed within 30 days of setup.

- 4) Awnings Decks & Carports. All manufactured homes shall have a deck or patio having a minimum size of 120 square feet and a covered carport having a minimum size of 120 square feet. All awnings, decks, and carports shall be designed and painted or finished to blend with the exterior colors of the manufactured home.
- 5) Storage Sheds. One storage shall be allowed for each manufactured home. Storage sheds shall not exceed 200 square feet of floor area and shall be located adjacent to and designed as an integral part of the manufactured home, deck, or carport. If required, the storage shed shall conform to the structural requirements of the State of Oregon Structural Specialty Code or other applicable codes. The storage shed shall be painted or otherwise finished to match the exterior color of the manufactured home.
- 6) Antennas. Satellite signal receiving antennas greater than three feet in diameter shall not be allowed unless such antenna is used to serve a centralized television signal distribution system in the manufactured home park. Home television antennas and any satellite receiving antennas less than three feet in diameter shall be installed at the rear of the manufactured home to a height not to exceed five feet above the roof peak. No antennas shall be located in a perimeter yard.

(Section 77C added by Ord. No. 3609/4-86; Amended by Ord. No. 4213/3-94 and by Ord. No. 5523/6-05.)

Section 77D. (Deleted by Ord. No. 4213/3-94.)

Section 77E. Placement Standards for Manufactured Homes Outside of Manufactured Home Parks. A manufactured home placed on a lot outside of a manufactured home park shall conform to the following standards:

- a. Prohibited in the 100-Year Floodplain unless placement of the manufactured home conforms to the regulations in Section 131(7)(d) Regulatory Floodplain District. (Added by Ord. No. 5523/6-05).
- b. The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

- c. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. Where a building site has a sloped grade, the manufactured home is not more than 12 inches above grade on the uphill side.
- d. The manufactured home shall have a pitched roof with a minimum slope of three feet in height for each 12 feet in width.
- e. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on the surrounding dwellings as determined by the Planning Director.
- f. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which provide heat loss levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.
- g. The manufactured home shall have a garage or carport constructed of like materials.
- h. The property on which the manufactured home is to be placed is not within the boundaries of a designated historic district or adjacent to a site identified on the City's Cultural Resource Inventory.

(Section 77E. Added by Ord. No. 3609/4-86; Amended by Ord. No. 4213/3-94 and by Ord. No. 5523/6-05).

Conditional Uses

Section 78. Authorization to Grant or Deny Conditional Uses. Uses designated in this Ordinance as conditional uses permitted shall be permitted or enlarged or altered upon approval of the Hearings Board, in accordance with the standards and procedures specified in Sections 78 to 83. In permitting a conditional use, the Board may impose, in addition to the regulations and standards expressly specified by this Ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. (Amended by Ord. No. 2752/3-76.)

Change in use, expansion, or contraction of site area or alteration of structures or uses classified as conditional, existing prior to the effective date of this ordinance, shall conform to the regulations pertaining to conditional uses. If the site is found inappropriate for the use requested, the Board may deny approval of the conditional use. (Amended by Ord. No. 2752/3-76.)

Section 79. Application for Conditional Use. A request for conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the City Recorder. The applicant shall submit plans to the Hearings Board as provided below and in Section 119 and shall pay the fee as set in Section 129.

Conditional Use applications for projects one or more gross acres in size or forecast to generate one hundred (100) or more average daily auto trips (ADT), shall include a traffic impact report. The Report shall analyze the impact of the project on City, County and State road and street systems within at least one (1) mile of the project, to such distance at which traffic impacts have dissipated to less than ten percent (10%) over current conditions. The Report shall be prepared and certified by a registered traffic engineer, and shall comply with the following standards:

- a) Methodology generally in accord with the standards and procedures set forth in Washington County Resolution and Order 86-95 and related code provisions;
- b) Differentiation between traffic safety improvements necessary due to impacts of the project, and roadway capacity improvements necessary due to traffic volume generated by the project;
- c) Utilization of Level of Service (LOS) standards for both intersection and roadway segments as specified in Table 137.4, determined by the methodology in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

The Report shall include the following:

- a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project,

and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.

- b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and
- c) Analysis of the 95th percentile queuing requirements at affected turn lanes.

(Amended by Ord. Nos. 2536/11-72; 2752/3-76; 3320/5-82 and 5892/12-08.)

Section 80. Public Hearing on a Conditional Use. Before acting on a request for a conditional use, the proposed Conditional Use shall be considered by the Hearings Board at a Public Hearing held within 40 days after filing of the application. (Exception: See Section 55, Subsection (1).) The City Recorder shall give notice of the hearing in each of the following manners:

- 1. By publication of a notice in a newspaper of general circulation in the City not less than four days nor more than 18 days prior to the date of the hearing.
- 2. By sending notices by mail not less than 10 days prior to the date of the hearing to the owners of property situated within a 500 foot radius of the boundary of the property subject to the request, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the application for a conditional use.

(Section 80 Amended by Ord. No. 2752/3-76; and 5778/8-07.)

Section 81. Recess of the Hearing by the Hearings Board. The Board may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons who it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Board shall announce a time and date when the hearing will be resumed. (Amended by Ord. No. 2752/3-76.)

Section 82. Notification of Action. The City Recorder shall notify the applicant for a Conditional Use in writing of the Board's action within five days after the decision has been rendered. (Amended by Ord. No. 2752/3-76.)

Section 83. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located, except as specifically modified in granting the conditional permit or as otherwise provided as follows:

- (1) **Setbacks.** In a residential zone or in a C-4 zone yards shall be at least one-half the height of the principal structure. In any zone yards greater than the standard of the zone in which the use is located may be required.

- (2) **Height exception.** The height limitations of a zone may be exceeded for a church or governmental building as a conditional use to a maximum permitted height of 50 feet, provided the total floor area of the conditional use shall not exceed one and one-half times the area of the site and provided the yards have a minimum width equal to at least one-half of the height of the principal structure.
- (3) **Limitations on access to lots and on openings to buildings.** The city may limit or prohibit vehicular access from a conditional use to a residential street not designated as an arterial street on an officially adopted street plan; and it may limit or prohibit openings in sides of a building or structure permitted as a conditional use within 50 feet of a residential zone if such openings will cause glare, excessive noise, or other adverse effects on adjacent residential properties.
- (4) **Signs.** (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)
- (5) **Child Care Facilities and Schools.**
 - (a) Child Care Facilities shall provide at least 75 square feet of outdoor space for each child using the area at one time. In centers where groups of children are scheduled at different times for outdoor play, there shall be 75 square feet times one-third of the center's capacity. A sight-obscuring fence at least four feet but not more than six feet in height shall be provided separating the play area from abutting lots. (Amended by Ord. No. 5168/7-02.)
 - (b) Primary schools shall provide a minimum of one acre of site area for each 90 pupils or a minimum of one acre for each three classrooms, whichever is greater.
 - (c) Elementary schools shall provide a minimum of one acre of site area for each 75 pupils or a minimum of one acre for each two and one-half classrooms, whichever is greater.
- (6) **Utility substation or pumping substation.** The minimum lot size of the zone in which a public utility facility is to be located may be waived only on finding that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site in a residential zone or in a C-4 zone. Such uses shall be fenced and provided with landscaping as found necessary.
- (7) **Dwellings.** In no case shall the standards for a dwelling as a conditional use be less than the standards of an A-2 zone.
- (8) **Incidental truck and trailer rental within existing storage facilities.** The storage of trucks and trailers within an existing storage facility shall not be visible

from adjacent streets or adjacent properties zoned residential. In addition, the number of trucks shall be limited to four and the number of trailers shall be limited to eight. (Added by Ord. No. 4618/10-97.)

(9) Animal Service Facility or Accessory Outdoor Area.

- a) An application for an animal services facility or for accessory outdoor exercise areas shall specify the following operational conditions of the facility or area:
 - i) Average number of animals kept during a 24-hour period, weekdays and weekends, and maximum number of animals kept during peak periods;
 - ii) On-site pick-up / drop-off vehicle circulation patterns;
 - iii) interior and exterior noise attenuation materials to be used, including but not limited to solid exterior noise barriers and enhanced interior building insulation;
 - iv) visual screening of outdoor exercise areas or runs;
 - v) sanitation measures for outdoor exercise areas;
 - vi) staffing levels during all hours of operation; and
 - vii) schedule and scale of training, competition, or show activities generating additional vehicular traffic or on-site activities.
- b) Accessory outdoor exercise areas shall comply with the following standards:
 - i) Not more than 10 animals per 1000 square feet of outdoor exercise area shall be permitted in the area at any given time;
 - ii) Outdoor exercise areas shall be fully screened from adjacent properties and from public right-of-way;
 - iii) Noise attenuation measures shall be provided on the walls or fences of outdoor exercise areas, to mitigate animal generated noise. This standard will be considered met if the applicant provides documentation from a qualified sound engineer that the sound attenuation measures will ensure compliance with the following standards:

- a. Animal-generated noise at any property line of the site does not exceed 60 dBA at any time except as provided in subsection b.
- b. Animal-generated noise above 60 dBA shall be allowed on an "infrequent" basis within the 12-hour period between 7:00 a.m. and 7:00 p.m. of the same day. In applying this standard "infrequent" is defined as either:
 - 1) continuous animal-generated noise of up to 70 dBA at a property line for no more than ten (10) minutes of the 12-hour period; or
 - 2) intermittent animal-generated noise of up to 70 dBA at a property line for no more than thirty (30) minutes of the 12-hour period.

For purposes of measuring "infrequent" sound levels from approved outdoor exercise areas, Hillsboro Municipal Code Section 6.24.030 shall not apply.

- 3) The effectiveness of these standards may be reevaluated at any time at the discretion of the Planning Commission.

(Section 9 added by Ord. No. 5960/3-11.)

- (10) General Standards.** The Commission or Hearings Board shall grant approval only if the proposal, as conditioned, is determined to conform to the following criteria:
- a) The granting of the application would meet some public need or convenience.
 - b) The granting of the application is in the public interest.
 - c) The property in question is reasonably suited for the use requested.
 - d) The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties.
 - e) The use requested would conform with the maps and the goals and policies of the Hillsboro Comprehensive Plan.

(Section 10 added by Ord. No. 2910/6-78.)

- (11) Approval of a conditional use may be contingent upon compliance with conditions found necessary to accomplish the purposes of this Ordinance and implement the goals and policies of the Hillsboro Comprehensive Plan. To that purpose, any of the following conditions, stipulations or limitations may be attached to a conditional use approval:
- a) Street improvements abutting/within the development area;
 - b) Street dedication abutting/within the development area;
 - c) Joint use/access agreement;
 - d) Improvement agreements for the installation of necessary on-site public facilities;
 - e) Utility easements;
 - f) Landscaping;
 - g) Off-street parking;
 - h) Storm drainage improvements;
 - i) Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site public improvements;
 - j) Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance;
 - k) Screening, fencing;
 - l) Limiting access;
 - m) Surety/performance bond;
 - n) Non-remonstrance clause.
- (Section 11 added by Ord No. 4821/9-99.)
- (12) The Hearings Board may require an annual report for any conditional use to ensure that the use is in compliance with all applicable Ordinance requirements and conditions of approval. (Added by Ord. No. 2910/6-78.)
- (13) Upon a determination that there are sufficient grounds, the Planning Commission may at any time initiate a review of the operation of any Conditional Use. A

review shall be initiated if the Planning Director receives three documented and unresolved complaints within six months that a conditional use has not complied with the applicable conditions of approval or the applicable standards of this section. If a review is initiated, the Commission shall hold a public hearing to determine whether the use is in compliance with applicable standards and conditions. Notice of the public hearing shall be sent to surrounding property owners as prescribed in Section 80. At the conclusion of the hearing, the Planning Commission shall adopt findings of compliance or non-compliance for the conditional use. Upon adoption of findings of non-compliance, the property owner(s) shall submit a compliance schedule documenting that compliance will be achieved within forty-five (45) days or a shorter period of time if the Commission determines there is a cause for emergency action. Receipt of further documented and unresolved complaints will result in revocation of the conditional use permit. (Added by Ord. No. 2910/6-78. Amended by Ord. No. 5960/3-11.)

Off-Street Parking and Loading**Section 84. Off-Street Parking.**

(Section 84 and Section 84(a) and the table following Section 84(a) Revised by Ord. No. 4465/8-96.)

A. Requirement for Off-Street Parking.

- (1) At the time of erection of a new structure, or any expansion of an existing use equal to or exceeding fifty percent (50%) of the structure's existing floor area or 3,000 sq. ft., whichever is less, or any change in use of an existing structure within any zone of the City, the minimum number of off-street automobile and bicycle parking spaces required for the use to be built, expanded or changed shall be as provided in this Section. If parking space has been provided in connection with an existing use, or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than required by this Section as applied to the entire use or combination of uses. (Amended by Ord. No. 4902/5-00.)
- (2) Off-street automobile and bicycle parking shall be provided as set out in Table A of this Section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. Where employees are specified, persons counted shall be those working on the premises during the largest shift at the peak season. (Amended by Ord. No. 4902/5-00.)
- (3) The number of off-street automobile parking spaces required for a proposed land use shall not be less than the minimum number of parking spaces required, or more than the maximum number of parking spaces specified for the use listed in Table A, exclusive of automobile parking spaces reserved for customer service vehicle storage parking prior to or after automobile servicing. Such parking for vehicle storage shall not exceed 25 percent of the total number of parking spaces provided on-site, and shall be exclusive of any automobile parking spaces reserved for carpool, vanpool or handicapped parking. Up to thirty (30) percent of minimum number of off-street automobile parking spaces required by this Section may be constructed as compact automobile spaces. (Amended by Ord. No. 4902/5-00.)
- (4) Land use development applications which propose parking spaces either in excess of the maximum number of parking spaces required, or less than the minimum number of parking spaces required may apply for variances from the applicable parking requirement in Table A in accordance with Sections 106. Authorization to Grant or Deny Variances and Section 107A. Criteria for Granting a Parking Variance. The number

of parking spaces contained in parking structures, fleet parking, parking for vehicles that are for sale, lease or rent, employee car pool parking, dedicated valet parking, spaces that are user paid, market rate parking or other high-efficiency parking facilities are exempt from the minimum and maximum parking requirements specified in Table A. (Added by Ord. No. 4902/5-00.)

- (5) Where the required off-street parking spaces for a proposed commercial or industrial use will be located adjacent to an existing or proposed off-street parking area, the developer of the proposed use shall be encouraged to consider providing shared parking opportunities with the owner(s) or developer(s) of such adjacent land use(s) whenever the nature of the adjacent uses provides the potential for such shared parking.
- (6) When approved by the Planning Director, a developer of any multi-family, retail commercial, office, industrial or institutional use or planned unit development may provide on-street parking directly adjacent to the development site in lieu of required off-street parking. In such cases, the developer may reduce proportionally the minimum number of off-street parking spaces required for its development in direct (one-for-one) proportion to the number of approved on-street parking spaces only if such on-street parking spaces will directly serve those uses or activities which would have been served by the required off-street parking spaces that are eliminated.
- (7) In compliance with Title 2 of the adopted Metro Urban Growth Management Functional Plan, the application of the minimum and maximum parking requirements specified in Table A shall be guided by and be consistent with the parking zone requirements prescribed on the Hillsboro Parking Maximum Map which shall be referenced when determining the off-street parking requirements to be applied to any proposed land use. It shall be updated at least every three (3) years from the date of adoption of this Subsection. As shown on the Map, "Zone A" refers to areas with 20-minute peak hour transit service within one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit, and "Zone B" refers to areas without 20-minute peak hour transit service within a one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit. (The Hillsboro Parking Maximum Map is shown in "Exhibit B-1" to this Subsection and appears following Table A.) (Added by Ord. No. 4902/5-00.)

Table A

	Minimum Parking Required	Maximum Parking Zone A	Maximum Parking Zone B	Minimum Bicycle Parking
Parking ratios are based on spaces per 1,000 sq. ft. of gross floor area excluding restrooms, hallways, mechanical spaces, elevators, stairwells and loading docks.				
RESIDENTIAL				
Single Family Detached	1 per unit	N/A	N/A	N/A
Accessory dwelling unit	1 per unit	N/A	N/A	N/A
Multi-Family, townhouse (1 bedroom)	1.25 per unit	N/A	N/A	1 per unit
Multi-Family, townhouse (2 bedroom)	1.50 per unit	N/A	N/A	1 per unit
Multi-Family, townhouse (3+ bedroom)	1.75 per unit	N/A	N/A	1 per unit
Group living structure (Amended by Ord. No. 5667/9-06).	1 per bedroom plus 1 space for owner or agent	N/A	N/A	1 per 4 bedrooms
Residential home or facility (Added by Ord. No. 5667/9-06).	0.25 per resident plus 1 per care giver	N/A	N/A	1 per 20 parking spaces
Specialty housing. (Amended by Ord. No. 5667/9-06).	0.75 per dwelling unit	N/A	N/A	N/A
Senior or convalescent care facility. (Amended by Ord. No. 5667/9-06).	0.25 per resident plus 1 per care giver	N/A	N/A	1 per 20 parking spaces
INSTITUTIONAL				
Correctional institution	0.2 per bed	N/A	N/A	1 per 25 parking spaces
Hospital	1.5 per bed	N/A	N/A	1 per 20 parking spaces
Park and ride lots, transit centers	none	N/A	N/A	5 per acre or transit center
Public parks (>2 acres)	none	N/A	N/A	1 per 10 auto parking spaces
Commercial surface parking lots and parking structures	none	N/A	N/A	1 per 20 auto parking spaces
PUBLIC AND SEMI-PUBLIC BUILDINGS				
Auditorium or meeting room (other than church or school)	16.67 or where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length	N/A	N/A	1 per 20 auto parking spaces
Place of Worship	0.25 per seat	0.60 per seat	0.80 per seat	1 per 20 auto parking spaces
Fraternal clubs and lodges	35.71 or where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length	N/A	N/A	1 per 20 auto parking spaces
Libraries, museums, art galleries	4.00	N/A	N/A	1 per 10 auto parking spaces
Child Care Facility, kindergarten	2 per teacher	N/A	N/A	0.50 per classroom

Table A Continued

	Minimum Parking Required	Maximum Parking Zone A	Maximum Parking Zone B	Minimum Bicycle Parking
Parking ratios are based on spaces per 1,000 sq. ft. of gross floor area excluding restrooms, hallways, mechanical spaces, elevators, stairwells and loading docks.				
Elementary, junior high school, or equivalent private or parochial school	1 per classroom plus 1 administrative employee, or 1 per 4 seats or 8 feet of bench length in the auditorium whichever is greater	N/A	N/A	6 per classroom
High schools, colleges, and universities	0.20 per student and staff member	0.30 per student and staff member	0.30 per student and staff member	4 per classroom
Commercial or business school	1 per 3 classroom seats	N/A	N/A	1 per 25 auto parking spaces
COMMERCIAL				
Retail establishments except as otherwise provided herein	4.10	5.10	6.20	1 per 2,500 square feet up to 50,000 square feet plus one additional space for each additional 5,000 square feet
Service or repair shop	3.33	N/A	N/A	1 per 20 auto parking spaces
Retail stores handling bulky merchandise such as furniture automobiles, appliances	2.00	N/A	N/A	1 per 40 auto parking spaces
Barber and beauty shops	13.33	N/A	N/A	1 per 20 auto parking spaces
Hotels, motels, etc.	1 per guest room	N/A	N/A	1 per 10 guest rooms
Offices or clinics for medicine, dentistry or other practices of the healing arts	3.90	4.90	5.90	1 per 20 auto parking spaces
Office buildings, business, and professional offices	2.70	3.40	4.10	1 per 15 auto parking spaces
Eating or drinking establishment	15.30	19.10	23.00	1 per 20 auto parking space
Fast food restaurant with drive-thru	9.90	12.40	14.90	1 per 20 auto parking spaces
Mortuary	1 for each 4 seats or 8 ft. of bench length in the chapel	N/A	N/A	N/A
Mini-storage facility	1 for each 5,000 sq. ft. of gross floor space up to 20,000 sq. ft. and thereafter, 1 for each additional 20,000 sq. ft. of gross floor space	N/A	N/A	N/A

Table A Continued

	Minimum Parking Required	Maximum Parking Zone A	Maximum Parking Zone B	Minimum Bicycle Parking
Parking ratios are based on spaces per 1,000 sq. ft. of gross floor area excluding restrooms, hallways, mechanical spaces, elevators, stairwells and loading docks.				
COMMERCIAL RECREATION				
Amusement park	1.00	N/A	N/A	1 per 10 auto parking spaces
Billiard or pool hall	3.33	N/A	N/A	1 per 15 auto parking spaces
Bowling alley	6 per bowling lane	N/A	N/A	1 per 15 auto parking spaces
Dance halls, gymnasiums	13.33	N/A	N/A	1 per 15 auto parking spaces
Indoor arena, stadium	1 for each 4 seats or 8 ft. of bench length	N/A	N/A	1 per 20 auto parking spaces
Sports club/recreation facility	4.30	5.40	6.50	1 per 15 auto parking spaces
Racquetball facility, tennis facility	1 per court	1.3 per court	1.5 per court	1 per 10 auto parking spaces
Skating rinks	4.30	5.40	6.50	1 per 10 auto parking spaces
Video arcade	4.30	5.40	6.50	1 per 10 auto parking spaces
Swimming pools, aquatic centers	4.30	5.40	6.50	1 per 10 auto parking spaces
Movie Theaters	0.30 per seat	0.40 per seat	0.50 per seat	1 per 20 auto parking spaces
INDUSTRIAL				
Except as specifically mentioned herein, industrial uses listed as permitted in the M-2 and M-P zones	2.00	N/A	N/A	1 per 40 auto parking spaces
Automated communication switching facility	0.50	N/A	N/A	1 per 40 auto parking spaces
Customer service communications center	4.10	6.75	8.00	1 per 15 auto parking spaces
Light Industrial, industrial park, manufacturing	1.60	N/A	N/A	1 per 40 auto parking spaces
Capital Intensive Industrial	1.25	N/A	N/A	1 per 40 auto parking spaces
Wholesale or storage operations, rail or trucking freight terminal or corporate aircraft hangar	1.00	N/A	N/A	1 per 40 auto parking spaces
Warehouse (>150,000 sq. ft.)	0.30	0.40	0.50	1 per 40 auto parking spaces
Laboratories and research facilities	3.33	N/A	N/A	1 per 20 auto parking spaces
Machinery or equipment sales	2.00	N/A	N/A	1 per 40 auto parking spaces
Aircraft hangars	1 per aircraft space	N/A	N/A	N/A

(Table A Amended by Ord. No. 4663/4-98, 4902/5-00, and 5168/7-02.)

B. Carpool and Vanpool Parking.

- (1) Carpool and vanpool parking shall be encouraged within new commercial, industrial and institutional developments with 50 or more required parking spaces. Carpool and vanpool parking spaces, if provided, shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."
- (2) As used in this Section, "carpool" means a group of two (2) or more commuters, including the driver, who share the ride to and from work, school and other destination. "Vanpool" means a group of five (5) or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

C. Bicycle Parking - Purpose - Applicability. To encourage bicycle transportation, to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all of the following uses:

- (1) Multifamily housing of three or more units.
- (2) Retail and office development.
- (3) Industrial development.
- (4) Institutional development.

D. Bicycle Parking Standards.

- (1) Unless exempted pursuant to subsection (10) of this Section, bicycle parking spaces shall be provided for the uses identified in Section C of this Section in the amounts specified in Table A; provided, however, that all uses identified in Section C except those exempted by subsection (10) shall have a minimum of two (2) parking spaces. These requirements shall apply to new development, to any change in use of existing development subject to this Section, and to any expansion of an existing use subject to this Section where the expansion equals or exceeds 50 percent of the existing floor area or 3000 square feet of floor area.
 - (a) Bicycle parking shall be located on-site, in one or more convenient, secure and accessible outdoor or indoor locations close to a main building entrance.
 - (b) Bicycle parking areas shall be clearly marked. Outdoor bicycle parking areas shall be visible from on-site buildings or the street. Indoor bicycle parking areas shall not require stairs to access the

space, except that bicycle parking may be allowed on upper stories within multi-story residential structures.

- (c) The locations of bicycle parking spaces shall be indicated in an off-street parking and loading plan which shall be submitted for review by the Planning Director during design review or as otherwise required by City regulations.
 - (d) For any expansion of an existing use subject to this Section, the number of required bicycle parking spaces shall be determined based on the entire use rather than the incremental increase in floor space. For any change in use, the number of required bicycle parking spaces shall be calculated based upon requirements for the new use as shown in Table A. For any change in use or expansion of an existing use subject to this Section, the Planning Director may waive requirements of this Section to the extent the Planning Director determines that compliance with those requirements is not practicable due to existing development patterns or that application of these standards is not reasonably related to the scale and intensity of the development.
 - (e) For existing uses with 20 or more existing off-street automobile parking spaces that are subject to Subsection (1)(d) of this Section through a change in or expansion of use, up to five (5) percent of the existing automobile parking spaces may be converted to bicycle parking spaces to accommodate required bicycle parking.
 - (f) For any use listed in Section C of this Section that is not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Planning Director, is most similar to the use not specifically mentioned.
- (2) All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.
- (a) Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas by a barrier or a minimum of five (5) feet. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If a bicycle parking area is not plainly visible from the street or the main building entrance, then a sign shall be posted indicating the location of the bicycle parking area.
 - (b) Bicycle parking areas shall not obstruct pedestrian connections, provided however that the Planning Director may allow bicycle

parking in the public sidewalk where this does not conflict with pedestrian accessibility.

- (3) Outside bicycle parking areas shall be connected to main building entrances by pedestrian accessible walks. Outside bicycle parking areas also shall have direct hard-surfaced access to public right-of-way and to existing and proposed pedestrian/bicycle accessways and pedestrian walkways.
- (4) If sites have more than one building, bicycle parking shall be distributed as the Planning Director deems appropriate to serve all buildings. If a building has two or more main building entrances, the Planning Director may require bicycle parking to be distributed to serve all main building entrances as the Director deems appropriate.
- (5) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks, lockers or other facilities shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience. Such racks shall be designed to hold bicycles securely by means of the frame, with the frame supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.
- (6) Bicycle parking spaces shall be at least six (6) feet long and two and one-half (2 1/2) feet wide, and, when covered, shall provide an overhead clearance of at least seven (7) feet. An access aisle of at least five (5) feet shall be provided and maintained beside or between each row of bicycle parking. Each required bicycle parking space shall be accessible without moving another bicycle.
- (7) Required bicycle parking shall have a minimum lighting level of three (3) foot-candles so that the system can be securely used at night by employees, students, residents, and customers.
- (8) Except as provided herein, bicycle parking may be unsheltered, although shelter is encouraged. Shelter can be provided through such means as roof extensions, overhangs, awnings, arcades, carports or enclosures. For new developments, if the outdoor bicycle parking is not sheltered, the outdoor bicycle parking area shall be designed in a manner that would allow sheltering to be added in the future. At transit transfer stations and park-and-ride lots, twenty (20) percent of the required bicycle parking spaces shall be lockers and fifty (50) percent of the remaining required bicycle parking spaces shall be sheltered.
- (9) Bicycle parking spaces required by this Section may not be rented or leased except where required motor vehicle parking is rented or leased.

(10) The following uses are exempt from the bicycle parking requirements.

- (a) Seasonal uses, such as fireworks stands and Christmas tree sales.
- (b) Drive-in theaters.
- (c) Storage facilities for household and consumer goods.
- (d) Home occupations.
- (e) Multifamily-family units assigned enclosed, individual garage space.

E. Pedestrian Access in Off-Street Automobile Parking Areas. All pedestrian walkways and accessways within parking lots shall meet the design and construction standards contained in Section 133(VII.A-D).

F. Conversion of Existing Required Off-Street Automobile Parking. To promote transit travel and the more efficient use of urban land on properties adjacent to transit streets, on-site automobile parking spaces constructed in excess of the minimum required may be redeveloped for transit oriented uses.

Section 85. Off-Street Loading.

- (1) **Passengers.** A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
- (2) **Merchandise, materials, or supplies.** Buildings or structures to be built or substantially altered, which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use, or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Section 86. General Provisions -- Off-Street Parking and Loading.

- (1) The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Use of property in violation hereof shall be a violation of this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful

and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

- (2) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- (3) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (4) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases, or contracts to establish the joint use. When approved by the Planning Director, owners or developers of any industrial use may provide for shift parking spaces within their off-street parking areas required by Section 84, Table A of this Ordinance for any new or significantly enlarged industrial use. (Added by Ord. 4465/8-96).
- (5) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling, except those dwellings allowed under Section 49 (28) of this ordinance. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building. (Amended by Ord. No. 3876/11-89.)
- (6) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (7) Except in the case of single-family residential and duplex residential lots, required parking and loading spaces shall not be located in a required yard. (Amended by Ord. No. 2674/11-74.)
- (8) Plans shall be submitted as provided in Section 119.
- (9) Design requirements for parking lots.
 - (a) All code required parking areas located within any City zone shall have a durable, dust-free surfacing of asphaltic concrete, Portland Cement, or other approved materials. All code required parking areas shall be graded so as not to drain storm water over public sidewalks or onto any abutting public or private property. Where site conditions are favorable, the City shall encourage the use of pervious surfacing techniques and other low impact development (LID) techniques and practices as described in

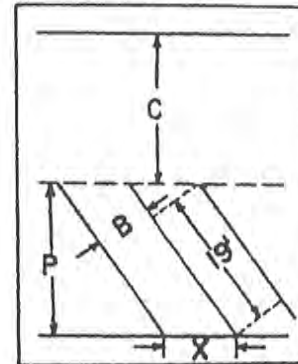
Section 131B. For the purposes of this Section, code required parking areas shall include parking spaces, parking aisles, loading areas and access drives. (Amended by Ord. No. 3096/3-80 and 5729/3-07.)

- (b) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five nor more than six feet in height except where vision clearance is required.
 - (c) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four feet from the property line or by a bumper rail.
 - (d) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling.
 - (e) Access aisles for all vehicle turning and maneuvering shall comply with the standards as set forth in the Parking Table and Diagram. (Amended by Ord. No. 2535/11-72.)
 - (f) Groups of more than 4 parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street other than an alley would be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 20' from their intersection. When the parking area is proposed for access directly onto an alley, the developer shall be responsible for any necessary improvements to said alley, subject to approval of the City Engineer at the time the building permits are issued. (Amended by Ord. No. 3096/3-80.)
- (10) Completion time for parking lots. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector, providing a performance bond or its equivalent is posted equaling the cost to complete the improvements as estimated by the building inspector provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the City.

- (11) Parking table and diagram. The parking table provides the minimum dimensions of public or private parking areas, and based on the diagram, "B" equals the stall width, "P" equals the minimum stall depth, "C" equals the minimum clear aisle width, and "X" equals the stall distance at bay side. The depth of parking spaces located adjacent and perpendicular to landscaped strips may be reduced not more than one and one-half feet from the standards of Schedule B, or from the alternative standards cited in subsections a) and b) below, as measured from the curb to the end of the space, provided that the landscaped strip is a minimum of four (4) feet in unobstructed width and a minimum twenty four (24) foot access aisle is provided behind the parking space. Where off-street parking spaces are located adjacent and perpendicular to any pedestrian walkway crossing, the depth of such parking spaces may be reduced not more than one and one-half feet from the standards of Schedule B, or from the alternative standards cited in subsections a) and b) below, as measured from walkway curb or demarcation to the end of the space; provided, however, that the resulting pedestrian walkway shall have a minimum of five (5) feet of unobstructed pedestrian walkway. (Added by Ord. No. 2535/11-72 and Amended by Ord. No. 4465/8-96 and 4902/5-00.)
- a) Where compact parking spaces are provided in accordance with Subsection 84(A)(3), the minimum dimensions required for such compact parking spaces shall be at least sixteen (16) feet in depth and eight (8) feet in width. Compact parking space depths may be reduced not more than one and one-half feet adjacent to landscaped strips and pedestrian walkways, as described above. (Added by Ord. No. 4902/5-00.)
- b) Universal parking space dimensions, alternative to those specified in the Parking Table and diagram, may be approved by the Planning Director. Universal parking space dimensions shall be not less than eight (8) feet nine (9) inches in width and seventeen (17) feet six (6) inches in depth, with a minimum twenty-five (25) feet wide clear aisle width. If universal parking space dimensions are approved, compact parking spaces shall not be included as required parking, except where the Planning Director has approved occasional use of compact spaces to accommodate physical or structural site limitations. Universal parking space depths may be reduced not more than one and one-half feet adjacent to landscaped strips and pedestrian walkways, as described above. (Added by Ord. No. 4902/5-00.)

Parking Table and Diagram

ANGLE	B	P	C	X
30°	8' 6"	18' 10"	11' 0"	17' 0"
	9' 0"	17' 4"	11' 0"	18' 0"
	9' 6"	17' 9"	11' 0"	19' 0"
	10' 0"	18' 2"	11' 0"	20' 0"
45°	8' 6"	19' 5"	13' 6"	12' 0"
	9' 0"	19' 9"	13' 0"	12' 9"
	9' 6"	20' 2"	13' 0"	13' 6"
	10' 0"	20' 6"	13' 0"	14' 1"
60°	8' 6"	20' 9"	18' 6"	9' 10"
	9' 0"	21' 0"	18' 0"	10' 5"
	9' 6"	21' 3"	18' 0"	11' 0"
	10' 0"	21' 6"	18' 0"	11' 6"
90°	8' 6"	19' 0"	25' 0"	8' 6"
	9' 0"	19' 0"	24' 0"	9' 0"
	9' 6"	19' 0"	24' 0"	9' 6"
	10' 0"	19' 0"	24' 0"	10' 0"

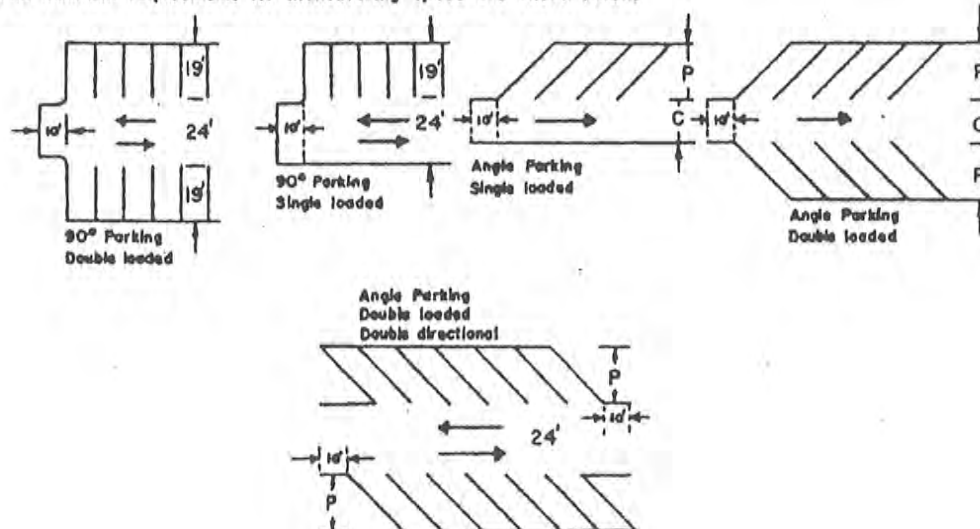
**PARKING DIAGRAM**

The above diagram is explanatory to the parking table.

Parking at other angles is permitted provided that each space contains a rectangle of a desired width (one of the four widths used in the parking table) and 19 feet in length.

The length of a parking space for parallel parking shall be a minimum of 23 feet and the width a minimum of 9 feet.

The minimum requirements for maneuvering space are shown below.



PARKING MAXIMUM MAP

Title 2: Zones A and B

Plot Date: May 18, 2000

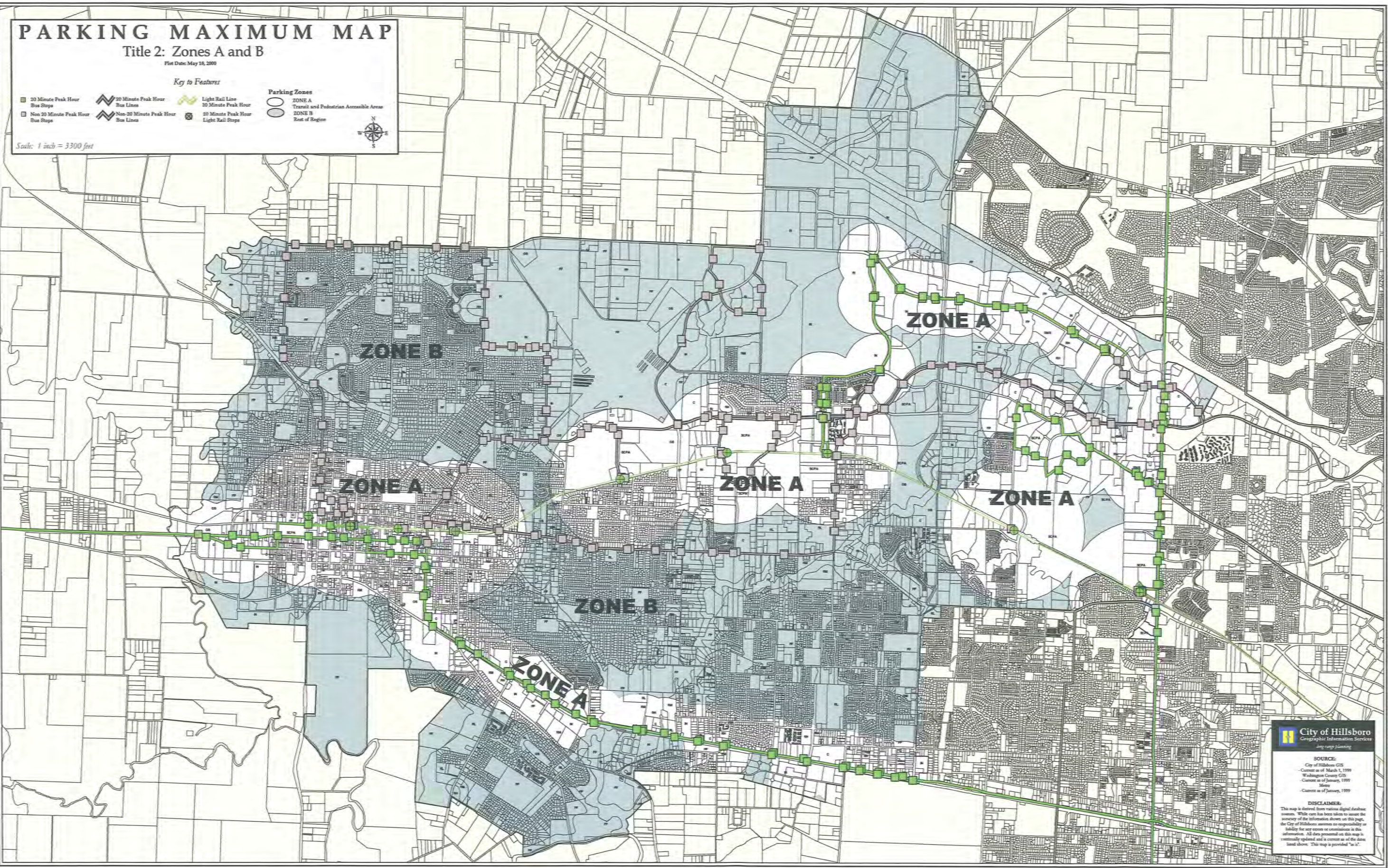
Key to Features:


- 20 Minute Peak Hour Bus Stops
- 20 Minute Peak Hour Bus Lines
- Light Rail Line
- 30 Minute Peak Hour
- Non 20 Minute Peak Hour Bus Stops
- Non 20 Minute Peak Hour Bus Lines
- 20 Minute Peak Hour Light Rail Stops

- ### Parking Zones
- ZONE A
 - Transit and Pedestrian Accessible Areas
 - ZONE B
 - Rest of Region



Scale: 1 inch = 3300 feet



**City of Hillsboro**
Geographic Information Services
Any map is a journey

SOURCE:

- City of Hillsboro GIS
- Current as of March 1, 1999
- Washington County GIS
- Current as of January, 1999
- State
- Current as of January, 1999

DISCLAIMER:

This map is derived from various digital database sources. While care has been taken to ensure the accuracy of the information shown on this page, the City of Hillsboro assumes no responsibility or liability for any errors or omissions in this information. All data presented on this map is continually updated and is current as of the date listed above. This map is provided "as is."

Supplementary Provisions

Section 87. Zone Boundaries. Unless otherwise specified, zone boundaries are lot lines, the center line of streets, and railroad rights-of-way, or such lines extended. Where a zone boundary divides a lot between two zones, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet.

Section 87A. (Deleted) (Deleted by Ord. No. 4213/3-94.)

Section 88. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Ordinance and shall comply with the following limitations:

- (1) Fence and hedge regulations.
 - (a) Fences in single-family residential zones within the City shall not exceed six feet in height except where they abut a multi-family, commercial, or industrial zone. Soundwalls installed adjacent to light rail facilities, pursuant to the March 1994 Final Environmental Impact Statement: Hillsboro Extension of the Westside Corridor, shall be exempt from the fence height restrictions of this Section. (Amended by Ord. No. 4300/12-94.)
 - (b) Fences shall not exceed three and one-half (3½) feet in height within any front yard setback and shall not conflict with vision clearance requirements. On corner lots, location of and height of a fence shall be determined by the City Planning staff upon application, and any staff decision may be appealed to the City Planning Commission either by the applicant or by an aggrieved party. (Amended by Ord. No. 2579/7-73.)
 - (c) It shall be unlawful for any person, firm, or corporation to construct or move a fence or part thereof without first applying for and obtaining a permit therefore, and the application shall state the height and location of said fence with respect to the property. Said application shall be accompanied by fee, as set in Section 129, to cover the cost of issuing said permit and supervising the construction thereof. (Amended by Ord. Nos. 2533/10-72; and 3320/5-82.)
- (2) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.
- (3) Subsection 3 deleted by Ord. No. 5778/8-07.)

- (4) Regardless of the side and rear yard requirements of the zone, in a residential zone a side or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by six feet or more and does not exceed a height of ten (10) feet, nor an area of 450 square feet measured at the outermost points of the foundation or supports. Eaves on accessory structures shall not extend closer than two feet from the property line.

The 10-foot height of an accessory structure eligible for reduced setbacks as described in this section shall be measured from grade to the mid-point between the roof peak and the roof eave. (Amended by Ord. No. 5778/8-07.)

Section 88A. Accessory Dwellings:

- (1) Purpose. The purpose of this section is to allow for establishment of an accessory dwelling in conjunction with a detached single family dwelling. Specifically, accessory dwellings provide opportunities to:
- a. Accommodate additional density in existing neighborhoods with minimum cost and disruption to surrounding neighborhoods;
 - b. Allow for more efficient use of existing housing stock and infrastructure;
 - c. Provide a mix of housing that responds to changing family needs and smaller households;
 - d. Allow residents, particularly seniors, single parents and families with grown children to remain in their homes and neighborhoods;
 - e. Provide a broader range of housing type and cost; and
 - f. Insure that accessory dwellings are architecturally compatible with the primary structure with which the accessory dwelling is associated.
- (2) Occupancy restriction. An accessory dwelling unit shall not be occupied by more than three (3) related or unrelated persons. (Added by Ord. No. 5667/9-06.)
- (3) Where these regulations apply. An accessory dwelling may be added to a detached house in any R zone and in the A-1 Duplex Residential zone.
- (4) Development Standards. Building permit applications for not more than one accessory dwelling unit per existing primary single family dwelling shall be approved if the applicant shows compliance with the following criteria and standards:
- a. Approval criteria.

1. Creation. An accessory dwelling may be created only through the following methods:
 - (a) Converting floor area in an existing dwelling or garage;
 - (b) Adding floor area to an existing dwelling or garage;
 - (c) Constructing a detached accessory dwelling on a site with an existing detached house; or
 - (d) Constructing an internal or detached accessory dwelling unit in conjunction with construction of a new detached house.
2. Limitation. No more than one accessory dwelling unit is permitted per lot, for a total of two dwelling units per lot.
3. Parking. All parking must meet the requirements of Section 84. Off-Street Parking.
4. Minimum size. The size of an accessory dwelling unit shall be no less than 250 square feet.
5. Maximum size. The size of an accessory dwelling unit shall be no more than 750 square feet.
6. Code compliance. An accessory dwelling shall comply with applicable building, fire, health and safety codes.
7. Placement.
 - (a) An accessory dwelling created pursuant to Subsection 4.a.1 (a) or 4.a.1 (b) shall be located in conformance with the existing requirements for the primary residence including, but not limited to building height, lot coverage and setback and side yard requirements.
 - (b) A detached accessory dwelling unit created pursuant to Subsection 3.a.1 (c) may be located within 5 feet of a side or rear property line provided that it meets the requirements for an accessory structure as specified in Section 88(4). Detached accessory dwellings not meeting the accessory structure requirements of Section 88(4) shall meet the placement requirements of an attached accessory dwelling as specified in 7(a) above.
 - (c) An accessory dwelling unit connected to the primary residence by an architectural or structural connection between the dwellings such as a breezeway shall not be considered a detached accessory dwelling unit.

- (d) Detached accessory dwellings and accessory dwellings attached by a breezeway shall be located to the rear of the primary residence such that they are not clearly visible from the street.
- 8. Entrance. Only one entrance to the primary residence may be located on the front façade facing the street unless the residence contained additional front door entrances before the accessory dwelling unit was created. An exception to this is entrances that do not have access from the ground such as entrances from balconies or decks.
- b. Architectural Standards. Accessory dwelling units shall comply with the following standards:
 - 1. Exterior finish materials. The exterior finish material shall be the same or visually match in type, size and placement of the exterior finish of the primary residence.
 - 2. Roof pitch. The roof pitch shall be the same as the predominant roof pitch of the primary residence.
 - 3. Eaves. Eaves shall project from the building walls the same distance as eaves on the primary residence.
 - 4. Windows. Windows shall match those in the primary residence in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - 5. Trim. Trim shall be the same in type, size and location as the trim used on the primary residence.
- (5) Development Review Required. Construction of an accessory dwelling shall be subject to the requirements of Section 133 Development Review / Approval of Plans. (Amended by Ord. No. 5778/8-07.)

(Section 88A Added by Ord. No. 4902/5-00; Amended and renumbered by Ord. No. 5667/9-06.)

Section 89. Authorization of Similar Uses. The Planning Commission may rule that a use not specifically named in the allowed uses of a zone shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this Section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone.

Section 90. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar non-load-bearing architectural features may not project more than two feet into a required yard or into open space as established by coverage standards, except as provided in subsections a) and b). (Amended by Ord. No. 2596/8-73; and 5778-07.)

- a) Non-load-bearing architectural features may not project more than four feet into the required front or rear yards of all dwellings located within the single family and duplex zones. However, non-loading architectural features on accessory structures having reduced setbacks are subject to the restrictions in Section 88 (3). (Amended by Ord. No. 5778/8-07.)
- b) Under the provisions of adopted Development Standards and Design Guidelines, the Planning Commission may approve load-bearing architectural projections into side yard setbacks during review of subdivisions or Planned Unit Developments of eight lots or more. (Added by Ord. No. 5778/8-07.)

Section 91. Maintenance of Minimum Ordinance Requirements. No lot area, yard, or other open space or required off-street parking or loading area existing on or after the effective date of this Ordinance shall be reduced in area, dimension, or size below the minimum required by this Ordinance, nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by this Ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use except as provided in Section 86 (4).

Section 92. General Exception to Lot Size Requirements. If, at the time of passage of this Ordinance, a lot or the aggregate of contiguous lots held in single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright or a conditional use allowed in the zone subject to the other requirements of the zone and provided, if there is an area deficiency, residential use shall be limited to a single-family residence. (Amended by Ord. No. 3471/6-84.)

Section 93. General Exceptions to Yard Requirements.

- (1) Except for that portion of the setback which is listed in Subsection (2) of this Section, the following exception to the front yard requirement for a dwelling is authorized for a lot in any zone: If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- (2) To permit or afford better light, air, and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the

location of structures compatible with the need for the eventual widening of streets, a yard shall be provided abutting streets and portions of streets hereinafter named which shall be greater than the required yard dimension specified in the zone by the number of feet set forth below in the right-hand column, measured at right angles to the center line of the street, and unless otherwise described, measured from the center line of the street as constructed and improved with a hard surface pavement, or where not paved, from the center line or general extension thereof of the street right-of-way.

	<u>Street</u>	<u>Feet</u>
(a)	S.E. 11th Avenue from S.E. Walnut Street to 90 feet south of S.E. Alder Street.....	30
(b)	S.E. 11th Place from S.E. Maple Street to S.E. Walnut Street.....	30
(c)	S.E. 12th Avenue from S.E. Maple Street to East Main Street and from S.E. Elm Street to S.E. Walnut Street	30
(d)	S.E. 15th Avenue from 400 feet north of S.E. Oak Street to S.E. Walnut Street, and from 50 feet south of S.E. Alder Street north 510 feet	30
(e)	S.E. 16th Avenue from S.E. Oak Street to S.E. Walnut Street and from 50 feet south of S.E. Alder Street north 510 feet.....	30
(f)	S.E. 26th Avenue from East Main Street to Trinity Park	30
(g)	S.E. 32nd Avenue from East Main Street south to City boundary	30
(h)	S.E. 40th Avenue from S.E. Bentley Street to S.E. Ash Street	30
(i)	S.E. Alder Street from S.E. 11th Avenue to S.E. 21st Avenue.....	30
(j)	S.E. Ash Street from 350 feet west of S.E. 40th Avenue eastward to city boundary.....	30
(k)	S.E. Bentley Street from S.E. 32nd Avenue east to city boundary	30
(l)	S.E. Cedar Street from S.E. 32nd Avenue east to city boundary	30

(m)	S.E. Currin Drive from S.E. River Road to city boundary	30
(n)	S.E. Currin Lane from S.E. River Road to city boundary	30
(o)	S.E. Elm Street from S.E. 12th Avenue west 225 feet.....	30
(p)	S.E. Jean Lane from S.E. River Road to city boundary	30
(q)	S.E. Maple Court from S.E. 18th Avenue west 465 feet	30
(r)	S.E. Walnut Street from 50 feet east of S.E. 15th Avenue eastward to end of street.....	30
(s)	S.W. Brookwood Avenue within City	40
(t)	N.E. 8th Avenue from North Arrington Road to 120 feet south of N.E. Queens Lane.....	30
(u)	N.E. 9th Avenue from 130 feet north of N.E. Arrington Road to 120 feet south of N.E. Queen's Lane	30
(v)	N.E. 10th Avenue from 130 feet north of N.E. Arrington Road to City boundary	30
(w)	N.E. 21st Avenue within City north of N.E. Cornell Road.....	30
(x)	N.E. 25th Avenue from East Main Street to end of road	30
(y)	N.E. 28th Avenue from East Main Street to N.E. Cornell Road within City.....	40
(z)	N.E. 37th Avenue from East Main Street north within city.....	30
(aa)	N.E. Arrington Road from N.E. Jackson School Road to N.E. Cornell Road.....	40

(bb)	Birchwood Lane from N.E. Grant Street north 160 feet	30
(cc)	N.E. Birchwood Terrace from N.E. Grant Street to N.E. Donelson Road	30
(dd)	N.E. Cornell Road from East Main Street to city boundary	40
(ee)	N.E. Lincoln Street from Cornell Road to N.E. 12th Avenue	30
(ff)	N.E. Queens Lane from N.E. 8th Avenue to N.E. Delsey Road	30
(gg)	N.E. 279th Avenue from N.E. Cornell Road to city boundary	30
(hh)	N.W. Brogden Street within city	30
(ii)	N.W. Forest Street from N.W. Connell Avenue to city boundary	30
(jj)	N.W. Hyde Street from N.W. 273rd Avenue to N.W. 269th Avenue (N.E. 28th Avenue)	30
(kk)	East Main Street from the east line of Tenth Avenue easterly to the City boundary (Amended by Ord. No. 2073/3-66.)	40
(ll)	North Dennis Avenue from N.W. Garibaldi Street to N.W. Forest Street	30
(mm)	11th Street Drive from East Main Street to N.E. 12th Avenue	30
(nn)	Padgett Road within city	30
(oo)	East Main Street from the east line of 5th Avenue easterly to Tenth Avenue (Amended by Ord. No. 2073/3-66.)	43

- (pp) S.E. 10th Avenue
 from a point 100 feet south of the south line of S.E. Maple Street northerly
 to the south line of S.E. Oak Street (Added by Ord. No. 2754/4-76.) 40

Section 94. Exceptions to Building Height Limitations.

- (1) Except for the limitations set forth in Subsection (2) hereof, the following types of structures or structural parts are not subject to the building height limitations of this Ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, aerals, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, radio and television towers and other similar projections.
- (2) In order to assure safe airport operation, no structure or structural part shall exceed height standards established for the vicinity of the Portland-Hillsboro Airport in Section 135. (Amended by Ord. No. 5926/10-09.)

(Amended by Ord. No. 3343/7-82.)

Section 95. Access. Every lot zoned R-7, R-8.5, R-10, or A-1 shall abut a public street other than an alley for a width of at least 12 feet. When two to six adjacent single-family residential lots are proposed, then each lot must abut a public street other than an alley for a width of at least 8 feet. When two to four adjacent lots zoned A-1 are proposed, each lot shall abut a public street other than an alley for a width of at least 10 feet. Every lot zoned A-2, A-4, A-3, C-4, C-F, C-2, C-1, M-2 and M-P shall abut a public street other than an alley for a width of at least 25 feet. Property abutting the end of a public street not terminating in a cul-de-sac shall not be considered as having access. The minimum width of the access strip portion of every lot must equal the frontage requirement applicable as set forth herein. (Amended by Ord. No. 3288/12-81.)

Section 96. Vision Clearance. Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

- (1) In a residential zone the minimum distance shall be 25 feet or, at intersections including an alley, 10 feet.
- (2) In all other zones except a C-2 zone the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle of intersections between streets is less than 30 degrees, the distance shall be 25 feet.

Section 97. Zoning of annexed areas. The provisions of Sections 112 to 116 of this ordinance apply to the zoning of annexed areas. The County zoning of an annexed area continues to apply until the property is rezoned by the City Council. The effective date of the zoning ordinance adopted by the City Council shall be no earlier than the date the annexation becomes final and effective under state law.

Upon receipt of a request for annexation, the request shall be forwarded to the Planning Commission, which shall recommend a zoning district or districts for the affected property, and identify any other zoning district or districts which would also implement the Comprehensive Plan, based on the criteria in Subsections 2(a) and 2(b) of Section 114 of this ordinance. The Planning Commission's recommendation shall be forwarded to the City Council for consideration in conjunction with the annexation. Public notice of the City Council public hearing shall identify the zoning district or districts recommended by the Planning Commission and identify the other zoning district or districts which also implement the Comprehensive Plan on the affected property. The City Council shall hold a public hearing on the zone change. The City Council may condition the zone change consistent with Section 114 of this ordinance. The City Council may accept the recommendation of the Planning Commission, rezone the affected area to any other zoning district or districts which implement the Comprehensive Plan, or deny the rezoning request.

Property owners in disagreement with the zone recommended by the Planning Commission may apply for a zone change to an alternative zone. A zone change application for annexed property shall be processed under Sections 112 through 116 of this ordinance. (Amended by Ord. No. 3019/7-79. Amended by Ord. No. 5393/7-04.)

Section 97A. Preservation of Residential Density. Building permit applications for a single-family residence (SFR) on a lot larger than 12,000 square feet shall be reviewed by the Planning Director if the lot is designated Medium, High, or Mid-Rise Density Residential. The Planning Director shall approve the application upon demonstration by the applicant that the proposed siting of the SFR allows the opportunity for development of the remainder of the lot to the maximum density allowable under the standards of the Comprehensive Plan and the Zoning Ordinance. (Added by Ord. No. 3451/3-84.)

Nonconforming Uses and Structures

Section 98. Continuation of Nonconforming Use or Structure. Subject to the provisions of Sections 99 to 105, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be enlarged or expanded except as specified in Sections 99 and 100. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this Ordinance is not an enlargement of a nonconforming use.

Section 99. Enlargement or Expansion of Nonconforming Use. In case of practical difficulty or unnecessary hardship, the Hearings Board may authorize enlargement or expansion of a nonconforming use up to 20 percent in floor area or, in those cases not involving structures, up to 10 percent in land area, as existing on the effective date of this Ordinance. In no case, however, shall such enlargement or expansion result in an increase in the number of dwelling units in excess of the number permitted for the lot in the zone in which it is located. (Amended by Ord. No. 2752/7-76.)

Section 100. Procedure for Authorization. The procedure to be followed in application for and authorization of an expansion of a nonconforming use shall be the same as that specified in Sections 108 to 111 for a case of a variance. The application shall be accompanied by a fee as set in Section 129. (Amended by Ord. Nos. 2536/11-72; 2660/8-74; and 3320/5-82.)

Section 101. Nonconforming Structure. A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended, providing alteration or extension does not increase the deviation from the standards of this Ordinance. (Amended by Ord. No. 5676/10-06.)

Section 102. Discontinuance of a Nonconforming Use. If a nonconforming use is discontinued from use for a period of one year, further use of the property shall be for a conforming use.

Section 103. Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone and, after change, it shall not be changed back again to the nonconforming use.

Section 104. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the value of the structure, a future structure or use on the property shall comply with the provisions for a conforming use in the zone. Single family residential structures may be rebuilt in any zone if unintentionally destroyed, provided the reconstruction of the residence complies with the following standards:

1. the residence is rebuilt on the same location on the lot, or in compliance with the setback standards for the underlying zone; and

2. the square footage of the replacement structure does not exceed the square footage of the original structure by more than twenty percent (20%); and
3. if the property is within an area subject to architectural standards the construction style of the replacement structure complies with those architectural standards.

The value of the structure for purposes of this Section shall be determined by establishment of its replacement cost using current values for labor and new materials. If the building inspector determines there is some pertinent question as to the percent of the structure destroyed, he shall refer the question to the building board of appeals established by the city building code for determination. (Amended by Ord. Nos. 3717/9-87; 5245/4-03; and 5304/9-03.)

Section 105. Completion of Structure. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this Ordinance; except that, if the designated use will be nonconforming, it shall, for the purpose of Section 102, be a discontinued use if not in operation within two years of the date of issuance of the building permit.

Variances

Section 106. Authorization to Grant or Deny Variances. Excluding the provisions of Section 48A Mixed Use Districts and Section 133 Development Review / Approval of Plans, the Hearings Board may authorize variances from the requirements of this Ordinance. Variances from the provisions of Sections 48A and 133 may be authorized only by the Planning Commission. Either the Hearings Board or the Planning Commission may authorize variances where it can be shown that, owing to special and unusual circumstances related to a specific piece of property or use, the literal interpretation of this Ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Board or the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance. (Amended by Ord. No. 2752/3-76; 5778/8-07 and 5892/12-08.)

Section 107. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that all of the following conditions exist:

- (1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (3) The authorization of the variance shall not be materially detrimental to the purposes of this Ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.
- (4) The variance requested is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.

Section 107A. Criteria for Granting a Parking Variance. No parking variance shall be granted unless it can be shown that all of the following criteria are met:

- (1) The property or use possesses characteristics that are unique and do not generally apply to other properties or uses in the same zone or vicinity.
- (2) All reasonable alternatives to comply with the parking standards have been exhausted.
- (3) If the parking variance seeks to exceed the parking maximum then it shall be demonstrated that any excess parking is located in a fashion such that the portion of the site occupied by the excess parking can be redeveloped at some future time if the use changed and excess parking was not needed.

(Section 107A. Added by Ord. No. 4902/5-00.)

Section 107B. Criteria for Granting a Regulatory Floodplain Standard Variance. No regulatory floodplain standard variance shall be granted unless it can be shown that all of the following criteria are met:

- (1) Generally, the only condition under which a variance from the standards set out in Section 131 may be issued is for new construction and substantial improvements to be erected on

a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the following items have been fully considered:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

As the lot size increases the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- (3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) In addition to the conditions for granting a variance in Section 107 regulatory flood plain standard variances shall only be issued if the following conditions also exist:
 - (a) A showing of good and sufficient cause; and
 - (b) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create

nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- (6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 107B(1), and otherwise complies with the standard that all improvements be constructed to minimize flood damage, by using flood resistant materials, anchoring, and the protection of on-site public and private utilities where applicable.
- (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Section 107B added by Ord. No. 5523/6-05).

Section 108. Application and Fee. A request for a variance may be initiated by a property owner or authorized agent by filing an application with the City Recorder. The applicant shall submit plans to the Commission as provided in Section 119 and shall pay the fee as set in Section 129. (Amended by Ord. Nos. 2536/11-72; 2658/8-74; 3320/5-82.)

Section 109. Public Hearing on a Variance. Before acting on a request for a variance, the Hearings Board shall consider the variance at a Public Hearing held within 40 days after filing of the application. Not less than 10 days prior to the date of the Hearing, the City Recorder shall give written notice by mail of the hearing to owners of property situated within a 200 foot radius of the boundary of the property subject to the request, using for this purpose names and addresses of owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a variance. (Amended by Ord. Nos. 2658/8-74 and 2752/3-76; and 5778/8-07.)

Section 110. Recess of Hearing on a Variance. The Hearings Board may recess a hearing on a request for a variance in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed variance. Upon recessing for this purpose, the Board shall announce the time and date when the hearing will be resumed. (Amended by Ord. No. 2752/3-76.)

Section 111. Action of the Hearings Board. The Board may attach conditions to an authorized variance which it feels are necessary to protect the public interests and carry out the purpose of this Ordinance. The City Recorder shall notify the applicant for a variance, in writing, of the Board's action within five days after the Board has rendered its decision. (Amended by Ord. No. 2752/3-76.)

Amendments to the Zoning Ordinance**Section 112. Authorization to Initiate Amendments.**

- (1) Amendment to the text of this Ordinance may be initiated by the City Council or Planning Commission. Public hearings on text amendments shall be held before the Planning Commission.
- (2) A Zoning map amendment may be initiated by the Planning Commission, City Council, or by application of the property owner or an authorized agent. Public hearings on owner-initiated Zoning map amendments shall be held before the Planning and Zoning Hearings Board. Public hearings on city-initiated Zoning Map amendments shall be held before the Planning Commission.
- (3) The term "amendment" shall not include, and the procedure for amendment shall not apply to, non-substantive changes in this Ordinance or to any of the following revisions which shall be carried out on a continuing basis by the Planning staff to insure accuracy of the zoning map:
 - a. Addition of recorded subdivision plats, recorded land partitioning, recorded street or alley dedications, public facility locations, new street names;
 - b. Deletion of vacated subdivision plats, vacated streets or alleys, street names which have been changed, subdivision lot numbers where resubdivisions have occurred or where amended plats have been recorded, old city limit lines;
 - c. Inclusion within the city limits of annexed areas and exclusion of areas withdrawn from the city;
 - d. Name changes involving streets or alleys; or
 - e. Other similar revisions which do not affect zone boundaries.

(Amended by Ord. Nos. 2752/3-76, 3422/9-83 and 5998/12-11.)

Section 113. Application and Fee. An application for amendment by the property owner or his authorized agent shall be filed with the City Recorder. The application shall be accompanied by the fee as set in Section 129. (Amended by Ord. Nos. 2087/6-66; 2289/9-69; and 3320/5-82.)

Section 114. Authorization for Conditional Amendment and Standards for Zone Change Consideration.

- (1) Amendment of this Ordinance by amending the zoning map may be contingent upon compliance with conditions found necessary to accomplish the purposes of this Ordinance and implement the goals and policies of the Hillsboro Comprehensive Plan. To that purpose, any of the following conditions, stipulations or limitations may be attached to a zone change approval: (Amended by Ord. No. 3451/3-84.)
 - a. Street improvements abutting/within the development area

- b. Street dedication abutting/within the development area
 - c. Joint use/access agreement
 - d. Improvement agreements for the installation of necessary on-site public facilities
 - e. Utility easements
 - f. Landscaping
 - g. Off-street parking
 - h. Storm drainage improvements
 - i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site public improvements
 - j. Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance. (Amended by Ord. No. 4821/9-99.)
 - k. Screening, fencing
 - l. Limiting access
 - m. Surety/performance bond
 - n. Non-remonstrance clause
- (2) Before the City Council or Hearings Board grants a zone change, they shall require that the applicant demonstrate compliance with the following criteria:
- a. That the request must conform with the Hillsboro Comprehensive Plan and this Ordinance;
 - b. That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

(Section 114 Amended by Ord. No. 3422/9-83; 4821/9-99 and 5892/12-08.)

Section 115. (Deleted) (Deleted by Ord. No. 3422/9-83.)

Section 116. Public Hearing on an Amendment. Before taking action on a proposed amendment to this Ordinance, the Planning and Zoning Hearings Board or the Planning

Commission shall hold a public hearing thereon within 40 calendar days after receiving the application.

- (1) Notice of hearing. Notice of time, place, and purpose of the public hearing before the Planning Commission or the Planning and Zoning Hearings Board, on a proposed amendment shall be given by the City Recorder in the following manner:
 - a. If an amendment to the text of this Ordinance is proposed, notice shall be by three publications in a newspaper of general circulation in the City, the first to be not more than 30 calendar days and the last not more than 10 calendar days prior to the date of hearing.
 - b. If an amendment to the zoning map is proposed, the notice shall be by one publication of a written notice and vicinity map in a newspaper of general circulation in the city, not less than four calendar days, nor more than 10 calendar days prior to the date of hearing and by mailing written notice not less than 10 days prior to the date of the hearing to owners of property within the area enclosed by lines parallel to (and) 500 feet from the exterior boundaries of the property involved using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Where all property so located is under the same ownership, the procedure specified in Subsection a. above shall be followed. The failure of a person to receive the notice specified in this Section shall not invalidate any proceedings in connection with the proposed zone change.
- (2) Recess of hearing. The Planning Commission, City Council, or Hearings Board may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Planning Commission, the City Council, or the Hearings Board shall announce the time and date when the hearing will be resumed or other manner, such as written evidence, in which additional information will be considered.
- (3) Action of the Planning Commission or Hearings Board. A decision by the Planning Commission or the Hearings Board to deny an amendment shall be final unless appealed to the City Council according to the provisions of this ordinance. An action favoring an amendment shall be in the form of a recommendation to the City Council. The City Council shall hold a public hearing on a City-initiated zone change in conjunction with an annexation, and may, on its own initiative or upon appeal, hold such hearing as it deems appropriate upon other proposed amendments. The City Council may pass an ordinance amending the Zoning Ordinance text or map based upon the recommendation of the Planning Commission or Hearings Board, or based on findings of the City Council. (Amended by Ord. No. 3422/9-83. Amended by Ord. No. 5393/7-04.)

Administration, Enforcement, and Interpretation

Section 117. Enforcement. The Planning Director shall have the power and duty to enforce the provisions of this Ordinance. Notwithstanding any other provision of this ordinance, the Planning Director has the authority to make reasonable accommodations in the application of this ordinance 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 zoning ordinance. The accommodation may result in a permitted or conditional waiver of any limitation of this ordinance. An appeal from the ruling of the Planning Director shall be made to the Hearings Board, with the exception that an appeal of the Planning Director's decision on a Development Review application shall be made to the Planning Commission under the provisions of Section 133 X. (Amended by Ord. No. 3111/4-80; 5667/9-06; and 5778/8-07.)

Section 118. Appeal to the City Council. Any action or ruling of the City Planning Commission or Planning and Zoning Hearings Board may be appealed to the City Council, within 15 days after the City Planning Commission or Planning and Zoning Hearings Board has rendered its decision, by filing written notice with the City Recorder. All appeals filed shall be accompanied by payment of a fee equal to one-half the fee paid for the original application. The appellant may also request a verbatim transcript of the recorded proceedings before the Planning Commission and the Planning and Zoning Hearings Board on the matter. Requests for transcripts shall be accompanied by a \$200.00 deposit. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit shall be refunded to the party making the request.

If no appeal is taken within the 15 day period, the decision of the Planning Commission, or Planning and Zoning Hearings Board, on all applications shall be final, except when enactment by the City Council is required.

If an appeal is filed, the City Council shall hold a hearing at least for argument on the matter, and shall receive as testimony the recommendation or decision of the Planning Commission or the Planning and Zoning Hearings Board, together with the documentation supporting the decision. Notice of the City Council hearing shall be made by the same procedure required for the initial application. Any party aggrieved by a final determination of the City Council on an appeal may have the decision reviewed as provided under ORS 34.010 to 34.100. (Amended by Ord. Nos. 2514/6-72; 2677/12-74; 2752/3-76; and 3483/8-84.)

Section 119. Form of Petitions, Applications, and Appeals.

- (1) Petitions, applications, and appeals provided for in this Ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the City in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with

sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets.

- (2) Applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and the dimensions of the lot to be built upon; the exact sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, other structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine conformance with the provisions of this Ordinance and of the uniform building code.

Section 120. Time Limit on Approval of a Conditional Use or Variance.

Authorization of a conditional use or variance shall be void after two years, unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended by the Planning Director for one additional year upon request. (Amended by Ord. No. 3111/4-80 and by Ord. No. 4300/12-94.)

Section 121. Interpretation. The provisions of this Ordinance shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 122. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

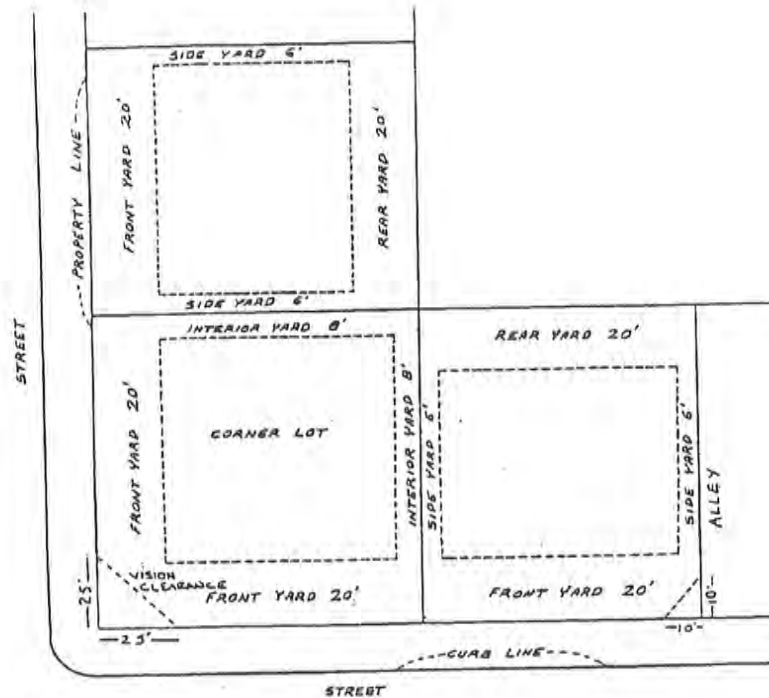
Section 123. Repeal of Conflicting Ordinances. Ordinance Nos. 1409, 1725, 1769, 1795, 1809, 1821, 1832, 1851, 1862, 1863, 1882, 1907, 1922, 1924, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed, with the provision that violations of said ordinances, or parts thereof, shall remain violations to the extent that the matters in violation do not conform to the provisions of this Ordinance.

Section 124. Penalty. A person violating a provision of this Ordinance shall, upon conviction thereof, be punished by imprisonment in the city jail for not to exceed 30 days, or by a fine of not to exceed \$300.00, or both. A person violating a provision of this Ordinance shall be deemed guilty of a separate offense for each day during which the violation continues.

Section 125. (Deleted) (Deleted by Ord. No. 3029/8-79.)

Additional Provisions

R-8.5 Single Family Residential Zone



R-8.5 SINGLE FAMILY RESIDENTIAL ZONE	
Minimum Front and Rear Yards.....	20 Feet
Minimum Side Yard.....	6 Feet
Minimum Interior Yard (corner lots).....	8 Feet
Minimum Lot Size.....	8,500 square feet
Minimum Width at Building Line.....	65 Feet
Minimum Lot Depth.....	90 Feet
Maximum Lot Coverage.....	45 percent of interior lot
.....	50 percent of corner lot
Minimum Density.....	4 Dwelling Units Per Net Acre
Maximum Building Height.....	35 Feet or 2 1/2 stories

Section 126. R-8.5 Single-family Residential Zone.

- (1) **Short title.** This zone shall be known as the R-8.5 single-family residential zone of the City of Hillsboro.
- (2) **Purpose.** To provide and protect residential land for families who desire to live in an environment of single-family dwellings who do not want or have no need for the smaller lots as provided in the R-7 residential zone or the larger lots as provided in the R-10 residential zone.
- (3) **Uses permitted outright.**
 - (a) A use permitted outright in an R-10 zone. (Amended by Ord. No. 3029/8-79.)
 - (b) Agricultural use of land, such as truck gardening, orchards and horticulture, but excluding commercial buildings or structures. The raising of animals other than normal household pets is allowable, but only in compliance with Section 131. (Amended by Ord. No. 3294/1 -82.)
- (4) **Conditional uses permitted.**
 - (a) Church.
 - (b) Governmental structure or use including public park, playground, recreation building, fire station, library or museum.
 - (c) School: primary, elementary, junior or senior high, college or university. (Amended by Ord. No. 5168/7-02.)
 - (d) Utility substation or pumping station with no equipment storage.
 - (e) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
 - (f) Residential recreation center. (Added by Ord. No. 3599/2-86.)
 - (g) Child Care Facility. (Added by Ord. No. 5168/7-02.)
- (5) **Minimum and Maximum Densities.** In the R-8.5 zone, the minimum density standard is 4 dwelling units per net residential acre. The maximum density standard is 5 dwelling units per net residential acre. (Added by Ord. No. 4902/5-00; Amended by Ord. No. 5778/8-07.)
- (6) **Lot size.** In an R-8.5 zone the lot size shall be as follows:

- (a) The minimum average lot area shall be 8,500 sq. ft. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Amended by Ord. No. 3029/8-79 and 5778/8-07.)
- (b) Minimum lot widths at the front building line: Sixty-five (65) feet average.
- (c) Minimum lot depths: Ninety (90) feet average.
- (d) Notwithstanding the dimensional and area standards set forth in items (a) through (c) above, approved duplex lots may be split in order to allow for dual ownership, provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Subsections 1 and 2. The dwelling units shall have a common wall at the zero lot line. (Added by Ord. No. 3395/10-83; Amended by Ord. No. 5778/8-07.)

(Subsection 6 Amended by Ord. No. 5778/8-07.)

(7) Setback requirements. Except as provided in Sections 88 and 93, in an R-8.5 zone the yards shall be as follows:

- (a) Minimum front yard: Twenty (20) feet, except as provided in Subsection (g) of this Section.
- (b) Minimum rear yard: Twenty (20) feet
- (c) Minimum side yard: Six (6) feet, except as provided in Subsection (g) of this Section.
- (d) Minimum interior yards on corner lots: Eight (8) feet, except as provided in Subsection (g) of this Section.
- (e) Minimum front yards on corner lots: Twenty (20), except as provided in Subsection (g) of this Section.
- (f) All duplex lots shall meet the setback requirements established in items (a) through (e) above, except that the setback for the zero lot line shall be waived. (Added by Ord. No. 3395/10-83.)
- (g) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII. (Added by Ord. No. 5778/8-07.)

(Subsection 7 Amended by Ord. No. 5778/8-07.)

(8) **Signs.** (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

(9) **Maximum Height of Buildings.**

(a) Maximum height of a building shall be two and one-half stories (2½) or thirty-five (35) feet, whichever is less.

(10) **Lot Coverage.**

(a) In an R-8.5 zone buildings shall not occupy more than 45 percent of the area of an interior lot nor 50 percent of a corner lot. (Amended by Ord. No. 4902/5-00.)

(Section 126 Added by Ord. No. 2398/12-70.)

Section 127. Planned Unit Development.

- I. **Short Title.** Section 127 shall be known as the Planned Unit Development (hereinafter referred to by the acronym PUD) overlay zone of the Hillsboro Zoning Ordinance. (Amended by Ord. No. 3424/9-83.)
- II. **Purpose.** The purposes of the Planned Unit Development Overlay zone are to provide a means to create planned environments through the application of flexible standards which allow for the application of new techniques and living arrangements; facilitate the efficient use of land; promote an economic arrangement of land uses, buildings, circulation systems, open space and utilities; preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; encourage development that recognizes the relationship between buildings, their use, open space, and accessways, thereby increasing the opportunities for innovative and diversified living, shopping, and working environments; permit Mixed Use Developments; and permit a mix of industrial and commercial uses in a high quality setting on large sites designated Industrial or Commercial by the Hillsboro Comprehensive Plan Map; where the applicant can demonstrate that the site is subject to a master development plan which addresses issues such as development quality, landscaping, traffic and pedestrian circulation, parking and general maintenance standards through developer-recorded covenants, conditions and restrictions. (Amended by Ord. No. 3889/12-89 and by Ord. No. 4223/4-94.)
- III. **Standards and Criteria.** The following standards and criteria shall govern the application for a PUD within the City: (Amended by Ord. No. 3424/9-83.)
 - A. The use (or uses) proposed is (are) consistent with the goals and policies of the Hillsboro Comprehensive Plan. (Amended by Ord. No. 4223/4-94.)
 - B. The tract or tracts of land included in a proposed PUD must be in a single ownership or under the development control of a joint application of owners or authorized agents of the property involved. (Amended by Ord. No. 3424/9-83.)
 - C. (Deleted by Ord. No. 5269/5-03)
 - D. Any proposed development subject to the PUD process within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the *Washington County Clean Water Service's Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas*, shall be reviewed for compliance with, and shall comply with the applicable provisions of Chapter 3, *Standard Design Requirements for Storm and Surface Water* of the CWS's Construction Standards and Regulations for Sanitary Sewerage and Storm and

Surface Water Management Systems. (Added by Ord. No. 4982/12-00.)

- E. The allowable residential density shall be established for the subject property, using the net residential acreage as defined in Section 3. Allowable residential density for projects located within or partially within the SNRO District shall be calculated pursuant to Section 131A (14) and (15).

An increase in density above the maximum density allowed in the implementing zone of the underlying Comprehensive Plan designation may be proposed and can be permitted. The applicant must mitigate increased density, and the level of mitigation shall increase as the proposed density increases. At a minimum, the applicant must explain how the increase can be offset through provision of usable open space and amenities, innovative site design, architectural variety, and quality of construction and demonstrate that any adverse impacts can be mitigated.

Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E) (5), in a proposed PUD containing Significant Natural Resource Sites, as shown on the SNRO District Map, the allowable densities shall be reduced within the Significant Natural Resources Overlay District, and may be transferred from the Significant Natural Resources Overlay District to the remainder of the site, as specified in Section 131A. Density reductions and transfers may be allowed in the Tualatin Basin regional Goal 5 Program's Habitat Benefit Areas that are not within the Significant Natural Resource Overlay District.

(Amended by Ord. Nos. 3451/3-84; 4337/8-96; 5269/5-03; 5729/3-07 and 5778/8-07)

- F. Building and parking area setbacks, minimum lot area, lot coverage and building height must conform to the requirements of the zone underlying a majority of the PUD unless a deviation is proposed, considered and approved as a part of the application process. Any such deviation must be justified by the applicant by addressing the exceptions criteria of subsection (K) below. Deviations to lot areas and building setbacks which would reduce such dimensions below the minimum of any applicable mandatory variation range of the zone shall not be allowed, although increases in numbers of lots or structures with reduced dimensions may be allowed. Such deviation shall only be approved if the Planning Commission finds that the proposal conforms to the exceptions criteria of subsection (K) below. Lotting patterns, setbacks, and architectural design shall conform to the intent of the current Development Standards and Design Guidelines adopted under Subdivision Ordinance Article VII. (Amended by Ord. Nos. 3424/9-83; 3889/12-89 and 5778/8-07.)
- G. Parking shall be provided at a minimum ratio of 2.5 spaces per dwelling unit and as specified in Section 84 for other types of uses. The number of spaces may be

reduced to 2 spaces per dwelling unit if the PUD is wholly served with a fully improved public street system including on-street parking on at least one side. Further reductions in the amount of parking to be provided may be proposed by the applicant but shall be approved only if they meet the exceptions criteria of Subsection (K) below. Lotting patterns, setbacks, and architectural design shall conform to the intent or the current Development Standards and Design Guidelines adopted under Subdivision Ordinance Article VII. (Amended by Ord. Nos. 3424/9-83, 3889/12-89, and 5778/8-07.)

- H. Residential PUDs in all non-light rail zones shall provide usable open space within the project based on the gross acreage of the project, as shown in the following table:

Project Gross Acreage	Required Usable Open Space
1.01 to 5.0	5.0%
5.01 to 15.0	7.5%
15.01 to 25.0	10.0%
25.01 to 50.0	12.5%
Over 50.0	15.0%

1. Maintenance of private open space and other PUD facilities, such as private streets, shall be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.
2. Usable open space in residential PUDs shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.
3. Usable open space in residential PUDs may include passive recreational areas only where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:
 - a) public accessways and covered viewing areas are provided;
 - b) only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer

- area visible from the viewing area is applicable toward the requirement.
- c) the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and
 - d) the visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.
4. Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

(Section H amended by Ord. No. 3424/9-83 and 5778/8-07.)

- I. Connectivity. Planning Unit Developments shall provide vehicular, bicycle and pedestrian connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers and other neighborhood facilities in the following manner:
- 1. In PUDs that are 5 acres or more in size, full street connections with spacing of no more than 530 feet between these connections shall be provided except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction or required different street connection standards.
 - 2. Within PUDs in which full street connections are not possible, bicycle and pedestrian connection on public easements or rights-of-way shall be provided with spacing of no more than 330 feet between connections except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction.
 - 3. In PUDs, opportunities to incrementally extend and connect proposed new streets with existing streets in adjacent or nearby areas shall be considered in addition to addressing street connectivity recommendations

shown on the Local Street Connectivity Maps contained within the City's Transportation System Plan.

4. The use of cul-de-sac designs and closed street systems shall be limited to circumstances in which barriers such as topography, railroads, freeways, pre-existing development or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent full street extensions. When permitted, cul-de-sacs shall have a maximum length of 200 feet and shall serve no more than 25 dwelling units.
5. Narrow street designs for local streets may be permitted with city engineer approval, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths.

(Added by Ord. No. 4902/5-00.)

6. Where site conditions are favorable to stormwater infiltration "green streets" designs may be utilized. In these cases, deviation from the street standards contained in Transportation Implementation Measure O and shown on the adopted street cross-sections may be permitted by the City. Permissible design elements and facilities include, but are not limited to, minimizing paving and/or using pervious paving materials, maximizing street tree coverage, using multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems, reducing cul-de-sac radii and using vegetated islands in the center, and minimizing the negative effects of stream crossings. (Added by Ord. No. 5729/3-07)

J. Development of a PUD designated Industrial or Commercial on the Hillsboro Comprehensive Plan Map may allow mixed industrial and commercial uses subject to the following:

1. The site proposed for the PUD is not less than twenty (20) gross acres in size.
2. A minimum of 60 percent (60%) of the land area subject to the PUD shall be devoted to uses allowed by the Hillsboro Comprehensive Plan Map and Zoning Ordinance for the property subject to the PUD. Where a proposed PUD retail commercial use is not allowed by the Hillsboro Comprehensive Plan Map and Zoning Ordinance, no multi-tenant or multi-user retail commercial facility or structure under common ownership or common control in an industrial PUD may be developed at a gross square footage in excess of 15,000 square feet.

3. The PUD preliminary Master Plan shall indicate the approximate size, general location, and character of use of all areas of the site which the applicant designates for uses other than those allowed by the Hillsboro Comprehensive Plan Map and Zoning Ordinance.
4. The PUD preliminary Master Plan shall be submitted accompanied by a set of proposed Covenants, Conditions and Restrictions which the applicant commits to record with respect to the PUD site, if the PUD is approved by the City. The Covenants, Conditions and Restrictions shall incorporate appropriate provisions for the establishment and maintenance of long-term PUD site development standards, including enforcement mechanisms designed to assure coherent, coordinated development, maintenance and use activity with the PUD site.
5. The uses within the PUD which are not allowed by the Hillsboro Comprehensive Plan and Zoning Ordinance shall be consistent with the Purposes of the PUD overlay zone as set forth in Section II above.

(Added by Ord. No. 3889/12-89.)

K. Exceptions. (Amended by Ord. Nos. 3424/9-83, 3889/12-89, 4689/7-98, 5729/3-07, and 5778/8-07.)

1. Building Setback or Yard Requirements. The Planning Commission may grant an exception to the dimensional building setback or yard requirements of the applicable standards based on findings that the approval will result in the following:
 - a. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.
 - b. At least one of the following:
 - (1) a more efficient use of the site;
 - (2) the preservation of natural features or Habitat Benefit Areas which have been incorporated into the overall design of the project;
 - (3) safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

In the instance where adjoining properties to the Planned Unit Development are zoned residential, all structures within the PUD shall be set back from adjoining properties to the minimum setback or yard required of the underlying zone. In addition, the length of a driveway in front of a garage or carport shall not be less than 17 feet when the

driveway is intended to be used as parking and not greater than four feet when the driveway is not intended to be used for parking. (Added by Ord. No. 4689/7-98.)

2. **Building Height.** The Planning Commission may grant an exception to the applicable height requirements for a specified and defined area within the PUD, based on findings that: (Added by Ord. No. 3889/12-89.)
 - a. The transportation system can accommodate increased traffic resulting from additional height; and
 - b. Adequate public utilities are available to serve the additional structural height; and
 - c. The proposal complies with the Federal Aviation Administration's Aviation Regulations (FAR) Part 77; and
 - d. Solar access is maintained to existing solar energy devices on adjacent property.
3. **Parking.** The Planning Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements of the applicable standard based on findings that the approval will result in one of the following: (Amended by Ord. No. 3889/12-89.)
 - a. An exception which is not greater than ten percent of the required parking.
 - b. At least one of the following:
 - (1) a proposed use which is designed for a specific purpose, is intended to be permanent in nature (for example, a nursing home), and has a low demand for off-street parking;
 - (2) an opportunity for sharing of parking including written evidence that the property owners will enter into a binding legal agreement;
 - (3) public transportation is available to the site.
4. **Open Space.** The Planning Commission may grant an exception to the Open Space requirements of this Section upon a finding that:
 - a. The development is within ¼ mile (measured in actual walking distance) of a publicly accessible active open space area such as a public park; or

- b. a minimum of 800 square feet of private open space per lot or dwelling unit is provided for at least 65 percent of the lots or dwelling units in the development. To apply toward this exception, such private individual open space must be configured in contiguous side or rear yards with minimum depths or widths of 10 feet. Second story decks or roof gardens may also apply toward the 800 square foot standard, provided that the decks or gardens are at least 120 contiguous square feet in area.
- 5. Density. The Planning Commission may grant an exception to allow an increase from the maximum density of the underlying zone, up to a maximum of 120 percent of the underlying density, upon finding that: (Added by Ord. No. 5778/8-07)
 - a. existing and proposed streets and pedestrian / bicycle systems within and connecting to the development are adequate to support the proposed density;
 - b. existing and proposed water, sanitary sewer and storm drainage facilities within and connecting to the development are adequate to support the proposed density;
 - c. the increase does not necessitate unnecessary topographic alterations or impact significant natural resource areas, including impact areas;
 - d. the development will provide usable open space and other amenities of exceptional quality or quantity, especially active recreational areas;
 - e. the additional density will be located internal to the project in a manner which decreases the visual impact on adjacent properties; and
 - f. the development demonstrates innovative site design, outstanding architectural variety, and quality of construction.
 - g. the development demonstrates a high level of compliance with habitat friendly, low impact development practices as listed in Zoning Ordinance Section 131B.
 - h. the development demonstrates a high level of compliance with recognized practices for sustainable development, including but not limited to the following: lot and structure orientation for passive and/or active solar energy use; covenants ensuring maintenance of future solar access; use of wind turbines or wind collectors for power generation or passive ventilation; provision of community greenhouses, gardens, or orchards; use of water conserving landscaping; use of storm water harvesting or diversion for irrigation; enhanced tree plantings; and use of green roofs.

(Subsection 5 Added by Ord. No. 5778/8-07)

L. **Significant Natural Resource Sites.**

Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E), applications for proposed PUD's containing Significant Natural Resource (SNR) Sites, as shown on a the Significant Natural Resources Overlay District Map, shall specifically address preservation of natural vegetation and wildlife habitat within the SNR Site. Applications for PUD's in the SNRO District shall be subject to the provisions in Section 131A. Preservation of Habitat Benefit Areas not within the SNRO District shall be addressed.

(Added by Ord. Nos. 4337/5-95 and Amended by 5269/5-03 and 5279/3-07.)

IV. **Preliminary Application.** (Amended by Ord. No. 3424/9-83 and 5778/8-07.)

- A. **Pre-application conference.** Prior to filing an application for preliminary plan consideration, the applicant is encouraged to hold a pre-application conference with the Planning staff to discuss the proposed PUD.
- B. **Application.** An application, with the required fee established in Section 129, for preliminary plan approval shall be made by the owner(s) of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the Planning Department. The applicant shall submit 25 copies of each item listed below:
1. A completed application.
 2. A narrative addressing the standards and criteria established in Section III above, including documentation and justification for any exceptions requested.
 3. A site analysis drawn at suitable scale (in order of preference 1" = 30' or 1" = 100') which, on one or more sheets shows the following:
 - a. a vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bikeways, transit stops, utility lines and easements;
 - b. the parcel boundaries, dimensions and gross area;
 - c. contour lines at the following minimum intervals:
 - (1) 2-foot intervals for slopes from 0 - 25%,

- (2) 5-foot intervals for slopes over 25%;
 - d. the drainage patterns and drainage courses on the site and on adjacent parcels;
 - e. areas of the site within the 100-year floodplain, including a figure giving the area of the site therein;
 - f. resource areas of the site including marsh, wetland, and wildlife Habitat Benefit Areas; (Amended by Ord. No. 5729/3-07)
 - g. significant site features, including areas with unique views, streams, and stream corridors;
 - h. the location, size, and variety of trees having a 6" or greater caliper at 5' above ground or, where the site is heavily wooded, an aerial photograph at the same scale as the site analysis and a drawing showing the location, size, and variety of only those trees that will be affected by the proposed development;
 - i. identification information including the name, address, and phone number of the owner, developer, and project designer;
 - j. a north arrow and the scale.
4. A geotechnical investigation report which shows the following: slope stability studies, on-site site grading, cutting and filling; structural foundation requirements; surface and subsurface drainage recommendations; erosion vulnerability; building or grading limitations, including top of slope offsets and areas restricted for site grading; recommendations for construction of streets, utilities, and structures of the site; and identification of any portions of the site requiring further evaluation by a geotechnical or structural engineer. Unless the Planning Director determines that a geotechnical investigation is warranted due to site-specific characteristics, projects meeting all of the following criteria are exempt from this requirement:
- (a) construction value of the project is \$150,000 or less; and
 - (b) the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; and
 - (c) there is no evidence of any previous fill on the site to a depth exceeding one foot; and

- (d) the project does not include proposed cuts or fills on the site to a depth exceeding one foot; and
- (e) no portion of the site has a slope in excess of ten percent (10%).

(Added by Ord. No. 4893/3-00.)

- 5. A site plan, drawn at the same scale as the site analysis, which, on one or more sheets, shows the following:
 - a. the applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development;
 - b. boundary lines and dimensions for the perimeter of the property and approximate dimensions for all proposed lot lines;
 - c. section lines, corners, and monuments;
 - d. identification information, including the name, address, and phone number of the owner, developer, and project designer;
 - e. the scale and north arrow;
 - f. the location, dimensions and names of all
 - (1) existing and platted streets and other public ways and easements on adjacent property and on the site,
 - (2) proposed streets or other public ways, easements on the site and on adjoining property;
 - g. the location, dimensions, and setback distances of all:
 - (1) existing structures, improvements, utility, and drainage facilities on adjoining properties,
 - (2) existing structures, improvements, utility and drainage facilities to remain on the site,
 - (3) proposed structures and improvements and conceptual plans for utilities, fire suppression and drainage facilities on the site;
 - h. the location and dimensions of

- (1) the entrances and exits to the site,
 - (2) the parking and circulation areas,
 - (3) pedestrian and bicycle circulation patterns,
 - (4) on-site outdoor recreation spaces and common areas,
 - (5) above-ground utilities;
 - i. the location of areas to be landscaped;
 - j. the location and type of street lighting;
 - k. the orientation of structures, except single-family detached structures and duplexes, also showing the orientation of windows and doors;
 - l. the location of group mail boxes.
6. Architectural drawings including proposed building elevations, sections, and floor plans, except for detached single-family and duplex dwelling units;
7. Written statements as called for and a grading and drainage plan at the same scale as the site analysis, addressing the following:
- a. the location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals;
 - b. a statement from a registered engineer supported by factual data that all drainage, both upstream and on the site, can be accommodated, and the amount and rate of run-off leaving the site is minimized;
 - c. a plan, where on-site detention is not feasible, which identifies and mitigates any off-site adverse effects resulting from increased runoff; the plan shall be prepared by a registered engineer.
 - d. identification information, including the name and address of the owner, developer, project designer, and the project engineer.
8. A landscape plan, drawn at the same scale as the site plan, which on one or more sheets shows:

- a. the location of the underground irrigation system or hose bibs (a general description of maintenance of landscaped areas may be submitted where no irrigation system is proposed);
 - b. the location and height of fences and other buffering or screening materials;
 - c. the location, size, and species of the existing and proposed plant materials;
 - d. the location, size, and variety of the trees to be removed.
9. The following information regarding proposed signage:
- a. freestanding sign(s)
 - (1) the proposed location of any freestanding signs shall be shown on the site plan;
 - b. on-building sign(s)
 - (1) the location of any on-building sign shall be shown on the architectural drawings of the building,
 - (2) the plot plan shall show the location of the signs on the building in relation to adjoining property;
 - c. sign installation
 - (1) a drawing to scale shall be submitted to and approved by the Planning Commission showing the dimensions, height, color, materials and means of illumination of each sign prior to its placement on the property;
10. A map showing how proposed street, sidewalks, bike routes and bike ways and pedestrian connections within the proposed planned unit development may be extended onto adjoining undeveloped properties so as not to preclude their efficient development. (Added by Ord. No. 4902/5-00.)
11. A connectivity analysis prepared by an architect, engineer or other appropriate professionals licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed planned unit development and

existing and planned land uses on adjacent properties. (Added by Ord. No. 4902/5-00.)

12. The applicant shall submit either: 1) a determination by CWS that Site Assessment is not necessary or 2) CWS Service Provider Letter. (Added by Ord. No. 4982/12-00.)
13. Site plans, street and driveway cross-sections, landscaping and open space plans, fence and wall plans, street tree plans, and building elevations documenting compliance with the intent of any applicable development standards and design guidelines adopted by the City Council or the Planning Commission pursuant to Subdivision Ordinance Article VII. (Added by Ord. No. 5778/8-07.)
14. An applicant for a project or phase of a multi-phase project that is one or more gross acres in size or which is forecast to generate one hundred (100) or more average daily auto trips, shall submit as a part of the Planned Unit Development application a traffic impact report. The report shall analyze the impact of the project or phase of a project on the City, County and State road and street systems within one (1) mile of the borders of the project or phase of a project, or to such greater distance as necessary until the traffic analysis shows that the impact of the project or phase of a project has dissipated to where it no longer results in an impact of ten percent (10%) or more over current conditions. Such report shall be prepared and certified by a registered traffic engineer. The required report shall comply with the standards listed below:

The report methodology shall generally be in accord with the standards and procedures set forth in Washington County Resolution and Order 86-95 and related code provisions. The report shall distinguish between traffic safety improvements found necessary due to the impacts of the project or phase of a project, and roadway capacity improvements necessary because of the traffic volume generated by the project or phase of a project. The engineer shall include an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and may include a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.

The general performance standards for transportation facilities (as measured for both intersection and roadway segments) shall be the Level of Service ("LOS") measurements shown in Table 137.4. In determining LOS, the report shall utilize the method prescribed in the latest edition of the Highway Capacity Manual published by the Transportation Research Board.

(Added by Ord. No. 5892/12-08.)

- C. Referral.** The Planning Department shall forward copies of the preliminary plans and required supportive material to affected City, County, or other public agencies, requesting comments within 15 days. Written comments or a request for extension must be submitted to the Planning Department by those contacted within 15 days. Failure to respond or request an extension by those contacted will be deemed as not objecting to the proposal as submitted.
- D. Pre-hearing conference.** Prior to preparation of staff notes, either City staff, others contacted for comment, or the applicant may request through the Planning Department a meeting between the applicant and representatives of interested agencies or departments to discuss the proposal and attempt to resolve concerns.
- E. Public hearing.** Prior to approval, denial, or postponement of a decision regarding preliminary plans, a public hearing shall be conducted by the Planning Commission. Unless an extension for good cause is approved by the Planning Director, the hearing shall be held within 40 days after receipt by the Planning Department of all required application materials and the fee.
- F. Notice of Hearing.** The Planning Department shall give notice of the time, date, and place of the public hearing on the preliminary application in accordance with the notification procedure set forth in Section 116 hereof.
- G. Decision.** The granting or denial of a preliminary application by the Planning Commission shall be in the form of a written order which shall include findings of fact, reasons for the approval or denial, and, in the case of approval, conditions found to be necessary to fulfill the purpose and provisions of this Ordinance. An order approving a preliminary plan shall be forwarded to the City Council who may approve an ordinance effecting the approval without further hearing. The Council may initiate their own public hearing to further consider the matter after reviewing the decision of the Planning Commission. Appeals may be made in accordance with Section 118, and shall specifically state the findings of the Planning Commission which are alleged to be in error, and the nature of the alleged error. (Amended by Ord. No. 5892/12-08.)
- H. Phasing.** If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with City standards, policies, plans, and ordinances. Final approval of any phase of a PUD which has been approved for phasing constitutes preliminary re-approval of all subsequent phases for a two year period of time, unless otherwise specified by the Planning Commission.

- I. **Lapse of Approval.** If, prior to final approval, the applicant chooses to abandon the plan and notifies the Planning Commission in writing or fails to file application for final approval within the required period of time, the tentative approval shall be deemed to be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to the underlying zoning and subdivision regulations and the Planning staff shall so note on the official zoning map in the City Hall.

Prior to expiration of tentative plan approval at the end of two years, the Planning Commission may, if requested, extend or modify the tentative approval, providing such extension or modification is not detrimental to the public interest, contrary to the findings and provisions specified herein for planned unit developments, and does not conflict with any changes to the Comprehensive Plan which were approved subsequent to the time of the tentative approval. Unless the Planning Commission provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that have not received final approval.

- J. **Resubmittal following expiration.** Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

V. **Application for Final Approval.**

- A. Within two years after the date preliminary approval is given, the owner may prepare and file with the Planning Director a Final Development Plan, including a subdivision plat, if the development is to be platted, unless otherwise provided as a part of the approval of the Preliminary Development Plan .
- B. Action on the Final Development Plan shall be ministerial and taken by the Planning Director, and
 1. The Planning Director shall approve the Final Development Plan upon finding that the final plan substantially conforms with the preliminary plan approved, or approved with conditions by the Commission or the City Council. If the Final Development Plan does not substantially conform, the applicant may request an administrative modification from the approved Preliminary Plan. Requests for administrative modifications shall be accompanied by a fee as established by the City Council to defray the costs of processing the application. The Planning Director may approve a request for administrative modification only upon finding that all of the following criteria are met: (Amended by Ord. No. 5596/1-06.)
 - a. The change does not increase the residential densities, the lot coverage by buildings or reduce the amount of parking;

- b. the change does not reduce the amount of open space and landscaping;
 - c. the change does not involve a change in use;
 - d. the change does not commit land to development which is environmentally sensitive or subject to a potential hazard, and
 - e. the change involves a minor shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements.
 - 2. A decision by the Director may be appealed, by the applicant or others with standing, to the Planning Commission which shall decide whether the Final Development Plan substantially conforms to the approved Preliminary Plan based on the criteria set forth in #1 above in this Subsection. The decision shall be based on testimony from the qualified appellant, applicant and the staff exclusively. No notice shall be required.
 - 3. The approval of a Final Development Plan which includes a plat constitutes authorization for the presiding officer of the Planning Commission to sign the official plat.
- C. Substantial modifications made to the approved Preliminary Plan will require a public hearing as provided by Section 116. The applicant must pay a fee as established by the City Council to defer costs to the City of a public hearing held for this purpose. (Amended by Ord. No. 5596/1-06.)

(Section V. Amended by Ord. No. 3424/9-83; 5313/10-03, and 5596/1-06.)

VI. Expiration of Approval - Continuation.

- A. If no substantial construction has occurred within two years from the date of approval of the Final Development Plan, the Planning Director shall determine, or may schedule a public hearing before the Commission to determine, the question of whether continuation of approval, in whole or in part, is in the public interest.
- B. The Director or Commission may approve an extension of time annually, approve the extension of time subject to modifications and conditions, or deny the extension of time.
- C. The decision shall be based on findings related to:
 - 1. A change or absence of change in the facts on which the approval was based; and

- 2. A change or absence of change in the policies and ordinance provisions on which the approval was based.
- D. The decision may be reviewed by the Council as provided by Section 118.
- E. In the event of a denial where a recorded plat is involved, the City may take action to have the plat vacated.

(Section VI. Amended by Ord. No. 3424/9-83.)

- VII. Non-Compliance Bond.** Non-compliance with an approved Final Development Plan shall be a violation of this Section. The development shall be completed in accordance with the approved Final Development Plan, including landscaping and recreation areas, before any occupancy of buildings occur, except that: when the Planning Director determines that immediate execution of any feature of an approved Final Development Plan is impractical due to climactic conditions, unavailability of materials or other temporary condition, the Director shall, as a pre-condition to allowing a building to be occupied, require the posting of a performance bond, or other surety, to secure execution of the feature at a time certain not to exceed one year.

(Section VII. Amended by Ord. No. 3424/9-83.)

(Section 127 Added by Ord. No. 2424/4-71; Amended by Ord. No. 3424/9-83 and Ord. No. 4223/4-94.)

Automobile Service Stations**Section 128. Automobile Service Stations.**

- (1) **Short title.** This Ordinance shall be known as the Automobile Service Station Ordinance of the City of Hillsboro.
- (2) **Definition.** Automobile service station. A retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but excluding major automotive repairs, painting, and body and fender work.
- (3) **Location.** No service station shall be located closer than 200 feet from any school or public playground and 400 feet from any church, hospital, nursing home, convalescent home, or home for the aged.
- (4) **Minimum lot size.**
 - a. The minimum area for a service station site shall be 15,000 square feet.
 - b. The minimum street frontage for a service station site on a corner lot shall be 180 feet.
 - c. The minimum street frontage for a service station site on an interior lot shall be 120 feet.
- (5) **Signs.** (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)
- (6) **Exterior lighting.**
 - a. Freestanding lighting fixtures shall not exceed a height of 25 feet; and not more than one fixture shall be permitted for each driveway approach.
 - b. Other exterior lighting as may be necessary shall be permitted, provided no nuisance or traffic hazard is created.
 - c. All lighting shall be of such illumination, direction, color, and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.
 - d. Lighting fixtures on station sites abutting property in a residential district shall be shielded so as to reflect light away from residential zoned areas.

(7) **Screening.**

- a. A sight-obscuring fence or wall not less than six feet nor more than eight feet shall be provided between the service station site and abutting property in a residential zone. Said wall or fence shall be reduced to a three and one-half foot maximum in any required front yard setback.
- b. A screened trash enclosure shall be provided on each station site.

(8) **Landscaping.** Landscaping shall be installed and maintained occupying 5% of the station site net area.

(9) **Other required conditions.**

- a. Sales and storage and display of merchandise shall be conducted within a building except for gasoline, oil, windshield wiper blades, and other accessories of like size.
- b. No storage of inoperative automobiles or parts thereof shall be permitted, except in enclosed structures, for any period exceeding 72 hours.
- c. Off-street parking requirements shall conform in all respects with Section 84.
- d. Abandoned station premises shall be maintained in a safe and businesslike manner and shall not be allowed to deteriorate and become a nuisance or safety hazard. After the effective date of this Ordinance, whenever a service station ceases operation as such for a continuous period of more than two years, the building shall be removed by the owner or other person in control of the property; provided that, for the purpose hereof, the occupancy of premises for less than 90 days shall not be deemed to interrupt the two year vacancy unless such occupancy is accompanied by actual operation of a service station with normal and adequate inventories of gasoline and oil. The nature of a service station structure is such that with long continued vacancy and the accompanying deterioration and obsolescence, the building serves no useful economic or social purpose and injures the value and impairs the development of adjacent properties, all to the public detriment.
- e. The provisions of this Ordinance shall be held to be the minimum requirements for fulfilling its objectives, and where the conditions imposed by provisions of this Ordinance are less restrictive than conditions imposed by other sections of Zoning Ordinance No. 1945, the more restrictive conditions shall govern.

- f. At the time of issuing or renewing a business license to operate a service station, the City Recorder shall issue to the applicant a copy of this ordinance, and it shall thereafter be the duty of the operator of the station to display the said ordinance continuously in a conspicuous place within the service station at all times.

(Section 128 Added by Ord. No. 2526/8-72.)

Home Occupations**Section 128A. Home Occupations.** (Added by Ord. No. 4856/8-00.)**I. Purpose**

The purpose of this section is to permit residents an opportunity to use their homes to engage in small-scale business activities, and to establish approval criteria and standards to ensure that such home occupations are conducted as lawful uses subordinate to the residential use of the property, in a manner neither detrimental, nor disruptive in terms of appearance or operation, to neighboring properties and residents.

II. Applicability and Exemptions

A. Compliance with this Section. No person shall operate a home occupation, or allow such use to occur without a home occupation permit and business license on property which that person owns or is in lawful control of, contrary to the provisions of this Section.

B. Exemptions. The following activities are exempted from the provisions of this Section:

(1) Garage sales as allowed by the Hillsboro Municipal Code (Amended by Ord. No. 5982/9-11);

(2) Child care facilities for up to 16 children or adult day care for up to 12 adults, as exempt from the provisions of this Section by ORS 657A.440 and ORS 657A.250; (Amended by Ord. Nos. 5168/7-02, 5653/8-06.)

(3) Residential homes or adult foster homes, providing residential treatment or training for up to five adults who are not related to the provider by blood or marriage pursuant to ORS 443.705 (1) as exempted from the provisions of this Section under ORS 197.665.

III. Application Procedures

A. Home Occupation Permit. An application for a home occupation permit shall be reviewed and approved by the Planning Director, and in the case of a bed and breakfast inn in any residential zone, except the SCR-DNC district, shall be reviewed pursuant to the provisions of Sections 78 to 83, Conditional Uses.

B. Required Signatures. Application forms for all home occupation permits, including the Conditional Use application in the case of a bed and

breakfast inn in a residential zone, shall be signed by the person wishing to conduct the business and by the owner of the property.

- C. City Business License. Prior to issuance of a business license, the applicant must obtain a home occupation permit. In no case shall a home occupation be operated without a permit and a business license.

IV. General Approval Criteria and Performance Standards

- A. Approval Criteria. An application for a home occupation permit, other than a bed and breakfast inn, will be approved if the applicant demonstrates the proposed home occupation complies with the standards in subsection (B) below. An application for a home occupation permit for a bed and breakfast inn in a residential zone is subject to the standards of subsection (C) below, and to the approval criteria in Sections 78 through 83 of this Ordinance.
- B. Home Occupation Standards. The following standards are established for home occupations other than bed and breakfast inns:
- (1) (Deleted by Ord. No. 5676/10-06.)
 - (2) There shall be no displays or other evidence that would indicate from public right-of-ways or abutting residences that the dwelling or any accessory structure is used in whole or in part for any purpose other than residential use.
 - (3) There shall be no change in the Uniform Building Code occupancy classification of the dwelling unit or any portion of the dwelling unit or accessory structure.
 - (4) No more than 25% of the floor area of all structures on the lot, or 528 square feet, whichever is less, may be used in connection with a home occupation or for storage purposes associated with the business.
 - (5) There shall be no outside storage of equipment, materials, or supplies associated with the home occupation, nor shall there be any storage or use of explosive, flammable, radioactive, toxic or other hazardous materials that are not normally found in the home nor in amounts not normally associated with a residence. Specific limitations and requirements for the storage of hazardous materials in a residence are found in and regulated by the Uniform Fire Code.

- (6) No one other than the principal residents of the dwelling and no more than two persons closely related to the principal residents shall be engaged in the home occupation at the dwelling site.
- (7) No more than one commercially licensed vehicle in excess of one-ton manufacturer's rating shall be utilized or parked at the dwelling unit by any resident of the premises in connection with the home occupation.
- (8) No more than an average of ten customer vehicle trips per day with no more than two customer vehicles on the premises at any time.
- (9) No more than three business related deliveries per week are allowed. Such deliveries shall not restrict pedestrian or vehicular circulation on adjoining public streets and sidewalks. Deliveries by the U.S. Postal Service are not considered business related deliveries for purposes of this provision.
- (10) The generation by the home occupation of any noise, vibrations, odors, heat, glare or visual or audible electrical interference or fluctuations in the line voltage detectable beyond any property line is prohibited.
- (11) No direct retail sales are permitted, excepting the occasional sale of products associated with the home occupation, with such sales being clearly secondary to the primary business activity.
- (12) No customers may enter the premises between the hours of 9:00 p.m. and 7:00 a.m.

C. Bed and Breakfast Inn Standards. The following standards are applicable to bed and breakfast inns permitted as conditional uses in residential zones: (Amended by Ord. No. 5910/6-09)

- (1) (Deleted by Ord. No. 5676/10-06.)
- (2) No more than an average of five customer vehicles may access the premises on a daily basis.
- (3) No more than an average of two business related deliveries per day is allowed. Such deliveries shall not restrict pedestrian or vehicular circulation on adjoining public streets and sidewalks.
- (4) No more than one person who is not a principal resident of the dwelling shall be engaged in the home occupation at the dwelling site at any one time.

- (5) The Conditional Use application shall include a parking plan, which includes:
- a) In addition to the minimum required off-street parking for the residential use, one (1) off-street parking space shall be provided for each bed and breakfast inn bedroom unit.
 - b) All parking shall be contained on an all-weather surface within site boundaries, and within the driveway leading to the garage/carport vehicle entrance. One parking space may be allowed adjacent to the driveway, in the area in front of the required side yard adjacent to the garage/carport, with evidence of written permission from the owner of the property adjacent to the additional space. If no garage/carport is present, then parking shall be designed to minimize its appearance from the street and its impact to adjacent residents, and to maintain a residential appearance for the site.
 - c) Solid fence or wall together with landscaping, to buffer surrounding residents from the negative effects of headlights and noise from guest or employee vehicles.

(Added by Ord. No. 5910/6-09)

- (6) The dwelling to be used as a bed and breakfast inn shall have been occupied as a residence for at least five years prior to the date of application submittal. (Added by Ord. No. 5910/6-09)
- (7) The dwelling to be used as a bed and breakfast inn shall be occupied as the primary residence of the person or persons identified as the operator of the bed and breakfast. Primary residence is defined as the operator's permanent residence of record as substantiated by official documents such as driver's license or tax forms. (Added by Ord. No. 5910/6-09)
- (8) There shall be no commercial gatherings. Commercial gatherings include weddings, meetings, receptions, or other gatherings for direct or indirect compensation. (Added by Ord. No. 5910/6-09)

D. Conditions of Approval. The Planning Director, or the Planning and Zoning Hearings Board in the case of a bed and breakfast inn permitted as a conditional use in a residential zone, may impose conditions upon approval of a home occupation permit or conditional use permit, as applicable, to ensure compliance with the purpose of this Section. These conditions may include, but are not limited to, the following:

- (1) Further limiting the hours, days, place and manner of operation;

- (2) Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
- (3) Requiring additional building setbacks;
- (4) Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
- (5) Designating the size, number, location and design of vehicular access points;
- (6) Requiring street right-of-way to be free at all times of vehicles associated with the home occupation, including vehicles of employees of contractors who have permitted home-based offices;
- (7) Requiring landscaping, buffering and/or screening of the home occupation from adjoining uses, and establishing standards for the continued maintenance of these improvements;
- (8) Requiring storm drainage improvements, and surfacing of parking and loading areas;
- (9) Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
- (10) Limiting or setting standards for the location and intensity of outdoor lighting;
- (11) Requiring and designating the size, height and location of fences and materials used for their construction; (Amended by Ord. No. 5676/10-06.);
- (12) (Deleted by Ord. No. 5676/10-06.);
- (13) Limiting the type and number of vehicles or equipment to be parked or stored on the site;
- (14) Any other limitations which the Director or Hearings Board considers to be necessary or desirable to make the use comply with the purpose and standards of this Section, and
- (15) Requiring conformance with any other applicable City and/or State codes.

V. Uses Prohibited as Home Occupations

The following uses shall be prohibited as home occupations:

- (1) Auto-body repair and painting;
- (2) On-going mechanical repair conducted outside of an entirely enclosed building;
- (3) Junk and salvage operations;
- (4) Storage and/or sale of fireworks;
- (5) Any use that is consistent with the definition of Home Occupation, but that does not comply with the standards in subsection IV of this Section.

(Amended by Ord. No. 5653/8-06)

VI. Renewal.

Home occupation permits shall be valid as long as an active City business license is maintained provided that the home occupation complies with provisions of this Section and with any conditions of approval attached to the permit.

VII. Revocation and Re-application.

A. Grounds for Revocation. (Amended by Ord. No. 5982/9-11.) A business license for a permitted home occupation is subject to revocation at any time by the City Council for cause pursuant to the Hillsboro Municipal Code under the following circumstances:

- (1) There is a violation of any provision of this Code;
- (2) There is a violation of any term or condition of any applicable permit;
- (3) Failure to pay the City business license fee when due.

B. Waiting Period for Re-application. When a business license for a home occupation permit is revoked due to violation of the standards of this Section, or any condition of approval attached to the permit, a minimum period of 60 days shall elapse before another application for a home occupation permit on the subject property will be considered.

VIII. Invalidation.

Any home occupation permit is invalid and use of the property for any home occupation is prohibited if a permittee moves, unless a new permit is granted.

Land Use Application and Permit Review Fees

Section 129. Land Use Application and Permit Review Fees. For the purpose of defraying the costs incurred by the City in processing land use and building permit applications, each application initiated by a property owner or authorized agent of the owner shall be accompanied by fees as established by the City Council. The Council shall hold a public hearing to establish land use application fees. Notice of such hearing shall be published in the local newspaper, and the proposed fee schedule shall be available in the Planning Department and on the City's web site.

(Section 129 Amended by Ord. Nos. 2875/1-78; 3320/5-82; 4133/3-93; 4247/6-94; 4467/8-96; 4530/3-97; 4725/10-98; 5313/10-03, 5596/1-06, 5822/12-07.)

Section 129A. Neighborhood Meetings

(Added by Ord. No. 5778/8-07.)

- (1) Purpose and Intent. Neighborhood meetings encourage citizen involvement and participation, and identification of issues, early in the development process. The purpose of neighborhood meetings is to provide an opportunity for the applicant, surrounding neighbors and interested parties to meet, to review a development proposal, and to identify issues regarding the proposal. These issues can then be addressed prior to application submittal in a manner consistent with the City's requirements. A neighborhood meeting is intended to facilitate submittal of an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by reducing continuances and appeals.
- (2) Applicability. The following applications shall be subject to the neighborhood meeting requirements: planned unit developments; conditional uses; floodplain alterations or special uses in the floodplain; and Type 2 Significant Natural Resource Permits.
- (3) Procedures
 - A. Neighborhood meetings shall be held at a location in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening, or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to surrounding neighborhood, at the same notification radius required by the City for that type of application. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.
 - B. At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.
 - C. The Planning Commission may establish by Resolution specific requirements for notification, posting, and conduct of neighborhood meetings, and may vary the requirements among applications. Once established, requirements may be amended by Planning Commission Resolution.
- (4) Neighborhood meetings and application submittal. The neighborhood meeting notes, list of parties notified, dated photographs documenting site posting, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be

included with the development application upon submittal. If the development proposal is revised after the neighborhood meeting, with the addition of one or more tax lots or the substantial revision of major elements as cited in Section c.2, a second neighborhood meeting with a new notice shall be required before the revised application is submitted.

- (5) Non-compliance with requirements. Compliance with the provisions of Section 129A is a jurisdictional requirement of the Hillsboro Zoning Ordinance. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted, such application shall not be accepted by the City.

Planning and Zoning Hearings Board

Section 130 Planning and Zoning Hearings Board There is hereby created in the City of Hillsboro, a Planning and Zoning Hearings Board, herein referred to as the Hearings Board. Said Hearings Board shall consist of nine (9) members. Three (3) members shall be graduates of a law school accredited by the State of Oregon Supreme Court; of these three (3) one person shall serve as Hearings Board Chair, the second and third shall serve as alternate Hearings Board Chairs. The other six (6) members will be chosen at large. For the purpose of hearing a particular application, the Board shall consist of three (3) members, including the chair or one of the alternate chairs, and two (2) of the six (6) at-large members selected on the basis of availability.

- (1) **Term of Office: Vacancies.** The Members of the Board shall be appointed by the Mayor and approved by the City Council. Except as provided by this Section, the term of office shall be three years and shall expire on December 31 of the year the term ends. The terms shall be staggered so that the terms of two at-large members expire each year for three consecutive years. The term of the Chair and Alternate Chairs also shall be staggered so that a term ends each year for three consecutive years. The term of a person appointed to fill a vacancy created by resignation, death, or removal of a member shall expire at the end of the term of the vacating member.
- (2) **Function of the Board.** The Board shall conduct public hearings and make determinations on applications for conditional uses, modifications of nonconforming uses, variances, changes to the zoning map (zone changes) and such other applications as the Council or Planning Commission shall from time to time delegate according to the procedure set forth in this Ordinance. The Chair shall adopt procedures for the order of arguments, marking of exhibits and such other procedures necessary for a fair and orderly hearing. All other public hearings required by this Ordinance shall be conducted by the Planning Commission or the City Council.
- (3) **Decision of the Board.** Within 10 days after the conclusion of the hearing, the Chair shall submit to the two other participating Board Members the proposed decision, including a summary transcript of the hearing, findings of fact and conclusions, and the Chair's recommendations for granting or denying the application. Within 10 days of receiving the proposed decision, the other Board Members shall submit a statement in writing agreeing with or objecting to the Chair's recommendation. If both members object to the recommendation, the Chair will direct the City Recorder to renotify all persons necessary of the need for a public meeting, at which time the Board will make a final determination and prepare a written decision. If no final decision can be reached at the public meeting, the application will be forwarded to the City Council along with the written recommendation from each member of the Board hearing the matter. The Council will then make the final determination. In the event that only one Board member objects to the proposed decision, or if there is unanimous

agreement, the decision shall be considered adopted by the Board. The decision as adopted shall be signed by the Chair of the Board.

(Section 130 Amended by Ord. No. 4458/8-96.)

Regulatory Floodplain District (RFD)**Section 131. Regulatory Floodplain District - RFD.**

- (1) **Purpose.** The Regulatory Floodplain District is established for the following purposes:
- (a) To reduce the potential danger and serious damage to life and property due to flooding;
 - (b) To control the alteration of, encroachment into and use of areas subject to flooding; and
 - (c) To reduce the financial burden imposed on the community as a result of flood damage.
- (2) **Definitions.**
- (a) **"Base Flood"** – a flood that has a one percent chance of occurrence in any single year, as established by the Federal Emergency Management Agency (FEMA) data or the best available information. Also referred to as the "100-year flood". (Added by Ord. No. 5523/6-05).
 - (b) **"Base Flood Elevation"** – the limits of the base flood are delineated by the City Engineer as identified on the most current National Flood Insurance Rate Maps (FIRM), and the Flood Insurance Study for the City of Hillsboro and for Washington County. (Added by Ord. No. 5523/6-05).
 - (c) **"Channel" or "Watercourse"** - a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically. (Amended by Ord. No. 3308/4-82).
 - (d) **"Elevated Structure"** - A structure constructed over the floodplain either on a permanent foundation or pilings to elevate the lowest floor above the base flood elevation. (Amended by Ord. No. 3308/4-82 and by Ord. No. 5523/6-05).
 - (e) **"Fill"** - any act by which earth, sand, gravel, rock, structures, or any similar material is deposited, erected, placed, pulled, or transported, including the conditions resulting there from, within the limits of the floodplain. (Amended by Ord. No. 3308/4-82).
 - (f) **"Flood"** - a temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel. (Amended by Ord. No. 3308/4-82).
 - (g) **"Flood Fringe"** - that portion of the floodplain not contained in the floodway. (Amended by Ord. No. 3308/4-82).
 - (h) **"Flood Insurance Rate Map (FIRM)"** – means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
 - (i) **"Flood Insurance Study (FIS)"** – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-

Floodway Map, and the water surface elevation of the base flood. (Added by Ord. No. 5523/6-05).

- (j) **"Floodplain"** - the flood hazard area adjoining a channel or watercourse that is subject to inundation by regional flood including both the floodway and flood fringe. (Amended by Ord. No. 3308/4-82).
- (k) **"Floodproofed Structure"** - Any structure, together with its attendant utilities and sanitary facilities, which has been certified by a registered professional engineer or architect as having met the following criteria:
 - 1) Below the 100-year Flood level, the structure is watertight, with walls substantially impermeable to the passage of water; and
 - 2) The structure is built of structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - 3) The design and construction methods of the structure shall be in accordance with accepted standards for meeting Section 131 (2)(k)(1), and 131 (2)(k)(2).

A record of such certification indicating specific elevations to which the structures are floodproofed shall be maintained with the Building Department of the City of Hillsboro.

(Amended by Ord. Nos. 3308/4-82; and 3707/6-87).

- (l) **"Floodway"** – a channel or watercourse and the adjacent land areas that must be reserved in order to discharge the 100-Year flood without cumulatively increasing the water surface elevation more than one foot. The elevation and location of the floodway is identified on the most current National Flood Insurance Program Flood Boundary, Flood Insurance Study and Floodway Map for the City of Hillsboro, and for Washington County. (Added by Ord. No. 3308/4-82; Amended by Ord. No. 3707/6-87 and by Ord. No. 5523/6-05).
- (m) **"Lowest Floor"** – is the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements. (Added by Ord. No. 5523/6-05).
- (n) **"Structure"** - For the purposes of Section 131 only, the definition of structure contained in Section 3 (84) of this Ordinance, No. 1945, includes manufactured homes used for residential, commercial, or industrial purposes. (Added by Ord. No. 3707/6-87; Amended by Ord. No. 5523/6-05).
- (o) **"Substantial Damage"** – A structure has been substantially damaged if the cost of repairing the structure to its condition before the damage occurred equals or exceeds 50 percent of the market value of the structure prior to the damage. (Added by Ord. No. 5523/6-05).

(p) **“Substantial Improvement”** – means any repair, reconstruction, or improvement of an existing structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Added by Ord. No. 5523/6-05)

(Subsection (2) Amended by Ord. No. 5523/6-05).

(3) Establishment of Regulatory Floodplain District (RFD)

- (a) A Regulatory Floodplain District (RFD) is hereby created as a superimposed zone applied over existing zones, the boundaries of which encompass the Floodplain.
- (b) Where provisions of this Section conflict with those of the underlying zone, the more restrictive provisions shall prevail.
- (c) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study” for the City of Hillsboro, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of this ordinance. The City Engineer shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Any appeal of the City Engineer’s interpretation under this section shall be made to the City Manager or the Manager’s designee. (Added by Ord. No. 5523/6-05).

(4) Compliance

No structure, whether public or private, shall hereafter be located, extended, converted, expanded, enlarged, replaced, or structurally altered, and no change or alteration of use of land, public or private, and no encroachment or fill shall take place within the boundaries of the RFD without full compliance with the terms of this Ordinance.

(5) Uses Permitted Outright in Regulatory Floodplain District.

The following open space, utility, transportation, and environmental mitigation uses shall be permitted in the RFD to the extent that they are not prohibited by the provisions of any underlying zone. These uses shall be in compliance with applicable Federal, State, and local requirements, and shall not include any topographic alterations or encroachments. Uses permitted outright in the RFD shall be approved only upon certification by a registered professional civil engineer demonstrating that the alterations satisfy a no-rise analysis and will not reduce the capacity of the site to carry the base flood, or cause any increase in the base flood level: (Amended by Ord. No. 4642/1-98 and by Ord. No. 5523/6-05).

- (a) Agricultural use, except for the raising of livestock, that is conducted without a structure other than a boundary fence; (Amended by Ord. No. 3294/1-82.)
- (b) Temporary structures that will be removed during the period of flood risk;
- (c) Recreational uses requiring only minor structures such as picnic tables and barbecues, which are firmly anchored and built of flood-resistant materials; (Amended by Ord. No. 3707/6-87.)
- (d) Residential uses that do not contain buildings;
- (e) Underground utility facilities adequately protected from water damage; and constructed to minimize infiltration by flood waters; (Amended by Ord. No. 3707/6-87.)
- (f) Repair, reconstruction, or improvements of an existing structure, the cost of which is less than 50 percent of the market value of the structure prior to the improvement or damage requiring reconstruction. Such repairs, reconstruction, or improvements shall be constructed to minimize flood damage, by using flood-resistant materials, anchoring, and the protection of on-site public and private utilities where applicable. (Amended by Ord. Nos. 3308/4-82; and 3707/6-87.)
- (g) Repair, reconstruction, or improvements of an existing structure including repair or replacement of underground water and/or sanitary systems necessary to correct existing code violations that cause unsafe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Added by Ord. No. 5523/6-05).
- (g) Public roadways, light rail transit tracks and associated bridges and crossings, bikeways, and footpaths, needed to implement Section 13 of the Transportation element of the Hillsboro Comprehensive Plan Ordinance No. 2793. Any construction, reconstruction, or repair of public roads, light rail transit tracks and associated bridges and crossings, bikeways, or footpaths shall require the approval of the City Engineer to assure compliance with the intent of this Ordinance. Said public roadway, light rail transit tracks and associated bridges and crossings shall have their travel surfaces elevated one foot above the elevation of the 100 year floodplain. (Added by Ord. No. 3460-A/5-84; and Amended by Ord. No. 4300/12-94.)
- (h) Wetland or floodplain mitigation, restoration, or other enhancement that does not reduce floodplain carrying capacity, reduce floodplain storage capacity, or raise

floodwater elevations. Mitigation and enhancement projects may be exempt from the provisions of Sections 131 (7) (b) and 131 (7) (c) (1) through (7) (c) (4), and (7) (c) (10), but shall comply with the provisions of Sections 131 (7) (c) (5) through (7) (c) (9). Mitigation and enhancement are also subject to review by the Oregon Division of State Lands and the US Army Corps of Engineers. (Added by Ord. No. 4642/1-98).

(Subsection (5) Amended by Ord. No. 5523/6-05).

(6) Uses Requiring Special Use Approval

The following uses may be permitted upon approval of the Planning Commission. The procedure for permitting these uses shall be the same as provided for in Sections 78 - 83, except the matter will be heard before the Planning Commission:

- (a) Any roadway, excepting those roadways defined by Section 131 (5) (g), airport runway, dock, pier, and parking spaces not otherwise required by this Ordinance.
- (b) Above-ground utility structures, only if constructed and installed to minimize flood damage and infiltration by flood waters;
- (c) Storage of material or equipment that shall be either not subject to damage by a flood, or readily removable. If not readily removable, the material or equipment shall be anchored to prevent flotation resulting in damage to other structures or obstruction of the water flow;
- (d) Recreation vehicle parks or camping areas shall be occupied fewer than 180 consecutive days, and not during the period of flood risk. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on Hillsboro's FIRM must be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions. All on-site improvements which are not to be removed during periods of flood risk shall be constructed to minimize flood damage in accordance with Section 131 (5)(c) and (5)(e); (Amended by Ord. No. 5523/6-05).
- (e) Alteration of the topography, including cuts and fills, grading, paving, mining, dredging, drilling, or other similar operations.
- (f) Elevated structure;
- (g) Floodproofed structure;
- (h) Recreational uses not included in Subsection (5)(e);
- (i) Accessory structure or use not subject to flood damage;
- (j) Radio transmission facilities;
- (k) Raising of livestock;
- (l) (Deleted by Ord. No. 5523/6-05).

- (m) Reconstruction or improvements of an existing structure, including repair or replacement of private underground water and/or sanitary systems, to that structure, that has incurred substantial damage where damage of any origin was sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Added by Ord. No. 5523/6-05).

(Subsection (6) Amended by Ord. No. 3707/6-87 and by Ord. No. 5523/6-05).

(7) Standards Governing Special Use Approvals in the Regulatory Floodplain District

A special use approval in the RFD shall comply with the Hillsboro Comprehensive Plan, with other applicable Federal, State and local requirements, and with the following:

- (a) Those standards contained in Section 83;
- (b) No encroachment, alteration, filling, construction of structures, or other similar activities shall be allowed in the floodway, with the exception of: (Amended by Ord. No. 5523/6-05).
 - 1. those activities allowed outright in Section 131(5), and
 - 2. with the addition of above-ground utility structures as cited in Section 131 (6)(b) and (7)(e); bridges, and those activities intended for erosion control where:
 - a) Certification by a registered professional civil engineer is provided demonstrating that a no-rise analysis was completed and that the proposed activity shall not result in any increase in flood levels during the occurrence of the base flood,
 - b) If 2. a) is satisfied, then all applicable provisions of the RFD shall be met.
- (c) Alteration of the topography, including cuts and fills, grading, paving, mining, dredging, drilling, or other similar operations in the flood fringe only if:
 - (1) No more than 30% of the lot area of the subject parcel(s) within the floodplain is impacted by fill, alteration or encroachment. (Amended by Ord. No. 4695/8-98.)
 - (2) All cuts and fills are made to a depth not to exceed 5 feet or made to a depth commensurate with the surrounding topography;
 - (3) There is no alteration of the topography below the lowest pre-existing elevation on the property;
 - (4) No impoundment of water occurs except in conjunction with the uses allowed in Section 131(5) and (6);
 - (5) All resultant slopes created by alteration of the topography are no greater than 20%;

- (6) All impacted areas are stabilized from erosion with vegetation;
 - (7) All construction activity and stabilization be accomplished between May 1st and September 1st of the same year or as approved by the City Engineer;
 - (8) All fills are balanced by corresponding cuts so that the on-site storage capacity of the floodplain is retained;
 - (9) All cut and fill activity is conducted so as to avoid disturbing the topography or vegetation of floodplain areas adjacent to the alteration. Adjacent floodplain areas disturbed during cut and fill activity shall be restored to their natural state in accordance with the standards of Section 131 (7); and
 - (10) All other standards of Section 131 (7) are met.
- (d) Elevated residential, commercial, and industrial structure, only if: (Amended by Ord. No. 5523/6-05)
- (1) The lowest floor including the basement is at least one foot above the base flood elevation;
 - (2) Each unit directly accesses to and abuts land which is above the base flood elevation;
 - (3) All parking spaces required by this ordinance are above the base flood elevation;
 - (4) All construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage.
 - (5) All new utility systems serving the structure are designed, elevated, or located to prevent floodwater from entering;
 - (6) All new water and sanitary sewer systems are designed and constructed to minimize flood damage and infiltration;
 - (7) On-site private waste disposal systems are located above the base flood elevation; (Added by Ord. No. 5523/6-05)
 - (8) The structure includes no fully enclosed areas below the elevation of the base flood which are not designed to allow the entry and exit of floodwater. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (a) a minimum of two openings shall be provided, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (b) the bottom of all openings shall be no higher than one foot above grade; and

- (c) any screens, louvers, or other devices or coverings on the openings shall permit the automatic entry and exit of flood waters.
 - (9) The structure is firmly anchored, to prevent flotation, collapse and lateral movement;
 - (10) The use will not result in any increase in flood levels during the Base Flood;
 - (11) All other standards of Section 131(7) are met;
 - (12) Rebuilt residential uses shall be exempt from Section 131(7)(d)(2) and Section 131 (7)(d)(3)
 - (13) Crawlspace areas constructed under the building shall comply with the FEMA and Federal Insurance and Mitigation Administration guidelines as specified in the NFIP. (Added by Ord. No. 5523/6-05)
- (e) Flood-proofed commercial and industrial structures only if:
- (1) The structure and all associated utility systems, are floodproofed below an elevation 1' above the base flood elevation; (Amended by Ord. No. 5523/6-05)
 - (2) All construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage.
 - (3) All utility systems serving the structure are designed, elevated, or located to prevent floodwater from entering;
 - (4) All water and sanitary sewer systems are designed and constructed to minimize flood damage and infiltration;
 - (5) The structure is firmly anchored to prevent flotation and lateral movement;
 - (6) The use will not result in any increase in flood levels during the Base Flood;
 - (7) Prior to issuance of a certificate of occupancy a FEMA Flood Proofing Certificate filed with the Building Department, the property insurer, and the building owner; and (Added by Ord. No. 5523/6-05)
 - (8) All other standards of Section 131(7) (a) and (b) are met. (Amended by Ord. No. 5523/6-05).
- (f) Accessory structure or use only if:
- (1) The structure is not used for human habitation;
 - (2) The structure is designed to have low flood damage potential;
 - (3) The structure is constructed and placed on the site so as to offer the minimum resistance to the flow of flood waters;

- (4) The structure is firmly anchored to prevent flotation and lateral movement;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed;
- (6) The use will not result in any increase in flood levels during the Base Flood.
- (g) Raising of livestock only if:
 - (1) the subject property is adjacent to the Regional Urban Growth Boundary;
 - (2) the number of animals proposed does not exceed the carrying capacity of the floodplain area involved;
 - (3) a minimum of one acre is available and included for the use;
 - (4) the livestock is of a grazing variety, including, but not limited to, horses, cows, sheep, and swine;
 - (5) the use be carried out only during the dry season, usually between May 1 and October 1 of the calendar year, but subject to modification upon review of the Planning Director or as approved during the hearing process;
 - (6) all other applicable standards of Section 131 (7) are met.

(Subsection 7. Amended by Ord. No. 3707/6-87 and by Ord. No. 5523/6-05).

(8) Additional standards as required

- (a) All new development proposals located within floodplain areas in the City shall identify in the application the Base Flood elevation, as established by the most current National Flood Insurance Rate Maps or the best available information for the City of Hillsboro, and for Washington County. If the Base Flood elevation is not available, it shall be provided to the City, by a registered professional engineer, architect, or land surveyor, for any development which is one (1) acre or 10 lots (whichever is less). No lot shall be created below the Base Flood elevation without first complying with the appropriate sections of this ordinance. When reviewing applications for development located in floodplain areas of the City, the Planning Commission shall consider the following additional criteria: (Amended by Ord. No. 5523/6-05)
 - (1) Consistency of the proposal with the need to minimize flood damage;
 - (2) Location and construction of public utilities and facilities such as sanitary sewer, natural gas, electrical and water systems, in a manner which minimizes flood damage;
 - (3) Provision of adequate storm drainage to reduce exposure to flood damage.
- (b) The City Engineer shall verify the flood elevation on any floodplain land prior to the issuance of a building permit. A registered professional engineer, architect, or land surveyor shall further certify the specific as-built elevation of the finished floor, and that the finished floor is one foot above base flood level unless floodproofed. The record of such certifications and elevation verification shall be recorded on

permanent record with the Planning Department of the City of Hillsboro. (Amended by Ord. No. 5523/6-05)

- (c) The City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer Section 133.
- (d) The City Building Official shall review all building permits to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- (e) Prior to issuance of final occupancy certificates floodproofed commercial and industrial structures built pursuant to Section 131(7)(e) shall have on file with the Planning Department a completed FEMA Floodproofing Certificate (FEMA form 81-65). (Added by Ord. No. 5523/6-05)
- (f) The City shall notify Washington County, DLCD, Corps of Engineers, Clean Water Services, Department of State Lands and any other adjacent jurisdictions prior to any alteration or relocation of a watercourse within the City, and shall submit evidence of such notification to the Federal Insurance Administration. (Amended by Ord. No. 5523/6-05)
 - (1) Watercourse alterations or relocations must be approved by the City Engineer prior to construction.
 - (2) Altered or relocated watercourses must be maintained so that the flood-carrying capacity of the watercourse is not diminished.

(Section 8 Amended by Ord. No. 3707/6-87 and by Ord. No. 5523/6-05).

(Section 131 Added by Ord. No. 3123/7-80.)

Section 131A. Significant Natural Resources Overlay (SNRO)

(Added by Ord. No. 5269/5-03)

- (1) **Purpose.** The Significant Natural Resources Overlay (SNRO) District is established for the following purposes:

- a) To provide protection for Significant Natural Resources under Statewide Planning Goal 5 (Natural Resources) and the provisions of the Goal 5 administrative rule (OAR 660, Division 23). For the purpose of this ordinance, Significant Natural Resources are designated as Significant Wetlands, Riparian Corridors and Wildlife Habitat. These resources have been inventoried within the City of Hillsboro according to procedures, standards and definitions established under Goal 5 and are identified in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01).
- b) To establish standards to conserve and protect the functions and values of Significant Natural Resources while allowing reasonable economic use of property where adverse impacts to the resources can be mitigated.
- c) To establish standards and procedures for evaluating and permitting developments, alterations and vegetation removal that affects Significant Natural Resources.
- d) To enhance coordination between County, state, federal and other jurisdictional agencies and regional planning efforts, including Clean Water Services, Metro and the Tualatin Basin Goal 5 program, regarding alterations and development activities in or proximate to Significant Natural Resources.

- (2) **Definitions**

- a) **Abbreviated Environmental Report.** A report that at a minimum, includes the information specified in Section 7(c)(1), and describes the condition of natural resources on a site and the general location of resource boundaries as indicated through photos showing site conditions and staked areas depicted on a site map including where site alteration or structures are proposed, and analyzes the impact of Development on Significant Natural Resources. It also demonstrates how the proposed Development can be carried out on the site in conformance with applicable standards for Development in SNR Sites and Impact Areas.
- b) **Break in Slope.** The transition point where a valley or river bank slope flattens and represents an historic geologic terrace of a stream or river. The point at which the grade extending from a break in slope, away from the stream or river, is less than 25%. Break in slope is also commonly referred to as top of ravine in steeply sloped

headwater environments. Break in slope does not include minor surface anomalies that result from localized landslide slumps or site grading.

- c) **Creation (of a natural resource).** Creation begins with a non-wetland, riparian or wildlife habitat ecosystem and attempts to modify the vegetation, hydrology and/or topography in order to create the desired conditions. Modification of the soils and vegetation may be included in a creation design in order to facilitate the transition to a natural resource system. The goal of creation projects is to produce a functional wetland, riparian area, or wildlife habitat.
- d) **Dangerous Tree.** Any tree which, in the opinion of an expert approved by the City of Hillsboro (such as, but not limited to, an arborist, a professional forester or landscape architect), has a strong likelihood of causing a hazard to life or property.
- e) **Delineation.** An analysis of a resource by a Qualified Natural Resources Professional that determines its boundary. Wetland boundaries shall be delineated using methods described in the 1987 US Army Corps of Engineers Wetlands Delineation Manual or using methods currently accepted by the Oregon Division of State Lands and US Army Corps of Engineers. Riparian and wildlife habitat boundaries shall be based on an assessment of the tree canopy and plant communities described for the resource in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01).
- f) **Development.** All human-induced changes to improved or unimproved real property including:
 - 1. Construction of new structures which increase the building footprint on the real property;
 - 2. Redevelopment;
 - 3. Change to existing lot boundaries including, but not limited to, subdivisions and minor partitions;
 - 4. Site alterations resulting from clearing, grading, filling, excavating, dredging, surface mining;
 - 5. Paving;
 - 6. Construction of earthen berms and retaining walls; and
 - 7. Vegetation removal.
"Development" does not include:
 - 8. Farming activities when conducted in accordance with accepted farming practices as defined in ORS 30.930, ORS 568.900 or any successor laws; and

9. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) or any successor law.
- g) **Enhancement.** Modification of a SNR Site to improve its resource functions and values or modification of an Impact Area to improve its ability to buffer the adjacent resource from the adverse impacts associated with Development.
- h) **Environmental Report.** A report that at a minimum, includes the information specified in Section 7 (c)(2), and describes the condition of natural resources on a site and specific resource boundaries, and analyzes the impacts of Development on Significant Natural Resources. It also outlines measures to prevent negative impacts and provides mitigation and enhancement plans.
- i) **Excavation.** Removal of earth or mineral matter by human action.
- j) **Fill.** Deposition of material by human action.
- k) **Grading.** The cutting and/or filling of the land surface to a desired slope or elevation.
- l) **Impact Area.** The impact area is within the boundaries of the SNRO District and represents the area in which allowed uses could "adversely affect" the identified resource. The impact areas as depicted on the Significant Natural Resources Overlay District Map consist of the following:

Resource Type	Impact Area Width
Significant Wetlands related to streams with or without Associated Upland Wildlife Habitat:	
• Rock Creek, Tributary 2	65 feet*
• Glencoe Swale - Tributary 1, Orenco Creek and Rock Creek - Tributary 3	120 feet*
• All other streams	75 feet*
Isolated Significant Wetlands	50 feet*
Significant Wildlife Habitat	25 feet**
Riparian Corridor and Associated Upland Wildlife Habitat	25 feet**

* Measured from the edge of the delineated wetland boundary.

** Measured from the edge of the tree canopy for the protection of the root-zone.

- m) **Isolated Upland Wildlife Habitat.** Areas of Significant Wildlife Habitat identified in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01), which are not contiguous to a stream, wetland or riparian corridor.

- n) **Local Wetlands Inventory.** A systematic survey of an area by a jurisdiction to identify, classify and map the approximate boundaries of wetlands in accordance with the requirements of OAR 141-086-0180, that is used in place of the National Wetlands Inventory and is incorporated into the Statewide Wetlands Inventory once approved by the Oregon Division of State Lands.
- o) **Mitigation.** A means of compensating for impacts to a Significant Natural Resource or its Impact Area including Replacement, Creation, or Enhancement activities. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed.
- p) **Native Vegetation.** Plants identified as naturally occurring and historically found within the City of Hillsboro, as listed on Metro's Native Plant List.
- q) **Nuisance Plants.** Invasive non-native plants listed on Metro's Nuisance Plant List.
- r) **Permanent Open Space.** Land within a development which will be protected from development in perpetuity through the use of a conservation easement, dedication or other similar means.
- s) **Planning Commission.** The planning commission of the City of Hillsboro.
- t) **Planning Director.** The planning director of the City of Hillsboro or the director's designee.
- u) **Practicable.** Capable of being put into practice or of being done or accomplished given consideration of available technology and project economics relative to the potential adverse impacts on the functions and values of the SNR as described in the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01), the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro*, and the *City of Hillsboro Economic, Social, Environmental and Energy Consequences Analyses Report*.
- v) **Qualified Natural Resources Professional.** An individual who has appropriate credentials verifying proven expertise and vocational experience in a given natural resource field.
- w) **Redevelopment.** Redevelopment includes but is not limited to: the expansion of or change to an existing building footprint or structure; reconfiguration of existing roadways, driveways or parking lots; and land disturbing activities related to structural or impervious area modifications. Redevelopment does not include measures to repair, maintain or remove existing structures, roadways, driveways, accessory uses, or other development provided they are consistent with existing City regulations and do not encroach further into the Significant Natural Resource Site.

Redevelopment also does not include interior improvements and vertical additions (additional stories) that do not modify the existing building footprint including associated impervious area or replacement of a structure(s) lost due to a catastrophic event such as fire.

- x) **Repair and Maintenance.** Activities intended to preserve and care for a structure, landscaping, or other improvements (including the continued maintenance of adjacent native vegetation for prevention of fire hazard) to such an extent that they remain safe, presentable and carry out the purpose for which they were initiated, installed, constructed or required, without expanding the existing development or activity.
- y) **Replacement.** The substitution of newly created resource area through the construction of a resource on a site that is no longer a significant resource and is not within an SNR Site. In the case of wetland creation, this can be done only on a site where conditions exist that can produce and sustain a wetland.
- z) **Review Authority.** The person or body responsible for making a decision regarding an application or appeal. The City of Hillsboro Planning Commission is the review authority for Type 2 Significant Natural Resources Permits and the City of Planning Director or the director's designee is the review authority for Type 1 Significant Natural Resources Permits.
- aa) **Riparian Area.** The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in the Goal 5 rule (OAR 660-023-0090).
- bb) **Riparian Corridor.** A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary as defined in the Goal 5 rule (OAR 660-023-0090).
- cc) **Riparian Upland Resources.** Areas which include a combination of significant wildlife habitat and riparian resources, as identified in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01), which are contiguous to a stream or wetland.
- dd) **Significant Natural Resources (SNR).** Significant Wetlands, Riparian Corridors and Wildlife Habitat within the City of Hillsboro city limits and identified in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01).
- ee) **Significant Natural Resources Permit (SNRP).** A Significant Natural Resources Permit is a permit granted by the Review Authority after a review process is completed that allows certain activities or uses listed in the Activities/Uses Table to occur in the Significant Natural Resources Overlay District.

- ff) **Significant Natural Resources (SNR) Site.** The area where Significant Natural Resources are located.
- gg) **Vegetation Removal.** The removal of vegetation through cutting, clearing, grubbing, mowing, and similar activities.
- hh) **Wetlands.** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.
 - 1. A "Significant Wetland" is a wetland that meets the Division of State Lands definition of a Locally Significant Wetland and is on the City of Hillsboro's Local Wetlands Inventory. Significant wetlands may be "associated" with a stream or hydrologically "isolated".
 - 2. A "Non-Significant Wetland" is a wetland that does not meet the Division of State Lands definition of a Locally Significant Wetland and does not appear on the City of Hillsboro's Local Wetlands Inventory. Non-significant wetlands are not regulated by this chapter, but do require DSL notification under ORS 227.350.
- (ii) **Wildlife Habitat.** An area upon which wildlife depend in order to meet the requirements for food, water, shelter, and reproduction as defined in the Goal 5 rule (OAR 660-023-0110).

(3) **Establishment of Significant Natural Resources Overlay (SNRO) District**

- a) A *Significant Natural Resources Overlay District* is hereby created as a superimposed zone applied over existing zones, the boundaries of which encompass all Significant Natural Resource Sites and Impact Areas as depicted on the *Significant Natural Resources Overlay District Map*.
- b) **Applicability.** Properties containing Significant Natural Resource Sites and Impact Areas shall be subject to the requirements of this chapter.
 - 1. The standards and procedures of this chapter:
 - (a) Apply to all Development proposed on land located within the SNRO District except as noted in 131A(3)(a)(2);
 - (b) Are in addition to the standards of the underlying zone and these requirements shall be in addition to any other development review criteria required by Zoning Ordinance No. 1945, as amended; and
 - (c) In cases of conflict, the standards of this chapter apply.

2. Exception. On each legal lot of record existing at the time of the adoption of this ordinance, Development up to a maximum of 200 square feet within a five (5) year period is exempt from these requirements.
3. Properties annexed to the City generally fall into two categories regarding verification of the presence of Significant Natural Resources:
 - (a) Properties previously identified as containing Significant Natural Resources as depicted and described in the adopted *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01), whereby the SNR Site and Impact Area will be included in the SNRO District as part of the rezoning process.
 - (b) Properties not previously inventoried by the City that contain natural resources shall be inventoried and a significance determination made using the methodologies described in the adopted *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01). Natural resources determined to be significant and their Impact Areas shall be added to the SNRO District as part of the rezoning process. An Economic, Social, Environmental and Energy (ESEE) Consequences Analysis shall be conducted for SNR Sites added to the SNRO District using the methodology described in the adopted *City of Hillsboro Economic, Social, Environmental and Energy Consequences Analyses Report* to determine the SNRO type of protected area that will apply to the site (e.g., Impact Area, Level 1, Level 2, and/or Level 3).
- c) Mapping. The SNRO District is an overlay district which is based upon the Significant Wetlands, Riparian Corridors, Wildlife Habitat areas and Impact Areas as identified in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resources Inventory and Assessment Report* (Ord. No. 5066/9-01) and Economic, Social, Environmental and Energy (ESEE) analyses, completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 23 provisions.

Within the SNRO District there are four types of protected areas:

1. Impact Areas
2. Resource Level 1: Moderately Limit
3. Resource Level 2: Limit
4. Resource Level 3: Strictly Limit

The *Significant Natural Resources Overlay District Map* generally identifies the extent and location of the Significant Natural Resource Sites and their Impact Areas.

The applicant shall be responsible for surveying and mapping the precise location of the SNR Site and Impact Area on the property at the time of application submittal. Where a delineation of the resource boundary determines that the SNR Site or Impact Area is no longer present, that portion of the property shall not be subject to these provisions.

The *Significant Natural Resources Overlay District Map* is adopted and incorporated into this ordinance as though fully set forth. The Planning Director shall maintain a reproducible copy of the Map showing all amendments. The Planning Director is delegated authority to amend the Significant Natural Resources Overlay District Map to reflect changes to SNR Site boundaries based on new boundary or resource level information obtained as part of site specific studies, annexations to the City and other changes allowed by this ordinance.

(4) **Coordination Among Regulatory Agencies**

The regulations of other agencies may apply to development proposals on lands containing natural resources. These agencies include the U.S. Army Corps of Engineers, the Oregon Division of State Lands, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Oregon Department of Fish and Wildlife, Washington County, and Clean Water Services (CWS).

The City will notify applicable agencies for referral responses to specific development proposals prior to the issuance of City permits. The City shall also encourage the applicant to contact applicable agencies before development plans are completed so as to consider the requirements and restrictions that may be imposed by the agencies, including CWS.

CWS requires that applicants secure a service provider letter from the District or its designee, which specifies the conditions and requirements associated with Vegetated Corridors and Sensitive Areas necessary for the District to issue a Stormwater Connection Permit pursuant to the CWS Design and Construction Manual.

(5) **Activities and Uses Permitted Outright, Requiring Significant Natural Resources Permit or Prohibited in the Significant Natural Resources Overlay District**

- a) **Permitted Uses.** Uses designated as "Permitted" in the table below shall be allowed in the SNRO District to the extent that they are not prohibited by the provisions of any underlying zone or any applicable conditions of approval. Permitted uses shall be in compliance with applicable Federal, State and local requirements.
- b) **Uses Requiring a Significant Natural Resources Permit.** Uses designated as "SNRP 1a" "SNRP1b" or "SNRP 2" in the table below may be permitted upon the issuance of a Significant Natural Resources Permit (SNRP) pursuant to Section 131A(6).

There are two types of Significant Natural Resources Permits, Type 1 and Type 2.

1. A Type 1 SNRP is an administrative permit whereby the Review Authority is the Planning Director. To distinguish between activities and uses where Development is proposed that may have a greater impact to the SNR and additional public notification is needed, Type 1 Significant Natural Resources Permits are divided into SNRP 1a and SNRP 1b, as follows:
 - (a) SNRP 1a. Applies when Development greater than five hundred (500) square feet is proposed in Impact Areas, and when less than five hundred (500) square feet of Development is proposed in Level 1 and Level 2 SNR Sites. Notice of a SNRP 1a application shall be provided by sending notices by mail not less than 10 days prior to the date of decision to owners of property situated within a 200 foot radius of the boundary of the property subject to the request, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a Significant Natural Resource Permit. (Amended by Ord. No. 5778/8-07.)
 - (b) SNRP 1b. Applies when development greater than five hundred (500) square feet is proposed in Level 1 or Level 2 SNR Sites or less than five hundred (500) square feet of development is proposed in Level 3 SNR Sites. Notice of a SNRP 1b application shall be provided by sending notices by mail not less than 10 days prior to the date of decision to owners of property situated within a 200 foot radius of the boundary of the property subject to the request, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a Significant Natural Resource Permit. (Amended by Ord. No. 5778/8-07.)
 2. A Type 2 SNRP is a quasi-judicial permit whereby the Review Authority is the Planning Commission. Decisions regarding SNRP 2 applications for activities or uses within the SNRO District shall be rendered by the Planning Commission after completion of the review process. The procedure for permitting these uses shall be the same as provided for in Sections 78 – 82, except that the matter will be heard before the Planning Commission.
- c) Prohibited Uses. Uses designated as "Prohibited" in the table below shall not be allowed in the SNRO District.
 - d) Activities not listed below. All other activities are prohibited in the SNRO District unless found by the review authority to be similar to a use allowed in the SNRO District pursuant to Section 89.

Table 131A.(5) Permitted Activities and Uses in the SNRO District

Activities/Uses	Type of Protected Areas			
	Impact Areas	Resource Level 1	Resource Level 2	Resource Level 3
1. Farming practices as defined in ORS 30.930 and agricultural uses as defined in OAR 603-095-0010, except that buildings and other development associated with farm practices and agricultural uses are subject to the requirements of this district.	Permitted	Permitted	Permitted	Permitted
2. The placing, by a public agency, of signs, markers, aids, etc., to serve the public.	Permitted	Permitted	Permitted	Permitted
3. Temporary emergency procedures necessary for the protection of public health, safety and welfare.	Permitted	Permitted	Permitted	Permitted
4. Continued use, routine repair and maintenance of public and private structures, streets, roadways, driveways, utility facilities, flood control facilities, storm and waste water facilities, constructed ponds, recreational areas and lawns, gardens and landscaping that were in existence prior to the effective date of this ordinance.	Permitted	Permitted	Permitted	Permitted
5. Replacement of public and private structures, streets, roadways, driveways, utility facilities, flood control facilities, storm and waste water facilities, constructed ponds, recreational areas and lawns and landscaping destroyed by fire, flood or similar cause that were in existence prior to the effective date of this ordinance.	Permitted	Permitted	Permitted	Permitted

Activities/Uses	Type of Protected Areas			
	Impact Areas	Resource Level 1	Resource Level 2	Resource Level 3
6. The expansion of capacity, or the replacement, of public streets, roadways, driveways, utility facilities, flood control facilities, storm and waste water facilities, and existing communication or energy distribution and transmission systems (including cables, lines, poles), except substations, which does not increase impervious surface area.	Permitted	Permitted	Permitted	Permitted
7. Stream enhancement or restoration projects limited to removal of nuisance plants listed on the Nuisance Plant List and planting of any Native Vegetation on the Native Plant List.	Permitted	Permitted	Permitted	Permitted
8. Enhancement or restoration of the resource for water quality or quantity benefits, or for improvement of fish and wildlife habitat pursuant to a plan approved by the City pursuant to Section 131A(12).	Permitted	Permitted	Permitted	Permitted
9. Permanent Open Space.	Permitted	Permitted	Permitted	Permitted
10. Change of use or expansion of an existing structure that does not increase the impacts to the resource due to impervious surface, noise, light and glare, the use of hazardous materials and similar activities.	Permitted	Permitted	Permitted	SNRP 1a
11. Low impact or passive outdoor recreation facilities and trails, which are compatible with preserving natural resource functions, including, but not limited to, viewing shelters, picnic tables, nature trails and interpretive signs. Low impact or passive recreation facilities do not include facilities for active recreation such as, but not limited to, ball fields, golf courses and tennis courts.	Permitted	Permitted	SNRP 1a	SNRP 1b

Activities/Uses	Type of Protected Areas			
	Impact Areas	Resource Level 1	Resource Level 2	Resource Level 3
12. New outdoor and land-extensive recreational facilities, other than those described above as low impact or passive, (e.g. active parks, golf courses).	SNRP 1a	SNRP 1b	SNRP 1b	SNRP 2
13. Removal of trees or the cutting or clearing of any Native Vegetation other than the removal of vegetation necessary for hazard prevention (such as Dangerous Trees) or in association with a use allowed by this Section.				
a. Less than 500 square feet of tree or Native Vegetation removal	Permitted ⁴	SNRP 1a	SNRP 1a	SNRP 1b
b. 500 square feet or greater of tree or Native Vegetation removal	SNRP 1a	SNRP 1b	SNRP 1b	SNRP 2
14. New structural development or the exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.				
a. Less than 500 square feet of site alteration	Permitted ¹	SNRP 1a	SNRP 1a	SNRP 1b
b. 500 square feet or greater of site alteration	SNRP 1a	SNRP 1b	SNRP 1b	SNRP 2
15. Fills, excavations and modifications of drainage patterns other than in association with a use allowed by this Section.				
a. Less than 500 square feet of fill, excavation or modification	SNRP 1a	SNRP 1a	SNRP 1a	SNRP 1b

⁴ Up to a maximum of 500 square feet within a five (5) year period.

Activities/Uses	Type of Protected Areas			
	Impact Areas	Resource Level 1	Resource Level 2	Resource Level 3
b. 500 square feet or greater of fill, excavation or modification	SNRP 1a	SNRP 1b	SNRP 1b	SNRP 2
16. Dumping of garbage or lawn debris or other unauthorized materials.	Prohibited	Prohibited	Prohibited	Prohibited

(6) **Procedures for Significant Natural Resources Permit (SNRP)**

- a) Pre-Application Conference and Review. When a review of development affected by the SNRO District is required, a Pre-Application review shall be held before submittal of a SNRP 1b or SNRP 2 application.
- b) Completeness Check. Staff will review the application to verify that all required materials have been submitted.
- c) Agency Notice. If applicable, staff must send a *Wetland Land Use Notification Form* to the Division of State Lands declaring acceptance of a complete application for activities that are wholly or partially within area identified as wetlands on the Statewide Wetlands Inventory as required by ORS 227.350.
- d) Decisions. Decisions regarding SNRP applications shall be made by the appropriate Review Authority.
 1. Decisions regarding SNRP 1a or SNRP 1b applications for activities or uses within the SNRO District shall be rendered by the Planning Director after completion of the review process.
 - (a) SNRP 1a. Notice of a decision regarding SNRP1a application shall be mailed to the applicant and the applicant's representative.
 - (b) SNRP 1b. Notice of a SNRP 1b application shall be provided by sending notices by mail not less than 10 days prior to the date of decision to adjacent property owners located generally within the area enclosed by lines parallel to and 100 feet from the exterior boundaries of the property involved, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the application for a SNRP.

2. Decisions regarding SNRP 2 applications for activities or uses within the SNRO District shall be rendered by the Planning Commission after completion of the review process. The procedure for permitting these uses shall be the same as provided for in Sections 78 – 82, except that the matter will be heard before the Planning Commission.
- e) Appeal. Appeals shall be subject to the provisions set forth in Sections 117 through 119.

(7) **Materials for SNRP Applications**

The applicant shall submit the following materials in order to allow the consideration and decision of allowing proposed activities or uses on properties meeting the criteria outlined in Section 131A (3).

- a) A completed application on a form prescribed by the City, with the appropriate fee;
- b) Other information found necessary by the applicant to show that the standards as listed in Section 131A (8) will be met.
- c) An environmental assessment consisting of either an Abbreviated Environmental Report or an Environmental Report shall be prepared and submitted by the applicant when it appears that any portion of a proposed development activity will occur within property designated "SNRO District " on the *City of Hillsboro Significant Natural Resources Overlay District Map*, unless the Planning Director finds, based on the location of the boundary of the Significant Natural Resource (SNR) Site, that none of the proposed development activity will take place within the SNR Site or its Impact Area, in which case the environmental assessment need not be prepared. Activities and uses requiring a SNRP 1a, or projects proposing to disturb less than 500 square feet of area within the boundaries of the SNRO District shall prepare an Abbreviated Environmental Report. Activities and uses requiring a SNRP 1b or SNRP 2 and proposing to disturb 500 square feet or more of area within the boundaries of the SNRO District shall prepare an Environmental Report.

SNRP	Less than 500 sq. ft of disturbance	500 square feet or more of disturbance
SNRP 1a	Abbreviated Env. Report	Abbreviated Env. Report
SNRP 1b	Abbreviated Env. Report	Env. Report
SNRP 2	Abbreviated Env. Report	Env. Report

1. **Abbreviated Environmental Report.** Areas where structures are proposed to be located or vegetation is proposed to be removed shall be staked, indicated on the site map and photos taken of those areas. The Abbreviated Environmental Report shall:

- (a) Include a site map drawn to scale showing the location of:

- (i) All existing and proposed locations of all property lines, structures, streets, driveways, and off-street parking and loading facilities;
 - (ii) Trees (type, species and diameter) and vegetation;
 - (iii) Where photos were taken and which direction the applicant was facing;
 - (iv) Where stakes were placed;
 - (v) Areas where vegetation is proposed to be removed; and
 - (vi) Topography (2-foot contour interval).
 - (b) Include photos showing site conditions including but not limited to existing vegetation and staked areas where structures are proposed.
 - (c) Address the impacts of the proposed development on the SNR Site and its Impact Area. This assessment shall take into account features and characteristics of the site as identified in the Local Wetlands Inventory and adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resources Inventory and Assessment Report* (Ord. No. 5066/9-01).
 - (d) Demonstrate how the proposed development can be carried out on the site in conformance with applicable standards for development in SNR Sites and Impact Areas.
2. **Environmental Report.** If required, the Environmental Report shall include all submittal requirements of the Abbreviated Environmental Report and the following additional requirements:
- (a) Be prepared by one or more Qualified Natural Resources Professionals.
 - (b) Include the results of a delineation of each of the resources present on the site (Wetland, Riparian Corridor, Upland Wildlife Habitat) and the conditions of topography, soils and vegetation found on the site.
 - (c) The site map shall also show the location of pedestrian walkways, landscaped areas, utilities and easements. The delineated location of Significant Natural Resources and the boundaries of the Significant Natural Resources Overlay designation shall also be required. A cross-sectional view of the proposed use may be required to show slopes and other pertinent information.

- (d) Make recommendations concerning the nature and extent of site alterations and improvements to take place on the site in connection with the proposed development in order to reduce negative impacts to the maximum feasible extent.
 - 3. The Planning Director may authorize the use of alternative means of establishing the location of Impact Area boundaries where the applicant does not have access to the Significant Natural Resource and therefore cannot conduct a delineation.
 - 4. The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's Abbreviated Environmental Report or Environmental Report prepared under this Section, or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.
 - 5. The Planning Director shall determine the adequacy of the Abbreviated Environmental Report or Environmental Report and may reject such reports as found to be deficient in addressing the requirements as stated above. Such rejection shall be grounds for denial of a development permit application for development involving an SNR Site or its Impact Area.
- (8) **Standards Governing SNRP Approvals in the SNRO District**
- The Review Authority may grant approval of any of the development actions listed in Section 131A (5) as requiring a "SNRP", only if the Review Authority makes findings that all of the following requirements have been satisfied:
- a) **Activities and Development in Impact Areas.**
 - 1. To the extent practicable, proposed activities and Development shall be located and designed to minimize potential adverse impacts to SNR functions and values. Efforts to minimize adverse impacts may include, but are not limited to: locating the Development away from the SNR Site, avoiding the root zone of trees within the adjacent SNR Site, buffering the SNR Site with additional native landscaping and reducing effective impervious surfaces within the Development.
 - 2. Where it can be demonstrated through the SNRP process that the proposed activity or Development within the Impact Area will have no adverse impact on the SNR Site, no compensatory mitigation is required. All other adverse impacts resulting from regulated activities and Development within the Impact Area shall be mitigated pursuant to Section 131A (11).
 - b) **Activities and Development within Significant Natural Resource Sites.**
 - 1. Within Level 1 SNR Sites, activities and Development shall be located and designed to minimize potential adverse impacts to the SNR Site to the extent practicable.

2. Within Level 2 SNR Sites, activities and Development shall be located and designed to avoid potential adverse impacts to the SNR Site to the extent practicable.
3. Within Level 3 SNR Sites, activities and Development shall be avoided altogether to the extent practicable.
4. When Development within an SNR Site cannot be avoided, the proposed Development will be located and designed to minimize potential adverse impacts to SNR functions and values as identified in the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report* (Ord. No. 5066/9-01).
5. All Development within SNR Sites shall be mitigated pursuant to Section 131A (11).

c) Utilities, Streets and Stormwater Management.

1. In instances where a designated location or alignment is specified in an adopted facilities plan, such facilities may be placed in such specified areas and their location shall not be subject to the standards and procedures of the SNRO District, except for mitigation pursuant to Section 131A(11). In all other instances of public or private utility location, when it is shown to the satisfaction of the Review Authority that there is no other practicable alternative location, public and private utilities may be placed within a SNR Site. If a utility is allowed within the Significant Natural Resource, mitigation shall be required pursuant to Section 131A (11).
2. In instances where a designated location or alignment of public streets, driveways or accesses is specified in an adopted transportation plan, such facilities may be located in accordance with such plans and shall not be subject to the standards or procedures of the SNRO District, except for mitigation pursuant to Section 131A(11). In all other instances, public or private streets or driveways may be placed through a SNR Site to access buildable areas of the property if it is shown to the satisfaction of the Review Authority that there is no other practicable method of access. If allowed, the applicant shall comply with the following requirements:
 - (a) Demonstrate to the Review Authority that there is no other practicable location within the project boundaries or off-site through the use of easements.
 - (b) Design rights-of-way, roadways, driveways and pathways to be the minimum width necessary within the SNR Site while also allowing for safe passage of vehicles, bicycles and/or pedestrians.

- (c) Use bridges, arched culverts, or box culverts with a natural bottom for crossing of a SNR Site if the crossing is found unavoidable. The number of crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots.
 - (d) Plan for future extensions of shared access, access easements or private streets to access potential new building sites in order to avoid encroachments into the SNR Site.
 - (e) Mitigate for loss of any portion of the SNR Site pursuant to Section 131A (11).
3. Development using methods other than specified above within a SNR Site may only be allowed when the applicant can demonstrate that there is a public need for the proposed development and the public benefit to be derived from the development outweighs adverse impacts on the SNR Site resulting from the proposal.

(9) **Development Standards**

- (a) All Development within the SNRO District shall be subject to the following development standards:
- 1. Significant Natural Resource and Impact Area boundaries shall be surveyed staked and demarcated with standard orange construction fencing or equivalent by a Qualified Natural Resources Professional prior to any construction, demolition, grading, or site clearing.
 - 2. Protective measures and erosion control measures shall comply with the City's adopted erosion control standards (Ord. No. 4981-12/00). These measures shall remain in place until the final site inspection is completed.
 - 3. During construction there shall be no stockpiling of fill materials, parking, or storage of construction equipment except for staging activities for allowed construction projects that occur within the permitted work window within a Significant Natural Resource or its Impact Area unless no other practicable alternatives are available.
 - 4. The types, sizes, and intensities of lights must be placed so that they do not shine directly into the Significant Natural Resource.
 - 5. Plantings within the Significant Natural Resources shall only be with species on the Native Plant List.
 - 6. Plantings within the Impact Area shall not include species which are identified as Nuisance Plants.

7. No herbicides or pesticides shall be used in a Significant Natural Resource or its Impact Area except as applied by a licensed applicator in accordance with a pesticide management plan for control of nuisance plants as identified in the Nuisance Plant List or to eradicate pests or diseases affecting Native Vegetation.
- (b) The standards above are in addition to all construction requirements imposed as conditions of approval by the City of Hillsboro or other permitting agencies provided that the area within the SNRO District may be used to satisfy the open space and landscape requirements of Sections 127(III)(H) and 133(V)(A)(1).

(10) **Adjustments from Standards of Underlying Zoning**

In order to further the purposes of the SNRO District, the Review Authority may allow adjustments from the minimum and maximum structural setbacks and minimum and maximum lot coverage standards of the underlying zone, provided consideration is given to potential impacts to neighboring properties.

(11) **Compensatory Mitigation Standards**

When potential adverse impacts to a Significant Natural Resource or its Impact Area cannot be avoided, compensatory mitigation pursuant to this section is required.

- (a) When mitigation for potential adverse impacts to a SNR Site is also required by Oregon Division of State Lands, U.S. Army Corps of Engineers and/or Clean Water Services, a copy of the mitigation plan prepared in compliance with the requirements of the regulating agency(ies) shall be submitted to the Review Authority. The City shall not issue a building permit until all applicable Regional, State and Federal permit approvals have been granted.
- (b) When mitigation for potential adverse impacts to areas within the SNRO District, which are not otherwise regulated by the Oregon Division of State Lands, U.S. Army Corps of Engineers or Clean Water Services, is required by this chapter, a mitigation plan prepared by a Qualified Natural Resources Professional shall be submitted to the Review Authority.
 1. The mitigation plan shall document the location of the impact to the Significant Natural Resource or Impact Area, the existing conditions of the Significant Natural Resource or Impact Area prior to impact, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigation area with species and density, and a narrative describing how the adverse impacts will be mitigated.

2. Minimum compensatory mitigation ratios shall be as follows:

Category	Ratio of Area of Impact to Area of Mitigation	
	Impacted Area: Replacement Area	Impacted Area: Enhancement Area
Impact Area	N/A	1:1
SNR Level 1	1:1	1:2
SNR Level 2	1:1.25	1:2.5
SNR Level 3	1:1.5	1:3

For example, a proposed development which would impact 600 square feet within a Level 3 Resource and 1,200 square feet of Impact Area would be required to provide mitigation as follows:

- For the Level 3 resource, either replacement of 900 square feet or enhancement of 1,800 square feet (or a combination of the two);
- For the Impact Area, enhancement of 1,200 square feet.

3. Proposed mitigation shall meet the following criteria:

- Mitigation shall occur on-site and as close to the Impact Area as possible. If this is not feasible, mitigation shall occur within the Urban Growth Boundary of Hillsboro.
- All vegetation planted within the mitigation area shall be from the Native Plant List. Species to be planted in the mitigation area shall replace those impacted by the development activity.
- No plants on the Nuisance Plant list are to be planted within the mitigation area.
- Trees shall be planted at a density of not less than 5 per 1,000 square feet. Shrubs shall be planted at a density of not less than 10 per 1,000 square feet.
- The revegetation standards in Clean Water Services "Design and Construction Standards for Sanitary Sewer and Surface Water Management, Appendix D, Landscape Design Requirements" provide a guideline for proposed mitigation.

(12) **Natural Resource Enhancement**

Resource enhancement projects such as bank stabilization, riparian enhancement, in-channel habitat improvements, and similar projects which propose to improve or

maintain the quality of a Significant Natural Resource or its Impact Area shall be approved if the applicant demonstrates that all of the following are met:

- a) There will be improvement in the quality of at least one ecological function or value of the resource; and
- b) Only species listed in the Native Plants List shall be planted.

For the purpose of this section, a "resource enhancement project" does not include required mitigation pursuant to Section 131A(11).

(13) Natural Resource Management Plan

- a) Purpose. Airports and other public transportation facilities may require regulatory flexibility in addressing natural resource management issues in order to protect public health and safety. Pursuant to an approved Natural Resource Management Plan, future development within a Natural Resource Management Plan area (plan area) may vary from the following SNRO District requirements:
 1. Standards Governing SNRP Approvals in the SNRO District (Section 131A(8)),
 2. Development Standards (Section 131A(9)), and
 3. Compensatory Mitigation Standards (Section 131A(11))
- b) Applicability. Public agencies responsible for transportation facilities may prepare and submit Natural Resource Management Plan applications for consideration by the Planning Commission.
- c) Decisions. Decisions regarding Natural Resource Management Plan applications shall be rendered by the Planning Commission after completion of the review process. The procedure for permitting these uses shall be the same as provided for in Sections 78 – 82, except that the matter will be heard before the Planning Commission.
- d) Submittal Requirements. An application for a Natural Resource Management Plan shall include all of the submittal requirements for a SNRP2 including an Environmental Report pursuant to 131A(7)(c)(2).
- e) Standards. Standards governing Natural Resource Management Plan Approvals in the SNRO District. The Planning Commission may grant approval of a Natural Resource Management Plan, only if the Planning Commission makes the following findings:
 1. The proposed Natural Resource Management Plan substantially conforms to the purpose and intent of the SNRO District; and

2. The proposed Natural Resource Management Plan will result in an overall improvement in the functions and values of the natural resources within the plan area.
- (14) **Residential Land Divisions.** When a lot which includes a SNR Site is the subject of a land division application the following provisions apply:
- a) Adjustments to the following standards may be approved during the SNRP process to allow development consistent with the purposes of the SNRO District provided consideration is given to the potential impacts on neighboring properties:
 1. Minimum required lot width and depth;
 2. Minimum required density; and
 3. Minimum lot size. Residential lot sizes may be averaged to allow lots less than the minimum lot area required by the underlying zone, as long as the average area for all lots is not less than required by underlying zone. No lot created under this provision shall be less than 75% of the minimum lot size required in the underlying zone. (Amended by Ord. No. 5778/8-07.)
 - b) Where a proposed land division would create twelve (12) or more lots and 50% or more of the site is within the SNRO District:
 1. The development proposal shall be reviewed as a Planned Unit Development pursuant to Section 127.
 2. In cases where the SNRO District is applied to otherwise developable land, residential density within the SNRO District shall be no greater than 50% of the maximum permitted by the underlying zoning district. The surplus density may be transferred to developable portions of a lot. However, density transfers shall be limited by the Review Authority such that not more than 30% of the maximum density otherwise allowed in the SNRO area is eligible to be transferred to the non-SNRO area. This transfer is intended to allow densities equivalent to 80% of the maximum allowed in the SNRO to be developed elsewhere on the site.
 - c) The final plat shall show Significant Natural Resources and their associated Impact Areas to be designated as open space as either a conservation easement or a separate permanent open space tract. Responsibility for maintenance and preservation of such conservation easements or such permanent open space tracts, consistent with Sections 131A (8), (9), (11) and (12), shall be specified in covenants, conditions and restrictions or other legal instrument subject to approval by the Planning Director and recorded prior to approval of the final development plan.

(15) **Preservation of SNR in Additional Open Space.**

At the option of the developer, Significant Natural Resource Area in excess of the requirements for usable open space, which is set aside for that purpose, may be subtracted from the net residential area of the development for density calculation. Additional open space so set aside shall be identified on the final plat (or final development plan if no land division is involved) as a conservation easement of a separate permanent open space tract, with responsibility for maintenance specified as required in Section 131A (14). (Amended by Ord. No. 5333/1-04 and 5778/8-07.)

(Section 131A added by Ord. No. 5269/5-03)

Section 131B. Habitat Friendly Development

(Added by Ord. No. 5279/3-07)

A key element of the adopted Tualatin Basin Fish & Wildlife Habitat Program is the encouragement of the use of habitat Friendly Development practices, including Low Impact-Development (LID) techniques, designed to reduce the environmental impacts of new development. and remove barriers to their utilization. The intent is to provide flexibility in the land development ordinances to encourage the protection of qualified Habitat Benefit Areas. The following table contains a number of recommended Habitat-friendly development practices that may be considered where technically feasible and appropriate.

Habitat Friendly Development Practices**Design and Construction Practices to Minimize Hydrologic Impacts**

1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.
3. Incorporate stormwater management in road right-of-ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.

17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development (not just in Habitat Benefit Areas).
2. Locate landscaping (required by other sections of the code) adjacent to Habitat Benefit Areas.
3. Reduce light-spill off into Habitat Benefit Areas from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

(Section 131B added by Ord. No. 5279/3-07)

Cultural Resource Management

Section 132. Cultural Resource Management Ordinance.

- (1) **Purpose:** The purpose of the Cultural Resource Management Ordinance is to further the public welfare through identification and management of cultural resources, in order to:
- (a) promote public awareness and appreciation of the City's social, political, economic, architectural, and archaeological history;
 - (b) advance civic pride and identity;
 - (c) contribute to the City's economy;
 - (d) enhance local property values; and
 - (e) identify and resolve conflicts between preservation of cultural resources and alternative land uses.
- (2) **Definitions.** These definitions apply only to Section 132 of this Ordinance.
- (a) **Alteration** - any addition to, removal from, and/or change in the external appearance of any portion of a cultural resource. This definition includes changes in site landscaping if the landscaping is comparable in age to the resource structure, but excludes changes in newer landscaping or the addition of landscaping if there was none originally. This definition also excludes ordinary maintenance or repair of an exterior feature which does not affect the feature's appearance, if such repair has been certified by the City Building Official as necessary for safe occupancy.
 - (b) **Cultural Resource** - any building, structure, site, or object included in the Cultural Resource Inventory and therefore subject to the provisions of this Ordinance.
 - (c) **Cultural Resource Inventory** - a listing of sites within the City recognized by City Council resolution as being culturally significant.
 - (d) **Demolition** - any intentional defacement, destruction, and/or other action which would cause partial or total ruin of a cultural resource.
- (3) **Administering Boards.**
- (a) The Planning Commission shall be the administrative body for the Cultural Resource Ordinance. The Planning Commission shall make findings and recommendations to the City Council regarding any cultural

resource applications, or policies and programs pertaining to historic preservation within the City of Hillsboro.

- (b) The Historic Landmarks Advisory Committee is authorized to initiate and review applications for nominations to or deletions from the Inventory; to review applications for alteration, demolition, or relocation of a cultural resource; and to make findings and recommendations to the Planning Commission.

- (4) **Nomination to the Cultural Resource Inventory.** The City of Hillsboro shall maintain a Cultural Resource Inventory which shall be updated as determined appropriate and as required.

- (a) The Historic Landmarks Advisory Committee shall nominate to the Cultural Resource Inventory sites within the City which are determined to have potential cultural significance. The determination of potential cultural significance shall be based on the following criteria:
 - 1. capability to be categorized as a building, structure, site, or object, as defined by the National Park Service;
 - 2. association with significant historical or cultural events or persons important on a city, county, state, or national level; the site must have as an identifiable theme one of the 10 themes recognized by the National Park Service;
 - 3. demonstration of architectural integrity in workmanship, design, type of construction, regional style, or individual uniqueness;
 - 4. potential to provide archaeological information;
 - 5. inclusion in the National Register of Historic Places or the State Archaeological site file; and
 - 6. age of the building, structure, site, or object of at least 50 years, unless determined to be of exceptional significance.
- (b) Any property owner who wishes his or her property included in the Inventory shall apply to the Historic Landmarks Advisory Committee, and shall supply such information on the site as the Committee shall require. The Historic Landmarks Advisory Committee shall then review the application and adopt findings and a recommendation to the Planning Commission.

- (c) Following the nomination and determination of potential cultural significance, or consideration of an owner-initiated application as described in subsection (b), the Historic Landmarks Advisory Committee shall forward its findings and recommendation to the Planning Commission. The Planning Commission shall consider the recommendation, and shall authorize notice of the nomination to be sent by registered mail to the owner or owners of the affected property. Notice of the nomination shall include the following:
1. findings of potential cultural significance, as adopted by either the Historic Landmarks Advisory Committee or the Planning Commission;
 2. the provisions of this Section which may become applicable to the property upon its possible inclusion in the Cultural Resource Inventory,
 3. an explanation of the property owner's rights to refuse to consent to the listing of the property on the Inventory; and
 4. the date, time and place of the Planning Commission public hearing as described in subsection (d).
- (d) At least 30 days after the notice described in subsection (c) has been sent to the property owner, the Planning Commission shall hold a public hearing on the nomination. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall review the nomination based on the criteria listed in subsection (a).
- (e) Following the public hearing, the Planning Commission shall make findings and recommendations to the City Council on the nomination. The Council shall add, by resolution, those sites it considers culturally significant to the Inventory. At any time prior to Council action on the nomination, the affected property owner or owners of record may refuse to consent to the addition of the site to the Inventory. This refusal to consent shall be in writing and filed with the Planning Director. The receipt of a refusal to consent shall remove the property from any continued consideration for nomination or listing on the Cultural Resources Inventory. If the City Council approves a resolution placing a site on the Inventory, the Planning Department shall prepare and record a document in the Deed Records of Washington county indicating the placement of the site on the Cultural Resource Inventory. (Amended by Ord. No. 4932/7-00, and 5807/10-07.)

(5) Removal from the Cultural Resource Inventory

- (a) The property owner or owners of record of a site listed on the Cultural Resources Inventory prior to September 1, 2000, may request removal of the site from the Inventory by submitting a written request to the Planning Director. The request shall describe the site and its location with particularity, and shall include evidence documenting the formal objection of the property owner of record at the time the property was listed on the Cultural Resource Inventory. The Planning Director shall submit the request to the Planning Commission for adoption of a resolution acknowledging the request and forwarding the request to the City Council for approval. Upon receipt of the resolution of the Planning Commission, the City Council shall adopt a resolution removing the site from the Cultural Resources Inventory. The Planning Commission shall not conduct a public hearing on the request, but may recommend that the City Council conduct a hearing. The City Council may, but need not, conduct a public hearing on the request. The City Council may require that the site be documented in a manner consistent with accepted historic site documentation practices. The City shall not issue a permit for demolition or modification of a site subject to this subsection for at least 120 days from the date of the resolution removing the site from the Cultural Resources Inventory. (Added by Ord. No. 4932/7-00.)
- (b) In the absence of an objection to the initial listing, the property owner or owners of record of a site listed on the Cultural Resources Inventory may also request removal of the site from the Inventory by submitting a written request to the Historic Landmarks Advisory Committee. The request shall cite the reasons why the property owner believes the site no longer qualifies as a designated cultural resource, based on the criteria listed in section 4 (a). The Committee shall consider the request, and shall forward its findings and recommendation to the Planning Commission.
- (c) The Planning Commission shall hold a public hearing on the request. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall receive any testimony submitted by interested parties.

Following receipt of testimony, the Planning Commission shall deliberate and analyze the significance of the resource site and the environmental, social, economic and energy consequences of allowing, limiting, or prohibiting uses which would conflict with the Cultural Resource designation. Based on that analysis, the Planning Commission shall make a determination whether to approve or deny the request. A decision to

approve the request shall be made as a recommendation to the City Council. A decision to deny the request shall be final unless appealed.

- (d) The City Council shall receive and consider a recommendation from the Planning Commission to remove a site from the Cultural Resource Inventory, and may delete the site from the Inventory by resolution. The Council may also choose to conduct its own public hearing on the recommendation.
- (e) The City shall not issue a permit for demolition or modification of a site subject to this subsection for at least 120 days from the date of a resolution removing the site from the Cultural Resources Inventory.
- (f) Following approval or issuance of an alteration, relocation or demolition permit on a designated cultural resource, according to the requirements of Sections 6 and 7, the Historic Landmarks Advisory Committee may re-evaluate the site's conformance with the criteria in Section 4(a) of this Ordinance, and may forward findings and a recommendation to the Planning Commission. If the Commission finds that the site no longer exhibits the characteristics which justified its inclusion in the Inventory, the Commission shall forward a resolution to the City Council recommending deletion of the site from the Inventory. City Council shall then consider the matter and may delete the site from the Inventory by resolution.

(Amended by Ord. No. 5802/10-07)

(6) Application for Alteration of a Designated Cultural Resource.

- (a) No designated cultural resource shall be altered without prior review by the Historic Landmarks Advisory Committee and approval of the Planning Commission.
- (b) Cultural resource owners desiring to alter a cultural resource shall submit an application to the Historic Landmarks Advisory Committee. The application shall include site plans, exterior building elevations, and materials specifications on any proposed alteration. The Historic Landmarks Advisory Committee shall review the application with respect to the criteria listed in subsection (d) and shall make findings and a recommendation to the Planning Commission regarding the proposal.
- (c) The Planning Commission shall hold a public hearing on the request. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and

recommendation of the Historic Landmarks Advisory Committee, and shall receive any testimony submitted by interested parties. (Amended by Ord. No. 5778/8-07)

- (d) The Historic Landmarks Advisory Committee and the Planning Commission shall evaluate a proposed alteration based on the degree to which the alteration would meet the following standards:
1. The alteration would enable the resource to be used as it was historically or to be given a new use requiring the least practicable change to its distinctive materials, features, spaces, and spatial relationships.
 2. The historic character of the resource property would be retained and preserved, and the relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 3. The alteration would recognize a physical record of the resource's time, place, and use, and changes that create a false sense of historical development (such as adding features from other historic properties) are not proposed.
 4. The proposed alteration would retain and preserve changes to the resource that have attained historic significance in their own right.
 5. The alteration would preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the resource.
 6. Deteriorated historic features would be repaired rather than replaced. If severe deterioration requires replacement of a distinctive feature, the new feature would match the old in design, color, texture, and, where possible, materials. Replacement of missing features would be documented by historical evidence. Replacement of original features, such as wooden window, doors, or siding, with features made from modern materials such as vinyl, metal, or fiberglass, would be discouraged.
 7. Any proposed chemical and physical treatments would be undertaken using the gentlest means possible. Treatments that cause damage to historic materials would be avoided.
 8. Any archeological resources would be protected and preserved in place. If archeological disturbance can not be avoided,

appropriate mitigation measures would be included as part of the alteration.

9. New additions, exterior alterations, or related new construction would not destroy historic materials, features, and spatial relationships that characterize the resource. To protect the integrity of the resource, new work would be differentiated from the old and would be compatible with the historic materials, features, size, scale and proportion, and massing
10. Any new additions and adjacent or related new construction proposed in the alteration would be constructed in a manner to allow their removal in the future without impairing the essential form and integrity of the resource and its surroundings. .

For the review of exterior alterations of historic resources, the Historic Landmarks Advisory Committee and the Planning Commission may use, as supplemental information for clarification, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National Park Service and codified in 36 CFR 67 for use in the Federal Historic Preservation Tax Incentives Program.

- (e) The Planning Commission shall work with the applicant, interested citizens and technical staff to minimize the negative impact of the proposed action, wherever possible.
- (f) Following receipt of testimony, the Planning Commission shall deliberate and analyze the proposed alteration. Based on that analysis, the Planning Commission shall make a determination whether to approve or deny the request. The Planning Commission's decision shall be final unless appealed.
- (g) No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a designated Cultural Resource, where such action does not involve a change in design, materials, or appearance.

(Section Amended by Ord. No. 5778/8-07, and 5802/10-07.)

(7) Application for Demolition or Relocation of a Designated Cultural Resource.

- (a) No designated cultural resource shall be demolished or relocated without prior review by the Historic Landmarks Advisory Committee and approval of the Planning Commission.

- (b) Cultural resource owners desiring to demolish or relocate a cultural resource shall submit an application to the Historic Landmarks Advisory Committee. The Historic Landmarks Advisory Committee shall review the application with respect to the following standards:
1. The designated property has deteriorated beyond repair, and relocation or demolition is structurally necessary;
 2. No prudent and feasible alternative exists to repair or use the structure in its present location; and
 3. The relocation or demolition is economically necessary. To prove economic necessity, the applicant must demonstrate through presentation of at least one rehabilitation option that the resource cannot be reasonably rehabilitated in its present location, and that the condition of the cultural resource prevents any substantial beneficial use of the property; and
 4. The proposed use of the property has been found to be in compliance with all applicable city, state and federal requirements including zoning and building codes; and
 5. The value to the community of the proposed use of the property outweighs the value of retaining the designated Cultural Resource on its present site.

The Committee shall consider the request, and shall forward its findings and recommendation to the Planning Commission.

- (c) The Planning Commission shall hold a public hearing on the request. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall receive any testimony submitted by interested parties.
- (d) Following receipt of testimony, the Planning Commission shall deliberate and analyze the proposed relocation or demolition, based on the standards in subsection (b). Based on that analysis, the Planning Commission shall make a determination whether to approve or deny the request.
- (e) Approval of an application for relocation or demolition may be delayed up to 60 days by the Planning Commission. The Planning Commission may place any of the following conditions on approval of a demolition application:

- (1) interior and/or exterior documentation of the site prior to the proposed, demolition;
- (2) preservation of selected architectural features and site landscaping; and
- (3) a good faith effort by the applicant to sell the structure for relocation.

The Planning Commission may, however, approve a demolition permit at any time within the 60 day period if it feels the applicant has made an effort in good faith to retain, document, and/or preserve the culturally significant characteristics of the resource.

- (f) The City Council may extend a demolition delay by an additional 60 days at the request of the Historic Landmarks Advisory Committee, the Planning Commission or an interested party.

(Amended by Ord. No. 5802/10-07)

(8) Annexation of County-designated Cultural Resources.

Any site designated a cultural resource by Washington County shall be placed on the Cultural Resource Inventory upon annexation and shall be subject to the provisions of this Ordinance.

(9) Preservation of Cultural Resources in Additional Open Space.

Upon redevelopment of a Cultural Resource site, additional open space area around significant structures, set aside at the option of the developer, may be subtracted from the net residential area of the development for density calculation. Additional open space so set aside shall be identified on the final plat (or final development plan if no land division is involved) as a conservation easement or a separate permanent open space tract. Responsibility for maintenance and preservation of such tracts or easements shall be specified in covenants, conditions, and restrictions or other legal instrument subject to approval by the Planning Director and recorded prior to approval of a final development plan. (Added by Ord. No. 5778/8-07.)

(Section 132 Added by Ord. No. 3425/9-83.)

Development Review / Approval of Plans**Section 133: Development Review**

- I. **Purpose.** The purposes of development review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the City's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structures; and implement the City's Comprehensive Plan and land use regulations with respect to development standards and policies.
- II. **Preapplication review.** Prior to filing its application for development review, the applicant shall confer with the Planning Director, who shall identify and explain the relevant review procedures and standards.
- III. **When required.** Development review shall be required for all construction and development on real property as follows:
 1. Construction and development in the A-1, A-2, A-3, A-4, C-1, C-4, MU-N, MU-C, M-P and M-2 zones, excluding the construction or development of single family dwellings within any of these zones; (Amended by Ord. No. 5892/12-08.)
 2. Duplex and multifamily structures containing two (2) or more dwelling units located within the R-10, R-8.5, R-7, and R-6 zones;
 3. Duplex and multifamily dwellings containing two (2) or more dwelling units and attached single family dwelling units within planned unit development districts;
 4. Manufactured dwelling parks (excluding the individual manufactured dwellings) as required by Section 77C. (4) of the Zoning Ordinance; and
 5. Accessory or ancillary dwellings in any residential zone; (Added by Ord. No. 5778/8-07.)
 6. Additions or alterations to inventoried Cultural Resources; (Added by Ord. No. 5778/8-07.)
 7. Construction and development in the SCR-LD, SCR-MD, SCR-HD, and SCR-V zones, excluding detached single family dwellings; (Added by Ord. No. 5778/8-07.)
 8. All construction and development in the SCR-DNC and SCR-OTC zones, including; detached single family dwellings, ancillary dwellings, accessory structures; and additions to existing structures. (Added by Ord. No. 5778/8-07.)

9. Construction and development in the SCC-DT, SCC-SC, SCC-MM, SCFI, SCI, and SCBP zones. (Added by Ord. No. 5778/8-07; Amended by Ord. No. 5973/7-11 and Ord. No. 6018/6-12.)
10. Construction and development in the Urban Center Zones:
 - a. Urban Center – Residential Medium Density (UC-RM)
 - b. Urban Center – Mixed Use Urban Density (UC-MU)
 - c. Urban Center – Activity Center (UC-AC)
 - d. Urban Center – Neighborhood Center (UC-NC)
 - e. Urban Center – Office/Research (UC-OR)
 - f. Urban Center – Research Park (UC-RP)

(Added by Ord. No. 6018/6-12.)

Development review shall not apply to any interior remodeling of any existing building or structure covered by Section 133 or any modification to an existing building or structure which does not substantially change its exterior appearance. The standards in this Section also shall apply to any development review required as a condition of approval of a land use action. No building permit shall be issued prior to development review approval. Development review shall not alter the type and category of uses permitted in zoning districts.

As used in Section 133, "development" means any man-made change to improved or unimproved real property in the City, including but not limited to construction or installation of a building or other structure; major site alterations such as those due to grading; paving; and, improvements for use as parking.

As used in Section 133, "construction" means and includes the new construction, replacement, and any major remodeling of any building or structure; or, any enlargement of an existing building or structure which increases its existing floor area by an amount equal to or greater than ten percent (10%) and which is visible from a street or public right-of-way. Construction does not include the ordinary maintenance or repair of an existing building or structure.

As used in this definition of "construction", "major remodeling" means any exterior remodeling that substantially changes the exterior appearance of a building or structure or any change in the occupancy of a building or structure from single family use to commercial or industrial use.

IV. Plans required. A complete application for development review shall be submitted. Except as otherwise provided in subsection J of this Section, the application shall include the following plans and information:

- A. A site plan or plans, drawn to scale, containing the following information:
 1. A vicinity map covering an area 250 feet from the boundary of the development site and showing general information about the location, dimensions and names of all existing, platted and proposed streets and access points, other public ways, sidewalks, bicycle routes and bikeways,

pedestrian/bicycle accessways and other pedestrian connections, transit street, transit facilities and transit stops, neighborhood activity centers, schematic placement of public utility locations, and the location of easements affecting the development site.

2. The site size, dimensions, and zoning, including dimensions and gross area of the lot(s) or parcel(s) and tax map and tax lot number(s) for the development site.
3. Contour lines at two foot contour intervals for grades 0 to 10 percent, and five-foot intervals for grades over 10 percent.
4. The location of natural hazard areas on and within 100 feet of the boundaries of the site that are identified by the Comprehensive Plan, including:
 - a. Areas indicated on floodplain maps as being within the 100-year floodplain.
 - b. Areas subject to soil instability, slumping or earth flow, landslide or erosion, or for which field investigation, performed by a geotechnical engineer or engineering geologist who is licensed by the State of Oregon, confirms the existence of or potential for a severe hazard.
5. The location of natural resource areas on and within 100 feet of the boundaries of the site, including fish and wildlife habitat, natural areas, wooded areas, areas of significant trees or vegetation, wetlands, water resources, and riparian areas, that are identified - by the Comprehensive Plan.
6. The location of cultural resources on and within 100 feet of the boundaries of the site, that are identified on the City's cultural resources inventory.
7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within 25 feet of the site, and the current or proposed uses of the structures.
8. The location, dimensions, square footage and setback distances of proposed structures, improvements, and utilities, and the proposed uses of the structures by square footage.
9. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian connections and bicycle routes and paths, transit streets, transit facilities and transit stops, neighborhood activity centers, and utility locations and easements on or within the development site.

10. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool, and bicycle parking spaces as required by Section 84 of this Ordinance.
 11. Site access points for automobiles, pedestrians, bicycles and transit.
 12. On-site pedestrian and bicycle circulation.
 13. Outdoor common areas proposed as open space.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (eight inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas and storm water management facilities, the varieties, sizes and spacing of trees and plant materials to be planted on the site, the proposed types and locations of irrigation systems to maintain plant materials, and other pertinent landscape features. (Amended by Ord. No. 5729/3-07)
- C. Architectural elevations and floor plans drawn to scale, with elevations accurately reflected to grade.
- D. A description of materials to be used on proposed structures.
- E. An erosion control and grading plan developed in accordance with the standards specified in the City's Ordinance No. 3927, the Clean Water Service's Erosion Prevention and Sediment Control Plans Technical Guidance Handbook (February 1994 or as subsequently amended), and the Clean Water Service's Resolution and Order No. 91-47 as applicable within Hillsboro's City limits.
- F. A storm water plan developed in accordance with the standards specified in the City's drainage master plan and the Clean Water Services Resolution and Order No. 91-47 as applicable within Hillsboro's city limits. The storm water plan shall identify the location of drainage patterns and drainage courses on and within 100 feet of the boundaries of the site. (Amended by Ord. No. 5729/3-07)
- G. The applicant shall submit either: 1) a determination by CWS that Site Assessment is not necessary or 2) CWS Service Provider Letter. (Added by Ord. No. 4982/12-00.)
- H. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination on the development site.
- I. For commercial or industrial developments, a written statement identifying:
1. The nature of the proposed use.

2. The planned number of shifts to be worked, if known, and the maximum number of employees planned for each shift in the phase of development being reviewed.
 3. Plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes.
 4. Plans for handling traffic, noise, glare, air pollution, fire, or safety hazard.
- J. Within fourteen (14) working days after submission of a development review application, the Planning Director may require an applicant to submit one or more technical reports upon determination by the Planning Director that (1) the scale of the development would likely require traffic safety and other public facility or development site improvements; (2) the proposal could have significant adverse impacts on Goal 5 resources; (3) the proposal would be located on, or could have significant adverse impacts upon natural hazard areas identified by the Comprehensive Plan; or (4) the proposal would likely result in significant adverse impacts with respect to noise, toxic or noxious matter, vibrations, odors, heat, glare, air pollution, wastes or other objectionable effects within the development site or immediate surrounding areas. The Director shall inform an applicant of any required technical report under this provision within the 30-day review limit set by ORS 227.178(2).
1. A traffic report may be required by the Planning Director when the Director determines that the development's traffic impacts would cause significant change to the function of adjacent or nearby streets or the flow of traffic thereon. Any required traffic report shall be prepared by a licensed traffic engineer and shall include a discussion of the ability of the roads and intersections to accommodate the anticipated amount of traffic that would be generated by the proposed development. The report also shall take into consideration the availability of mass transit, bicycle paths and ways and pedestrian access. The report shall identify such safety or capacity improvements as may be required consistent with the requirements of this Ordinance.
 2. The required report concerning natural hazards shall be a geotechnical investigation report which shows the following: slope stability studies, on-site site grading, cutting and filling; structural foundation requirements; surface and subsurface drainage recommendations; erosion vulnerability; building or grading limitations, including top of slope offsets and areas restricted for site grading; recommendations for construction of streets, utilities, and structures of the site; and identification of any portions of the site requiring further evaluation by a geotechnical or structural engineer. Unless the Planning Director determines that a geotechnical investigation is warranted due to site-specific characteristics, projects meeting all of the following criteria are exempt from this requirement:

- (a) construction value of the project is \$150,000 or less; and
- (b) the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; and
- (c) there is no evidence of any previous fill on the site to a depth exceeding one foot; and
- (d) the project does not include proposed fill on the site to a depth exceeding one foot; and
- (e) no portion of the site has a slope in excess of ten percent (10%).

(Added by Ord. No. 4893/3-00.)

- 3. Any required report concerning impacts on natural or cultural resources shall identify the Goal 5 resource(s) affected and assess the impacts of development thereon. As relevant, considerations shall include revegetation potential, impact on significant wildlife habitat within 100 feet of the site, and impacts on scenic views, water areas, significant wetlands, park lands and proposed park acquisition areas, and cultural resources.
 - 4. Any required report concerning noise, toxic or noxious matter, vibrations, odors, heat, glare, air pollution, wastes or other objectionable effects shall identify those effects and describe the plans for mitigating or alleviating such effects. The Planning Director may require a noise study prepared by an acoustical engineer licensed by the State of Oregon if noise from the proposed development can be reasonably expected to exceed applicable DEQ noise standards.
- K. Within fourteen (14) working days after receipt of a development review application and the 30-day review limit set by ORS 227.178(2), the Planning Director may waive the submission of information for specific requirements of this Section or may require information in addition to that required by a specific provision of this Section, as follows:
- 1. The Planning Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Planning Director shall, in the decision, identify the waived requirements and briefly explain the reasons for the waiver.
 - 2. The Planning Director may require information in addition to that required by a specific provision of this Section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the Planning Director shall, in the decision, briefly explain the reasons for requiring the additional information.

V. Standards.

A. All construction and development shall comply with the following standards:

1. A minimum of fifteen percent (15%) of the lot area being developed shall be landscaped wherever practicable. This landscaping requirement may be satisfied by providing landscaping only, or in combination with pedestrian plazas, pedestrian connections or water quality facilities. Natural existing landscaping may be used to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and shall not adversely impact surrounding areas. The required amount of landscaping shall include a mix of vertical (trees) and horizontal elements (grass, ground cover, etc.). The Planning Director shall approve the trees, shrubs and vegetation proposed for landscaping.
2. The size, shape, height, and spatial and visual arrangement of uses, structures, fences, and walls, including color and material selection, shall be compatible with existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages urban design and visual diversity within development projects and the surrounding area. The Planning Director may require common driveways in order to comply with City driveway or street access spacing standards.
3. Unnecessary grade changes shall be avoided. Retaining walls shall be provided where needed and shall consist of such structural design and materials sufficient to serve their intended purpose. Grading and contouring shall take place with particular attention to minimizing the possible adverse effects of grading and contouring on the natural vegetation and physical appearance of the development site. It is the intent of this provision that, where minimizing such adverse effects of grading and contouring within the development site unavoidably results in creating physical barriers to pedestrian and bicycle circulation, priority shall be given to minimizing such adverse effects. However, the Planning Director shall work with the applicant to develop and apply practicable solutions whenever possible, taking into account the current and proposed use of the development site, that achieve both objectives. As used in this provision, "natural vegetation" does not include commonly recognized weeds and brushes and the like.
4. In areas identified as hazard areas by the Comprehensive Plan, development shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. Designs shall minimize the number and size of cuts and fills, and any structural fill shall be designed in accordance with standard engineering practices by a civil or geotechnical engineer licensed by the State of Oregon. The Planning Director may impose such conditions as are necessary to minimize the risk of erosion, slumping, landslides and property damage.
5. Stormwater management shall be provided in accordance with City drainage master plan requirements and design standards. The Planning Director may impose conditions to ensure that waters are drained from the

development site so as to limit degradation of water quality. The Clean Water Service's Resolution and Order No. 91-47 as applicable within Hillsboro's City limits or any other - drainage standards as may be subsequently adopted by the City Council. Stormwater plans shall be reviewed and approved by the City Engineer for conformance with the adopted City drainage or stormwater standards prior to construction. (Amended by Ord. No. 5729/3-07)

6. Any proposed development subject to the PUD process within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the *Washington County Clean Water Service's Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas*, shall be reviewed for compliance with, and shall comply with the applicable provisions of Chapter 3, *Standard Design Requirements for Storm and Surface Water* of the CWS's Construction Standards and Regulations for Sanitary Sewerage and Storm and Surface Water Management Systems. (Added by Ord. No. 4982/12-00.)
7. Parking, including carpool, vanpool and bicycle parking, shall comply with City parking standards contained in Section 84 of this Ordinance.
8. Off-street parking and loading-unloading facilities shall be provided in a safe, well designed and efficient manner and shall be visually buffered from the street and from adjacent residential zones by means of landscaping or as otherwise required by the Zoning Ordinance, but not to the extent of restricting visibility necessary for safety and security. Off-street parking design shall consider the layout of parking, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points, and the surfacing, lighting, screening, landscaping, concealing and other treatment of the same.
9. Sidewalks and curbs on public streets shall be provided in accordance with the City's transportation master plan and street design standards unless modified or alternative standards for the development site are approved by the Street Committee.
10. Circulation patterns within the boundary of the site shall facilitate safe and convenient pedestrian and bicycle access consistent with Sections VI and VIII of this Section. Ingress and egress locations on public thoroughfares shall be located in the interest of public traffic safety. Reasonable access for emergency services (fire, ambulance and police) shall be provided.
11. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties.

12. Site planning, including the siting of structures, roadways and utility easements shall provide, wherever practicable, for the protection of trees eight-inch caliper or greater, measured four feet from ground level. Where the Planning Director determines that it is impracticable or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings of similar character at least 2 1/2" in caliper. Specimen trees shall be preserved where practicable, and the Planning Director may decrease the number of required parking spaces to achieve this result. Where these requirements would cause an undue hardship, the Planning Director may modify the requirements in a manner which, in the Director's determination, reasonably satisfies the purpose and intent of this provision. The Planning Director may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special tree maintenance and management program to provide protection to the resource as recommended by the arborist or horticulturist.
13. Development shall comply with applicable City regulations protecting natural and cultural resources. The siting and design of buildings and other improvements shall be appropriate to protect natural and cultural resources identified by the Comprehensive Plan and this Ordinance. Elsewhere, development shall be planned, designed and constructed to avoid or minimize adverse impacts on other natural and cultural resources to the extent practicable.
14. All development shall comply with applicable federal, regional state, and City standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference that are in effect at the time of approval of the development review application. Prior to issuance of a building permit, the Planning Director may require submission of evidence of compliance with such standards from the applicable Federal or State agencies or the receipt of the necessary permits for the development from these agencies.
15. Adequate public water, sanitary sewer and storm drainage facilities sufficient to serve the level of development approved shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development construction. Service providers shall be presumed correct in the evidence which they submit relating to the adequacy and availability of such facilities and services to the development. All facilities shall be designed to comply with adopted City standards, and the use of habitat friendly development practices and techniques described in Section 131B

is encouraged and facilitated where technically feasible and appropriate. A development may be required to extend, modify or replace an existing off-site public water, sanitary sewer or storm drainage facility or system to the extent necessary to provide adequate public facilities or services to the development site. The development applicant may request from the City System Development Charge credits and/or City reimbursements for utility improvements or oversizing of facilities as may be required under this provision. (Amended by Ord. No. 5729/3-07)

16. Adequate rights-of-way and improvements to streets, sidewalks, bike routes and bikeways, and transit facilities required within the development site shall be provided, consistent with the City transportation master plan, adopted design standards, and Street Committee policy. Consideration shall be given to the need for street widening and other transportation improvements within areas in the vicinity of the proposed development impacted by traffic generated by the proposed development which will ameliorate such impacts. If required, such widening and improvements shall have a clear nexus with, and be proportional to the traffic generated by the proposed development and may include, but are not limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation from development.
17. Developments shall consider opportunities to incrementally extend and connect proposed new streets with existing streets in adjacent or nearby areas in addition to addressing street connectivity recommendations shown on the Local Street Connectivity Maps contained within the City's Transportation System Plan. (Added by Ord. No. 4902/5-00.)
18. In new multifamily developments on sites containing 5 or more acres of land, full street connections with spacing of no more than 530 feet between these connections shall be provided except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction or require different street connection standards. (Added by Ord. No. 4902/5-00.)
19. Narrow street designs for local streets may be permitted with city engineer approval, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths. (Added by Ord. No. 4902/5-00.)
20. Whenever a proposed development takes direct access to a State Highway within the City, the applicant shall notify the State Department of

Transportation (ODOT) of such proposed access. The applicant shall submit as part of its development review application written evidence from ODOT that ODOT has been informed of such proposed access. The applicant shall comply with applicable State highway access standards independent of City approval of the proposed development.

21. Whenever a proposed development either abuts or take direct access to a County arterial within the City, the applicant shall notify and coordinate with the County Department of Land Use and Transportation (DLUT) on such access and submit, as a part of its development review application, evidence of such notice and coordination which shows that the applicant has discussed the development with the DLUT. The applicant may be required to comply with County roadway access standards independent of City approval of the proposed development.
22. New multifamily developments, planned unit developments, institutional, retail and office developments shall provide for safe and convenient bicycle and pedestrian travel within the development and between the development and adjacent and nearby residential or neighborhood activity centers. Where practicable, new office parks and commercial developments shall facilitate internal pedestrian circulation within the development site through clustering of buildings, construction of pedestrian ways, or similar techniques.
23. If a major industrial, institutional, retail or office development located at or near a transit stop and along a transit street is of a type which generates transit ridership, the development shall provide either a transit stop on-site or a connection from the development to the nearest transit stop along the transit street if such a transit stop or connection is required by the Planning Director in consultation with the transit operator. The transit stop or connection shall be constructed at the time of development construction and shall have a clear nexus with, and be proportional to the development's scale, intensity and amount of transit ridership to be generated. As used in this provision, "major" refers to a development which serves more than neighborhood needs, or has traffic impacts that extend beyond the immediate neighborhood, or is larger than average in size than developments of the type within the City.
24. New retail, office and institutional buildings which are at or near a major transit stop located outside a transit district shall comply with the standards in Section VII of this Section. Development subject to the requirements of the Station Area Interim Protection District shall comply with those requirements as provided in Section 135 of this Ordinance unless otherwise exempted under Section 135. Upon termination of the SAIPD, development within a transit district, including retail, office, institutional, multifamily-family development and planned unit developments, shall comply, as appropriate, with development standards contained in the Station Community Plan for

that district and with Sections 136, 137, 138, 139, 140 and 141 of this Ordinance in the manner prescribed in Subsection X of this Section. If no such standards are adopted by the time of termination of the SAIPD, then development within transit districts which had been subject to the requirements of the SAIPD shall comply with subsection VII of this Section.

25. Connections to utility lines serving a parcel or lot shall be placed underground.
26. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.
27. Pedestrian/bicycle accessways shall be provided as appropriate in accordance with the standards in subsection VIII of this Section.

- B. Attached single family, multi-family, and residential condominium developments within any non-light rail zone shall provide usable open space within the project based on the gross acreage of the project, as shown in the following table:

Project Gross Acreage	Required Usable Open Space
1.01 to 5.0	5.0%
5.01 to 15.0	7.5%
15.01 to 25.0	10.0%
25.01 to 50.0	12.5%
Over 50.0	15.0%

1. Usable open space in such developments shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.
2. Usable open space may include passive recreational areas only where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:
 - a) public accessways and covered viewing areas are provided;

- b) only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer area visible from the viewing area is applicable toward the requirement.
 - c) the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and
 - d) the visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.
3. Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

(Subsection B Amended by 5778/8-07.)

- C. The Planning Director may impose such conditions as deemed necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in City overlay districts, master plans, and adopted design standards. Such conditions shall have a clear nexus with, and be proportional to the development's impacts if they require off-site improvements to be made by the project developer or property owner as applicable. The Planning Director may require a property owner to sign a waiver of remonstrance against the formation of a local improvement district where the Planning Director deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this Section, the Planning Director may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

VI. Design Standards and Guidelines. (Added by Ord. No. 5778/8-07.)

New multi-family residential, commercial, industrial, and institutional developments are subject to the following design standards and guidelines. Except where the word "shall" is used, the criteria are not to be construed as mandatory approval standards subject to review and approval.

A. Design Standards.

1. Buildings shall demonstrate pedestrian scale and orientation on the elevation facing the public street. Street-side building facades shall be varied and articulated to provide visual interest and avoid a flat appearance.
2. Utilitarian functions shall be shielded from public view. Delivery and loading operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into overall building and landscaping design. Visual and acoustic impacts of these functions, and wall- or ground-mounted mechanical, electrical and communications equipment shall be screened.
3. Surface stormwater retention, detention and treatment facilities shall be integrated into site landscaping, or placed underground. In campus developments, stormwater facilities should be consolidated to reduce the area devoted to such use. Consolidated facilities shall also be naturally integrated into the site design, landscaping and usable open space.
4. In townhouse and multi-family residential developments, uniform building design and architectural repetition shall be avoided. Townhouse structures shall demonstrate discernible differences in façade articulation, colors, materials, and detailing between units. Multi-family structures larger than four units shall include ridge and gable offsets, saddles, dormers, or other structural features to avoid extended uniform roof lines. Exceptions to this standard may be approved for development where the architecture style reflects a historically symmetrical pattern or rhythm.
5. In townhouse and multi-family developments, maintenance access to rear yards for interior lots or units shall be provided without the necessity for easements through adjacent lots or properties.
6. Except as noted below, all public utility distribution and service connections to new buildings shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:
 - a. The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aurally rather than underground;
 - b. The project is located between other utility users on the same block face;
 - c. It would not be practicable to serve the new project underground without also serving the neighboring uses; and

- d. The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service.
- 7. Developments abutting streets or corridors where overhead utilities may be placed underground in the future shall install underground utility duct banks to facilitate future relocation of such utilities.

B. Design Guidelines

- 1. Building design should be site specific, fit into the context of the area, preserve important view corridors, complement the natural setting and other nearby buildings, and relate to adjacent public and private streets.
- 2. Building facades should balance features which make them more prominent while retaining pedestrian scaled detailing. Diversity of architectural styles is encouraged. Building architecture is particularly important at intersections, where special corner architectural features should be incorporated.
- 3. Prominent public assembly and civic buildings such as theaters, hotels, cultural centers, schools, churches, and government buildings should include appropriately-scaled building features, such as towers, cupolas or pediments.
- 4. Edges of development projects should be designed to harmonize with and enhance adjoining public and private streets. Edges adjacent to transit streets and major pedestrian routes should include street furniture such as seating, shelters, ornamental pedestrian scale lighting and an inside row of canopy trees to complement those in the curbside landscape strip.
- 5. Developments should be designed to encourage informal surveillance of public areas from buildings, public and private streets and from adjacent developments. Sight lines to and from buildings, and within and around the site should maximize pedestrian visibility of store entrances, public areas and transit stops.
- 6. For buildings designed for occupancy by general retail, office and service commercial businesses, traditional storefront elements are encouraged for any facade facing a major pedestrian route. These elements include:
 - a. Front and side building walls placed within 10 feet of abutting street right-of-way boundaries.
 - b. Clearly delineated upper and lower facades.
 - c. Large display windows and recessed entry in the lower façade.
 - d. Smaller, regularly spaced windows in upper stories.

- e. Decorative trim such as window hoods around upper floor windows.
 - f. Decorative cornices near the top of the facade.
 - g. Piers or pilasters, typically masonry.
- 7. Upper stories should be articulated with features such as bays and balconies.
 - 8. To balance horizontal features on longer facades, vertical building elements should be emphasized.
 - 9. Sloped roofs should be compatible with roof lines and slope of adjacent buildings, add interest to and reduce the scale of large buildings, and complement the character of buildings in adjacent developments.
 - 10. Windows allowing views into interior activity areas or displays in non-residential buildings are encouraged. At the pedestrian level, glass curtain walls, reflective glass and painted or darkly tinted glass, smooth faced concrete block, concrete panels, steel panels, and non-durable materials are discouraged unless privacy issues are involved.
 - 11. Exterior building materials and colors should be harmonious and compatible with materials and colors in adjacent developments. Soft lighting of the building exterior which complements the architectural design is encouraged if the light source is not visible.
 - 12. Building entrances should include clearly recognizable features such as: canopies, porticoes, recessions, projections, arcades, and raised cornice parapets. Pedestrian spaces at entrances incorporating landscaping and eating amenities are encouraged.
 - 13. Exterior masonry finishes should include decorative patterns.
 - 14. Ornamental devices, such as molding, entablatures, pediments and friezes, are encouraged at the roofline.
 - 15. Internal sidewalks should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, and planter walls which define circulation and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. Design of these features and outdoor spaces together should (i) tie site features together, (ii) relate to a common use area, and (iii) complement the surrounding streetscape. (Amended by Ord. No. 5892/12-08.)
 - 16. Landscaping should be designed as an integral part of the site, streetscape, building design and parking area. Landscaping should also be used to enhance pedestrian orientation by creating a sense of

enclosure and to reduce the scale of large buildings and paved areas. Arbors or trellises supporting landscape materials should be considered for ornamentation of exterior walls.

17. Signage should be consistent with the nature and scale of the project and its environment. Exterior signage should be architecturally compatible with the building and neighboring buildings.
18. Residential and mixed use projects containing residential uses should include a range of housing types and styles to suit a variety of lifestyles and incomes, both on an ownership and rental basis
19. Commercial, industrial, institutional, mixed use, and multi-family residential buildings constructed with less than three feet (3') setback to any parallel sidewalk or pedestrian way should incorporate features over sidewalk or pedestrian way for weather protection.

VII. On-site pedestrian access. (Renumbered by Ord. No. 5778/8-07).

- A. All new commercial, industrial, institutional, multifamily residential developments and planned unit developments shall provide on-site pedestrian circulation systems that provide safe and convenient connections between buildings and existing public rights-of-way, pedestrian/bicycle accessways and other on-site pedestrian facilities while minimizing out-of direction travel. On-site pedestrian circulation systems that comply with this Subsection in the most practicable manner possible shall be approved.
 1. Pedestrian connections shall connect main building entrances to the nearest sidewalk or other walkway leading to a sidewalk. Pedestrian connections also shall connect to outdoor activity areas such as parking lots, transit stops, recreational or play areas and plazas. Walkways shall be designed to minimize out-of-direction travel.
 2. Unless impracticable or exempted by conditions described in Sec. VIII.D of this Ordinance, buildings which are set back from the sidewalk more than 75 feet shall have pedestrian walkways which are capable of connecting to existing pedestrian walkways in adjacent developments or stubbed to the adjacent side yard property line if the adjacent land is vacant or is developed without pedestrian walkways. The location of such a walkway stub shall take into consideration topography and the eventual development or redevelopment of the adjacent property. Pedestrian connection linkage to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially zoned land.
 3. Public and private schools, and parks over one acre in size, shall provide safe and convenient access to adjacent neighborhoods, that minimize out-

of-direction travel between such schools or parks and adjacent neighborhoods.

- B. On-site pedestrian walkways shall be well drained, hard surfaced and at least five (5) feet in unobstructed width. Walkways shall be increased to seven (7) feet in width when bordering parking spaces other than parallel parking spaces, and surface material shall contrast visually with adjoining surfaces. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps. Where site conditions are favorable, the City may approve, where technically feasible and appropriate, the use of pervious surfacing techniques and other habitat friendly development techniques and practices as described in Section 131B.

Within automobile parking areas, or when the pedestrian circulation system is parallel and adjacent to an auto travel lane, pedestrian safety shall be improved by raising the walkway or separating it from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. When crossing driveways and parking areas, pedestrian crossings and walkways may be built at the same elevation as the driveways and walkways if they are constructed of permanent materials, including paving or markings in a manner which contrasts and clearly delineates the crossing or walkway at any time of day or night. (Amended by Ord. No. 5729/3-07)

- C. The on-site pedestrian circulation system shall be lighted to a minimum level of three (3) foot-candles to enhance pedestrian safety and allow its use at night.
- D. On-site vehicular circulation systems and required pedestrian walkways shall be designed to minimize vehicular/pedestrian conflicts through measures such as minimizing driveway crossings, creating separate pedestrian walkways through the site and parking areas, and designating areas for pedestrians by marking crossings with changes in textural material. Marked crossings shall have a continuous, detectable marking not less than 36 inches wide using textural material that is firm, stable, slip-resistant, and consistent with the Federal Americans with Disabilities Act and Chapter 11 of the State of Oregon Structural Specialty Code (1996 Edition).

VIII. Special development standards at or near major transit stops. (Renumbered by Ord. No. 5778/8-07).

- A. **Purpose.** This Section is intended to provide safe and convenient pedestrian access to major transit stops from new retail commercial, office and institutional buildings and to promote pedestrian and transit travel to office, retail commercial and institutional facilities. As used in this Section, "buildings" refers only to new retail commercial, office and institutional buildings; provided, however, that within a transit district, "buildings" also refers to multi-family structures containing four or more units and planned unit developments. As used in this Section, "new buildings" include new construction of structures on previously undeveloped properties, the complete demolition and reconstruction of existing structures, a complete change in the use of a building from one land use category to a different category (i.e., change

from residential to commercial use), a change in the occupancy classification of a building as defined in the City's building code, or a reconstruction or remodeling of an existing use, the total value of which is equal to or greater than fifty percent (50%) of the most recent assessed value of the building as established by the Washington County Real Property Tax Assessor.

B. Applicability.

1. Except as otherwise provided in this Section, the standards and requirements of Section VII shall apply to the construction of new retail, commercial, office, industrial and institutional buildings that are located within 300 feet of the property boundaries of a major transit stop.
2. The requirements of this Subsection also shall apply to development within a transit district, but only if:
 - a. The requirements of the Station Area Interim Protection District no longer apply due to termination of the SAIPD; and
 - b. The City has not yet adopted a final Station Community Plan for the transit district; and
 - c. The City has not yet adopted final station area development standards applicable to transit districts.

C. Development standards. Except as exempted in Subsection D of this Section:

1. New retail commercial, office and institutional buildings located at or near a major transit stop and along a transit street or a street intersecting a transit street shall have their building entrances oriented towards the transit street or the street intersecting the transit street. A building entrance is oriented toward a transit street or an intersecting street if it is directly located on the transit street or the intersecting street or if it is linked to the transit street by an on-site pedestrian connection.
 - a. If the site has frontage on more than one transit street, or on both a transit street and a street intersecting the transit street, the building shall provide a building entrance oriented to a transit street, to the intersecting street, or to the corner where the two transit streets or a transit street and the intersecting street intersect.
 - b. For building facades of 300 feet or more in length and located on a transit street, two or more building entrances shall be provided. If the Planning Director determines, based on evidence received from an applicant, that the internal operational characteristics of a building render it incapable of meeting this requirement, the Director shall

- waive the application of this multiple entrance requirement to that building.
- c. Building entries shall conform with accessibility standards in the current Edition of the State of Oregon Structural Specialty Code, as adopted by the City of Hillsboro.
- 2. New retail, office and institutional buildings shall provide pedestrian connections that:
 - a. Connect building entrances with streets adjoining the site;
 - b. Connect the site with adjoining properties except where impracticable as provided in Section VIII.D.; and
 - c. Connect the on-site circulation system to existing or proposed streets, pedestrian walkways and driveways that abut the property. Where adjacent properties are undeveloped but have the potential for redevelopment, streets, pedestrian/bicycle accessways and pedestrian walkways shall be laid out or stubbed to allow for extension to such adjacent properties.
 - 3. Building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be four (4) foot-candles. The source of lighting at building entrances shall be shielded to reduce glare. Lighting shall conform with the approved exterior lighting plan for the development required under Section IV.G. of this Ordinance.
 - 4. Building entrances on a transit street, a street intersecting a transit street or a pedestrian plaza shall protect pedestrians from the rain and sun by continuous weather protection features or structures including, but not limited to arcades, roofs, porches, alcoves, porticos and/or awnings. The use of continuous, on-site weather protection features or structures between building entrances and adjacent transit streets, streets intersecting transit streets, or transit stops is encouraged.
 - 5. All retail, commercial and office buildings, located within 30 feet of a transit street, a street intersecting a transit street, or a transit stop, shall include changes in relief on thirty five percent (35%) of their facades facing such a street or transit stop. Such changes in relief may include windows, lobbies, covered pedestrian entrances, display windows, cornices, bases, fluted masonry, combinations of such treatments, or other treatments for pedestrian interest and scale.
 - 6. New retail, commercial, office and institutional buildings located at (within 200 feet) a major transit stop shall provide the following:

- a. Either locate buildings within 20 feet of the front property line closest to the transit stop, the transit street or a street intersecting the transit street, or provide a pedestrian plaza at the transit stop or a street intersection. As used in this provision, "pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A plaza including 150-250 square feet would be considered "small".
 - b. A reasonably direct pedestrian connection between the transit stop and building entrances on the site;
 - c. A transit passenger area accessible to disabled persons which complies with the requirements of Chapter 11 of the current Edition of the State of Oregon Structural Specialty Code, as adopted by the City of Hillsboro;
 - d. An easement or dedication for a passenger shelter within the site if requested by the transit provider; provided, however, that any such required easement or dedication shall have a clear nexus with and be proportional to the scale, intensity and anticipated amount of transit ridership reasonably expected to be generated from the building; and
 - e. Lighting of the transit stop.
7. Off-street parking spaces within a development site shall comply with the minimum number of spaces required for the particular use as specified in Section 84 of this Ordinance.
- a. The required 20 foot building setback from the front property line shall contain no off-street parking. However, a single vehicle circulation lane within the setback area may be permitted if there is no practicable alternative and if crossing walkways are designed to ensure safety for pedestrians. Automobile parking lots on corner lots shall not be located adjacent to intersections.
 - b. The development site plan for surface parking lots which exceed the applicable minimum parking requirements in Section 84, Table

A of this Ordinance shall indicate how areas in the parking lot containing such excess parking spaces may be modified in the future to accommodate future development on the site. However, development site plans for future development use of excess parking spaces may not be the basis for denying an applicant's development review permit application.

- c. The Planning Director may reduce the minimum required off-street parking up to 30 percent if an applicant demonstrates, through a parking study prepared by a traffic engineer licensed by the State of Oregon, that use of transit and/or special characteristics of the customers, clients, employees or the resident population in the development will reduce expected vehicle use and parking space demand generated from the development as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum City parking requirements.

- 8. If a requirement of this Section conflicts with other applicable requirements in this Ordinance, the requirements of this Section shall control; provided, however, that the requirements of Section 135 shall control to the extent they conflict with the requirements of this Section, and that Section 135 is in full force and effect.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of Section 133(VII):

- 1. Car washes.
- 2. Commercial parking facilities, excluding commercial parking structures within 400 feet of a proposed or existing light rail station.
- 3. Golf courses.
- 4. Greenhouses.
- 5. Heavy equipment sales.
- 6. Manufactured home sales.
- 7. Motor vehicle service stations, excluding convenience stores associated therewith.
- 8. Motor vehicle service, maintenance and repair facilities, including oil and lubrication services, tire and muffler installation and service, body shops or other motor vehicle services, but excluding retail or wholesale outlets selling motor vehicle parts and accessories without providing for on-site installation.
- 9. Motor vehicle, recreational vehicle, boat or travel trailer sales, leasing, rental or storage.
- 10. Solid waste transfer stations.
- 11. Truck stops.

IX. Special standards for pedestrian/bicycle accessways. Renumbered by Ord. No. 5778/8-07).

- A. Purpose.** Pedestrian/bicycle accessways are intended to provide safe and convenient connections within and from new multi-family developments, planned unit developments, shopping centers and commercial districts to adjacent and nearby residential areas, transit stops and neighborhood activity centers where public street connections between such uses for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways shall only be used in areas where such public street connections are unavailable or impracticable or inappropriate as determined by the Planning Director.
- B. When required.** Pedestrian/bicycle accessways shall be provided in the following situations:
1. Within developments in which full street connections are not possible, bicycle and pedestrian connections on public easements or rights-of-way shall be provided with spacing of no more than 330 feet between connections except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction. (Added by Ord. No. 4902/5-00.)
 2. Accessways are required between discontinuous street rights-of-way; through mid-block locations where blocks are longer than 1000 feet; or where the lack of street continuity creates inconvenient or out-of-direction travel patterns for local pedestrian or bicycle trips.
 3. In all residential districts, accessways shall be included:
 - a. To provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.
 - b. Where practicable, to provide reasonably direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future.
 - c. To provide reasonably direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center.
 - d. To provide reasonably direct connections from cul-de-sacs or local streets to arterial or collector streets.
 4. In nonresidential districts, accessways shall be included:

- a. To connect with all existing or approved accessways which abut the site, or to provide future connection(s) to abutting underdeveloped and undeveloped properties.
- b. To provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.
- c. To provide reasonably direct connections from cul-de-sacs to the nearest available street or neighborhood activity center.

C. Development standards.

- 1. Wherever practicable, the entry points of required accessways shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
- 2. The length of pedestrian/bicycle accessways between public streets shall not exceed 300 feet. Such accessways shall be free of horizontal obstructions and have a nine (9) foot, six (6) inch high vertical clearance. To safely accommodate both pedestrians and bicycles, the right-of-way widths of such accessways shall be as follows:
 - a. The accessways shall have a minimum 15 foot wide right-of-way with a minimum 10 foot wide paved surface. Where site conditions are favorable, the City may approve, where technically feasible and appropriate, the use of pervious surfacing techniques and habitat friendly development techniques and practices as described in Section 131B. (Amended by Ord. No. 5729/3-07)
 - b. If an accessway also provides secondary fire access or a public utility corridor, its right-of-way width shall be at least 20 feet with a minimum 15 foot wide paved surface.
- 3. Accessways shall be direct with both end points of the accessway always visible from any point along the accessway.
- 4. To enhance pedestrian and bicycle safety, accessways shall be lighted. Accessway lighting shall be provided by the developer and shall comply with applicable lighting standards established by the City Engineer. Lighting shall be provided at each entrance to an accessway and may also be required at intermediate points along the accessway as may be deemed necessary for public safety by the City Engineer.
- 5. Wherever practicable, accessways shall have a maximum slope of five (5) percent and shall avoid the use of stairways as part of the accessway.

6. The Planning Director may require accessway fencing and screening along adjacent property lines by:
 - a. A thick vegetation screen at least 42 inches high with an additional four (4) feet high evergreen vegetation screen; or
 - b. A minimum five (5) foot high fence with a row of three (3) to four (4) foot high evergreen shrubs or climbers planted along the fence; if a wooden fence is used, then the fence shall be constructed with pressure-treated structural members including a pressure treated cap; or
 - c. If there is an existing fence on private property adjacent to the accessway, a four (4) foot high evergreen vegetative screen.
 - d. In satisfying the requirements of this Section, evergreen plant materials that grow over four (4) feet in height shall be avoided. All plant materials shall be of a low maintenance variety and shall be reviewed and approved by the Planning Director. Plants used as a thick vegetation screen shall reach 42 inches in height within three years of planting without irrigation.
7. Accessways shall be designed to prohibit motorized traffic within their rights-of way. Curbs, removable lockable posts and bollards may be used to prevent the entry of such traffic into accessways.
8. Accessway surfaces shall be paved with all weather materials and designed to drain stormwater runoff from the paved surfaces of the accessways.
9. In parks, greenways or other natural resource areas, accessways may be approved with a five (5) foot wide gravel path with wooden, brick or concrete edgings.

D. Exceptions. In addition to Section VIII (A), an exception to the accessway requirement established by this Section (VIII) may be granted by the Planning Director where the Planning Director determines that construction of a separate accessway would not be feasible or practicable due to evidence of physical or jurisdictional constraints received by the Director. Such evidence may include but is not limited to:

1. That other federal, state or local requirements prevent construction of an accessway.
2. That steep slopes, wetlands or other bodies of water, freeways, railroads, or other physical or topographic conditions make an accessway connection impracticable.

3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district.
4. That buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.
5. That the accessway would terminate at the urban growth boundary.
6. That the accessway would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required accessway connection.

E. Ownership, liability and maintenance of accessways. To enable access and allow maintenance over time for all pedestrian/bicycle accessways, the Planning Director can require one of the following:

1. That the accessways be dedicated to the public and accepted by the City as public right-of-way prior to the final approval of the development; or
2. That approval of the development shall be contingent upon granting to the public access easements to such accessways; or
3. That the developer incorporate the accessway into recorded easements or tract(s) of common ownership which specifically requires the property owners and future property owners who are subject to such easements or are owners of such tracts to provide for the ownership, liability and maintenance of the accessway.

X. Variances and Appeals. (Added by Ord. No. 5778/8-07.)

The Planning Director's decision to approve, approve with conditions, or deny an application for Development Review may be appealed to the Planning Commission, within 15 days after the date of mailing of the Director's decision, by filing written notice with the City Recorder. All appeals filed shall be accompanied by payment of a fee equal to one-half the fee paid for the original Development Review application.

If an appeal is filed, the Planning Commission shall hold a hearing at least for argument on the matter, and shall receive as testimony the decision of the Planning Director, together with all materials related to the application and the documentation supporting the decision. Notice of the Planning Commission hearing shall be made by the same procedure used for the Development Review application.

XI. Review and Enforcement. (Renumbered by Ord. No. 5778/8-07).

Applications for development review shall be reviewed by the Planning Director as limited land use decisions. Notice of a Development Review application shall be provided by sending notices by mail not less than 14 days prior to the date of decision to owners of

property situated within a 200 foot radius of the boundary of the property subject to the request,, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a Development Review approval.

The City building official may issue a certificate of occupancy only after the improvements required by development review approval have been completed, or a schedule for completion and a bond or other financial guarantee for their completion have been accepted by the City. If construction has not begun within one year from the date of development review approval, such approval shall expire unless an extension is requested and granted by the Planning Director.

XII. Application Within Station Community Planning Areas. Renumbered by Ord. No. 5778/8-07).

Where any applicable provision of this Section conflicts with any applicable provision in Sections 135, 136, 137, 138, 139, 140, 141 or 142 of this Ordinance, the more restrictive provision shall apply.

(Section 133 Deleted and Replaced by Ord. No. 4464/8-96; amended and renumbered by Ord. No. 5778/8-07.)

Special Industrial District (SID)**Section 134. Special Industrial District (SID)**

- A. **Purpose.** The Special Industrial District (SID) is an overlay zone supplementing the provisions of the underlying zone. The purposes of the Special Industrial District are:
1. To Protect and enhance development opportunities for industrial uses which may require large sites in a planned campus industrial park setting;
 2. To provide the opportunity for small and medium size industrial uses, compatible with planned campus industrial parks, to locate near large single user industrial uses;
 3. To preserve large lots for single major industrial uses until such time as there is no demonstrated demand or need for such large lots.
 4. To provide a location for visually attractive, well designed industrial development.
- B. **Applicability.** The provisions of this Section shall be applied on the industrially-designated area in the West Union neighborhood, within the following boundaries: on the north, NW West Union Road; on the south, NW Jacobson Road; on the east, the western edge of the Burlington Northern Railroad right-of-way; and on the west, the eastern edge of the Bonneville Power Administration easement. (Section 134B amended by Ord. No 4548/4-97.)
- C. **Definitions.** For the purposes of Section 134:
1. A "lot of record" shall be defined as any lot or parcel of property described on Washington County Tax Maps on the date of annexation of the lot or parcel of land to the City of Hillsboro; and
 2. "Contiguous lots of record in common ownership" means all contiguous lots or parcels which are either owned by a single individual or entity at the time land is placed in this district or which are thereafter acquired by a single individual or entity.
- D. **Standards.** All lands designated by the City of Hillsboro as a Special Industrial District (SID) shall comply with the following standards:
1. **Lot of Record.** Construction shall be allowed on a lot of record, except as set forth below:
 - a. Contiguous lots of record in common ownership totaling thirty (30) acres or less shall be developed only in accordance with Subparagraph 2(c) (Reconfiguration) or Subparagraph 2(d) (Staged Development) .

- b. Lots of record five (5) acres in size or smaller shall not be subject to the provisions of Subparagraph 2(c) (Reconfiguration) or Subparagraph 2(d) (Staged Development), and shall be subdivided consistent with Section 134D.3.

2. Thirty (30) Acre Minimum Lot Size. The land area of any lot of record shall not be reduced below its original size as of the date of annexation to the City, unless the lot is divided pursuant to the following circumstances or standards:

- a. Implementing the Transportation Plan. Lots smaller than thirty (30) acres shall be allowed if they are created by the dedication and/or construction of public collector or arterial roadways necessary to implement Section 13. Transportation of the Hillsboro Comprehensive Plan.
 - 1) The division of any single lot by public road construction necessary to implement Section 13. Transportation of the Hillsboro Comprehensive Plan, shall not preclude additional subdivision as defined in Subparagraph d. Staged Development, Creating Lots Smaller Than 30 Acres. Any single parcel on the date of annexation qualifying for Subparagraph 2.d. Staged Development that is divided by public road dedication and/or construction shall continue to qualify for Staged Development pursuant to Subparagraph 2.d. Staged Development. In such event, the land area, subject to the 20% division as described in Subparagraph 2.d., shall mean the land area of the original parcel at the time of annexation.
- b. Natural & Hazard Areas. Lots smaller than thirty (30) acres shall be allowed if they are created by the bisection of the original lot by a natural area, flood hazard area or other resource or hazard designation restricting development pursuant the provisions of the Hillsboro Comprehensive Plan or Zoning Ordinance. Lots smaller than thirty (30) acres shall be allowed for the sole purpose of segregating common or public ownership of natural areas, flood hazard areas or other natural resource or hazard areas within an industrial park.
 - 1) The division of any single lot by a natural area, flood hazard area or other resource or hazard designation restricting development pursuant the provisions of the Hillsboro Comprehensive Plan or Zoning Ordinance shall not preclude additional subdivision as defined in Subparagraph d. Staged Development, Creating Lots Smaller Than Thirty (30) Acres. Any Single parcel on the date of annexation qualifying for Subparagraph 2.d. Staged Development that is divided by natural area, flood hazard area or other resource or hazard designation shall continue to qualify for Staged Development pursuant to Subparagraph 2.d. Staged

Development. In such event, the land area, subject to the 20% division as described in Subparagraph 2.d., shall mean the land area of the original parcel at the time of annexation.

- c. Reconfiguration of Contiguous Lots in One Ownership. New lots smaller than thirty (30) acres may be created when all contiguous lots of record, owned by a single individual or entity meet the following requirements:
- 1) The number of newly created lots are not greater than the number of the original lots of record; and
 - 2) The newly created lots may be more easily aggregated into larger lots for large industrial users than the original lots of record; and
 - 3) The reconfiguration includes all contiguous lots of record owned by a single individual or entity; and
 - 4) Where the proposed reconfiguration includes greater than thirty (30) acres, at least one 30 acre parcel shall be retained subject to the right to further divide the final 30 acre parcel consistent with the provision of subparagraph 2(d)(4) Staged Development; and
 - 5) The reconfiguration shall be processed administratively with notice to adjacent property owners.
- d. Staged Development, Creating Lots Smaller Than Thirty (30) Acres. All lots of record greater than thirty (30) acres and all contiguous lots of record owned by a single individual or entity collectively totaling thirty (30) acres or more, may be divided into lots smaller than thirty (30) acres subject to the following restrictions:
- 1) No more than twenty percent (20%) of the land area may be divided into lots smaller than thirty (30) acres, except as set forth in subsections 2), 3), and 4), below.
 - 2) At such time as plans are approved pursuant to Section 133. Development Review/Approval of Plans, or building permits are issued on sixty percent (60%) of the lots or sixty percent (60%) of the acreage, an additional twenty percent (20%) of the original land area may be divided into lots smaller than thirty (30) acres.
 - 3) The subdivision described in 2), above, may continue to occur in twenty percent (20%) increments so long as at least one thirty (30) acre parcel suitable for a single major industrial use remains undivided within the original lot of record or group of contiguous

lots of record in common ownership. No division of this final thirty (30) acre parcel may occur except in accordance with part 4) of this Subsection.

- 4) The final thirty (30) acre parcel within an ownership may be divided in accordance with the procedures described in this Section (d) Staged Development, only if the Planning Commission or City Council (if appealed), after a public hearing, finds that the existing supply of thirty (30) acres or larger vacant lots in the Special Industrial District, or in a Washington County Industrial zoning district with substantially similar land division restrictions, is adequate to supply the present and projected countywide demand for large lots without retaining the subject property. Should the final 30 acre parcel be subdivided pursuant to this Subsection it shall not be subject to the staging requirements set forth in this Section (d).

3. **Development Review Standards.** All development within the Special Industrial District (SID) shall conform to the following development standards and procedures:

- a. Minimum lot size shall be one acre.
- b. Development shall be consistent with the provisions of the M-P Industrial Park Zone as provided in Sections 65 through 74; and
- c. Final development plans shall conform to the provisions of Section 133. Development Review/Approval of Plans.
- d. Subdivision of lots shall conform to the City of Hillsboro Subdivision Ordinance .

(Section 134 Added by Ord. No. 3681/2-87.)

Section 134A. Shute Road Site Special Industrial District (SSID)

(Added by Ord. No. 5331/1-04.)

- A. **Purpose.** The Shute Road Site Special Industrial District (SSID) is an overlay zone intended to supplement most of the provisions of the underlying M-P, Industrial Park Zone for the Shute Road Site. If any provision of this District conflicts with a provision in the underlying M-P Industrial Park Zone as applied to the Site, the provisions of this District shall control. The purposes of this District are:
1. To provide and enhance within planned campus industrial park settings development opportunities within the Shute Road Industrial Site for businesses engaged in "high technology product manufacturing" that may require large sites, and for supporting industrial uses and accessory commercial businesses that may also locate within the same large sites.
 2. To provide the opportunity for smaller, compatible industrial uses and accessory commercial uses that can support the businesses engaged in high-technology product manufacturing uses and may require small and medium size sites in a planned campus industrial park setting.
 3. To provide large lots within the Shute Road Industrial Site for businesses engaged in high technology product manufacturing uses.
 4. To provide for aesthetically attractive, well designed industrial development within every development site whether large, medium or small within the Shute Road Industrial Site.
- B. **Applicability.** The provisions of this District shall apply only to the Shute Road Industrial Site shown on Figure 134A – 1, which is a part of this ordinance. Upon annexation to the City of properties within the Shute Road Industrial Site, the Official Zoning Map of the City of Hillsboro shall be amended to apply the M-P Industrial Park zone and the SSID overlay zone to each of the properties included within the boundaries of the Shute Road Industrial Site as shown on Figure 134A-1.
- C. **Definitions.** For the purposes of this District:
1. A "high-technology product manufacturing" use means and includes any high technology enterprise engaged in the business of manufacturing high-technology-related products, either as the main on-site activity or in conjunction with on-site experimental product research, testing or prototype production; or, any other high-technology industrial use that needs to use a dependable and uninterrupted supply of specialized dual-feed electric power or nitrogen gas. (Amended by Ord. No. 5983/9-11)

2. A "lot of record" means any lot or parcel of property described on Washington County Tax Maps on the date of annexation of the lot or parcel of land to the City of Hillsboro.
 3. "Contiguous lots of record in common ownership" means all contiguous lots or parcels which are either owned by a single individual or entity at the time land is placed in this district or which are thereafter acquired by a single individual or entity.
- D. **Standards.** All land uses, development and lot size requirements within the Shute Road Site Special Industrial District (SSID) shall comply with the following standards:
1. **Land Use.** Development within the SSID shall be allowed in accordance with the following requirements:
 - a. Land uses within the SSID shall be limited to:
 - (1) Businesses engaged in high-technology product manufacturing;
 - (2) Businesses and other land uses that support high-technology product manufacturing; and
 - (3) Commercial office uses that are accessory to and in the same building containing businesses engaged in high-technology product manufacturing or businesses and other land uses that support high-technology product manufacturing.
 - b. New commercial retail uses shall not be permitted within the SSID.
 2. **Required 100-Acre or 50-Acre Lots.** The land area of any lot of record or contiguous lots of record in common ownership required to be developed only with high-technology product manufacturing uses defined in Section 134A, C.(1) of this ordinance shall not be reduced in size without prior approval by the Portland Metropolitan Service District and the City of Hillsboro.
 - a. Development within the SSID shall provide at least one (1) 100-acre lot of record or contiguous lots of record in common ownership, or three (3) 50-acre lots of record or sets of contiguous lots of record in common ownership on which development shall be limited to businesses engaged in high technology product manufacturing as defined in Section 134A,C.(1) of this ordinance. All other lots of record or contiguous lots of record in common ownership within the SSID may be smaller than 50-acres in size and may contain any business or use described in Section 134A.A.(1)–(3) of this ordinance.
 - b. **Implementing the Transportation Plan.** The required 100-acre lot or 50-acre lots may be reduced in size to the extent necessary to allow the dedication and/or construction of public collector or arterial roadways

necessary to implement Section 13. Transportation of the Hillsboro Comprehensive Plan.

- c. Natural & Hazard Areas. The required 100-acre lot or 50-acre lots may be reduced in size to the extent made necessary by the bisection of the lot(s) by a natural area, flood hazard area or other resource or hazard designation restricting development pursuant the provisions of the Hillsboro Comprehensive Plan or Zoning Ordinance; or for the sole purpose of segregating common or public ownership of natural areas, flood hazard areas or other natural resource or hazard areas within an industrial park.

3. **Development Review Standards**. All development within the SSID shall conform to the following development standards and procedures:

- a. Development within the SSID shall be subject to review and approval by the Planning Director in accordance with the procedures prescribed in Section 133 of this Zoning Ordinance. The Planning Director may permit developments to occur within the SSID within any lot of record or contiguous lots of record in common ownership in any arrangement and development sequence that accomplishes the requirement in Section 134A.D.2(a) in accordance with the purpose of the District.
- b. Development shall be consistent with underlying applicable provisions of the M-P Industrial Park Zone as provided in Sections 65 through 74; and
- c. Final development plans for any lot or record or contiguous lots of record in common ownership shall conform to the provisions of Section 133, Development Review/Approval of Plans.
- d. Subdivision of lots shall conform to the City of Hillsboro Subdivision Ordinance.





Figure 134A-1

Shute Road Industrial Site

Plot date: August 26, 2003

LEGEND
 Shute/Evergreen Industrial

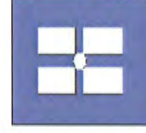
 Taxlots

 City Limits

 UGB
Legal Description of Properties Within Site:

1N2210003102
 1N2210003100
 1N2210002600
 1N2210002601
 1N2210003000
 1N2210002801
 1N2210002700
 1N2210002800
 1N2210002802
 1N2210002900
 1N2210002901

0 200 400 600 800 1000 Feet



Aerial Photography Source: City of Hillsboro

-Current as of 2002

Other Data Sources:

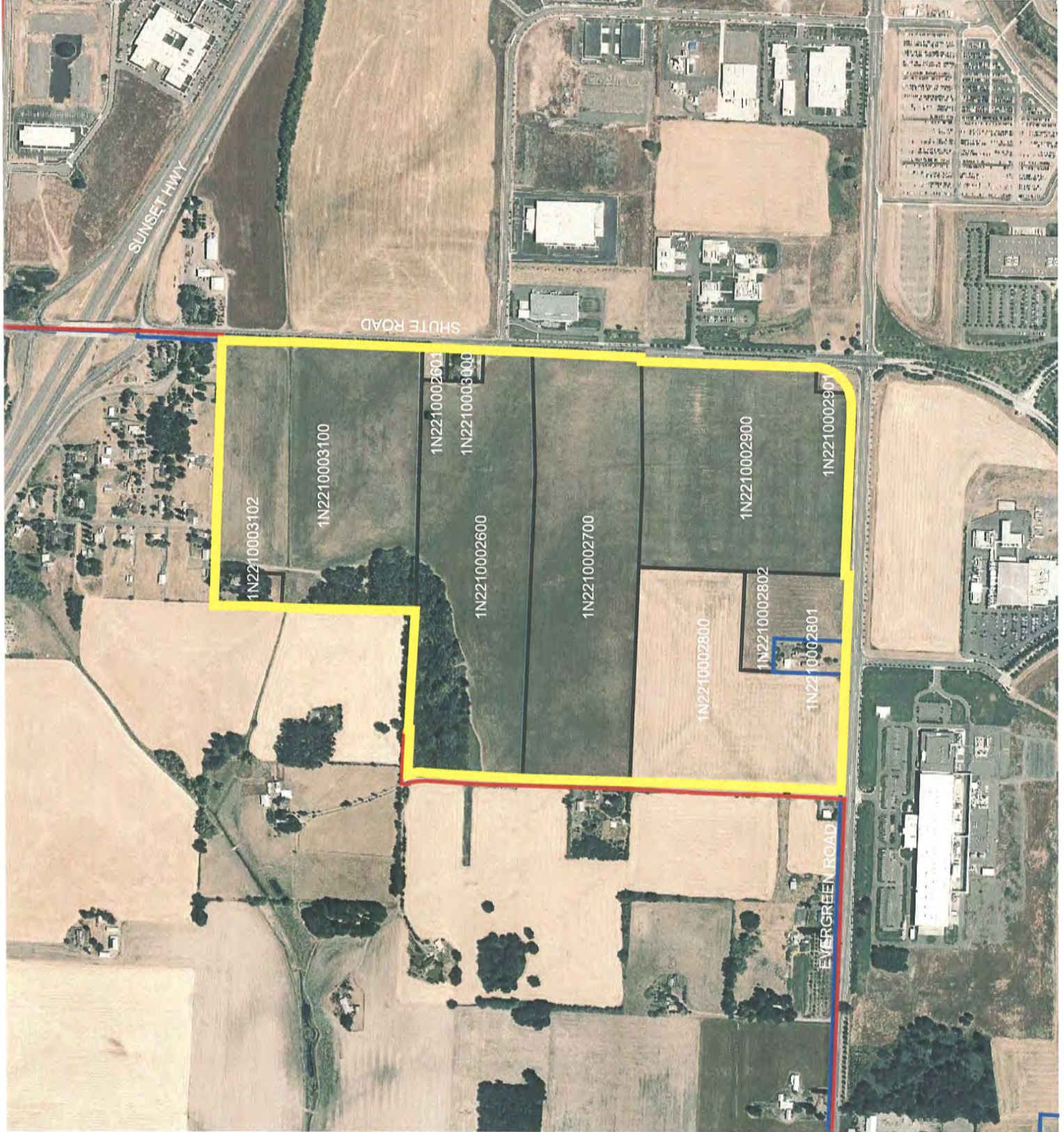
City of Hillsboro - Current as of July, 2003

Washington County - Current as of July, 2003

Metro - Current as of May, 2003

This map was derived from several databases. The City cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

Doug\F:\UGB_Analysis\shute_rd_apr



Section 134B. Evergreen Area Special Industrial District (ESID)

(Added by Ord. No. 5833/2-08)

- A. **Purpose.** *Evergreen Area Special Industrial District (ESID)* Zone provisions contained in this Section shall apply to and regulate land within the Evergreen Area shown on attached map Exhibit "A" upon adoption of this Ordinance and annexation of such land to the City. The purpose of the *ESID* Zone Ordinance is to:
1. Provide industrial sites and land development opportunities within the Evergreen Area that can accommodate on large and small development sites *high technology and related companies and businesses* and local, national and international "*sustainable industries*" *businesses and companies* (including uses that support or complement such companies and businesses).
 2. Facilitate and nurture the establishment, development and growth of a "*sustainable industries*" *cluster* and a "*bio-tech/bio-medical/bio-pharmaceutical*" *industry cluster* within the Evergreen Area.
 3. Encourage and accommodate the *creation of larger industrial parcels* including at least one parcel 100-acres or larger in size within Sub-area "A" of the Evergreen Area through *ESID* Zone provisions that facilitate land assembly consolidations to create large campus-like industrial sites.
 4. Facilitate and accommodate *business clusters on smaller industrial sites* within Sub-area "B" of the Evergreen Area for business start-ups, incubators and spin-offs that derive from high-tech, sustainable industries and bio-tech/bio-medical/bio-pharmaceutical industry clusters and for supporting public and private facilities and utilities.
 5. Support and implement the development goals, development program, and corresponding implementation measures described in Section 24, Evergreen Area Industrial Plan, of the Hillsboro Comprehensive Plan.
- B. **Applicability.** *ESID* Zone provisions apply to properties within two *ESID* Zone Sub-areas: "*East Evergreen*" – Sub-area "A", and "*West Evergreen*" – Sub-area "B" as shown on attached Exhibit "A" attached to, and hereby made a part of this *ESID* Zone Ordinance. Some *ESID* Zone provisions apply differently in Sub-area "A" than in Sub-area "B" in response to unique industrial development opportunities and constraints presented in each Sub-area. The Official City of Hillsboro Zoning Map shall be amended to incorporate and include the attached Exhibit "A" as the official City Zoning Map only for properties in both Evergreen Area Sub-areas upon their annexation to the City.
- C. **Definitions.** The industrial use category defined in this Section shall be interpreted and applied narrowly and exclusively to exclude from the *ESID* Zone land uses that fall under other general industrial categories not specifically listed in this Section. However, the range and types of industry uses covered within each industrial category listed in this Section may be broadly interpreted and applied to include uses currently associated with the category by recognized industry classification systems and new kinds of uses that

may evolve in the future from businesses in that category. As used in the application and enforcement of this *ESID* Zone Ordinance:

1. "*Sustainable Energy and Environmental Businesses*" means and includes industrial businesses and land uses engaged in the research and design or development, manufacturing, processing, marketing (and combinations of such activities) of products or services associated with local, national and international sustainable energy and environmental industries. Such businesses include, but are not limited to large and small firms and companies engaged in high technology research and products development and manufacturing; solar and wind energy products and parts manufacturing; and, other high-tech and sustainable industry operations. These businesses usually require parcels of various sizes, especially large parcels (e.g., 50 – 100 or more acres in size), to accommodate vertically-integrated business operations, entirely within a single business site.
2. "*Biotech Campus*" means and includes industrial businesses and land uses engaged in research and design or development, manufacturing and processing, marketing (and combinations thereof) of bio-technology, bio-medical, bio-pharmaceutical business products or services and like-kind businesses. Biotech campuses usually require medium-sized parcels (35 – 50 or more acres in size).
3. "*Industrial Incubators, Start-ups and Spin-offs Business Parks*" means and includes small-to-medium sized specialized business parks that contain (within leased, building spaces) a mix of small, emerging industrial companies that evolve from, or support the established, larger high tech, sustainable industries and bio-tech companies nearby. Typical business parks present a unifying brand and image controlled by project covenants or conditions and restrictions (CC&Rs). Some Business Parks may provide raw industrial building space, while others may provide industrial flex building spaces. Leased spaces often contain combined business office and product production operations. These types of business parks usually require medium-sized parcels (20 – 40 acres in size).
4. "*Industry Research & Development (R&D) Parks*" means and includes industrial R&D business parks that primarily provide industry flex-space developments for vertically-integrated research and development businesses and research laboratories that develop new products and/or industry technologies in smaller campus-like projects. Industry Business Parks, R& D Parks also usually require small-to-medium sized parcels (20 – 30 acres in size).
5. "*Industry Suppliers*" means and includes businesses that manufacture, process, distribute or provide production materials, parts, product components and business services used by local high tech, sustainable industry and bio-tech businesses in the Portland Region. They include, but are not limited to suppliers of test equipment, uniforms and linens, lab supplies, sub-components and circuit boards, and packaging materials. Industry suppliers usually require smaller-sized parcels (10 – 20 or more acres in size).

6. *"Support Commercial Services"* means and includes a clustering within a single development project of support commercial retail uses and professional services that directly and primarily serve the daily commerce needs of businesses and employees in the immediate surrounding industrial area. Such a building cluster may not contain more than 50,000 sq. ft. of total structural or building floor area, and the total floor area within such a building cluster that may be allocated to a single use, tenant or business to be located within the building may not exceed 20,000 sq. ft. of floor area. Typical uses include food services and restaurants, banking, convenience shops, child care facilities, automated businesses support services and like-kind limited retail and professional business services. A support commercial service cluster usually requires a small geographic land area (not more than 5 - 10 acres of land) located to be both visible to drive-by traffic and within reasonable walking or driving distance to/from businesses and employees in the surrounding industrial area. Free-standing, single user commercial retail uses or professional offices do not fall within this land use category and are not permitted in the *ESID* Zone.
 7. *"Distribution Businesses"* are industries that require good access to the transportation network, via Highway 26, in order to deliver goods throughout the region.
 8. *"Lot of Record"* means any lot or parcel of property described on Washington County Tax Maps on the date of annexation of the lot or parcel of land to the City of Hillsboro.
 9. *"Contiguous Lots of Record in Common Ownership"* means all contiguous lots or parcels which are either owned by a single individual or entity at the time land is placed in this district or which are thereafter acquired by a single individual or entity.
 10. *"Pre-Existing Use"* means any lawfully created use or structure established and in existence on the date of adoption of this ordinance.
- D. **Standards.** All land uses, land development and lot partition and lot development requirements within the *ESID* Zone shall comply with the standards contained in Sections D. and E. of this *ESID* Zone Ordinance and the standards of the M-P Industrial Park Zone of Hillsboro Zoning Ordinance specifically identified or referenced in this *ESID* Ordinance. All land uses, land development and lot partition and lot development requirements within the *ESID* Zone shall also be subject to review and approval under Section 133, Development Review/Approval, of the Hillsboro Zoning Ordinance:
1. **Land Use.** Land uses, new development and redevelopment within the *ESID* Zone shall be allowed and shall occur in accordance with the following requirements:
 - a. Permitted land uses:
Sub-area "A": East Evergreen

Permitted uses within Sub-area "A": East Evergreen shall be limited to kinds of land uses described in the following Industrial use categories as defined in Section C. of this *ESID* Zone Ordinance:

- (1) Sustainable, Environmental, and Energy Businesses
- (2) Biotech Campus
- (3) Industry Research & Development (R&D) Parks
- (4) Industrial Incubators, Start-ups and Spin-offs Business Parks
- (5) Support Commercial Services [described in Section D.1.d. of this Ordinance]
- (6) Transportation facilities, including public improvements for streets, transit, parking, and bicycle and pedestrian facilities
- (7) Public service or utility uses and facilities
- (8) Other uses similar in type and character to the permitted use categories in Sub-area "A" as determined by the Planning Director pursuant to Section 117 of the Hillsboro Zoning Ordinance if proposed to be developed on properties less than twenty five (25) acres in land area, and by the Planning Commission if proposed to be developed on properties containing twenty five (25) or more acres in land area.

Sub-area "B": West Evergreen

Permitted uses within Sub-area "B": West Evergreen shall be limited to the kind of land uses described in the following Industrial use categories as defined in Section C. of this Ordinance:

- (1) Sustainable, Environmental, and Energy Businesses
- (2) Biotech Campus
- (3) Industry Research & Development (R&D) Parks
- (4) Industrial Incubators, Start-ups and Spin-offs Business Parks
- (5) Distribution Businesses
- (6) Industry Suppliers
- (7) Support Commercial Services [described in Section D.1.d. of this Ordinance]
- (8) Transportation facilities, including public improvements for streets, transit, parking, and bicycle and pedestrian facilities
- (9) Public service or utility uses and facilities
- (10) Other uses similar in type and character to the permitted use categories in Sub-area "B" as determined by the Planning Director pursuant to Section 117 of the Hillsboro Zoning Ordinance if proposed to be developed on properties less than twenty five (25) acres in land area, and by the Planning Commission if proposed to be developed on properties containing twenty five (25) or more acres in land area.

b. Conditional uses:

Only the following Conditional Land Uses may be permitted within the *ESID* Zone when proposed, processed, approved and developed in accordance with the provisions Sections 78 to 83 of the Hillsboro Zoning Ordinance and Section 133, Development Review/Approval, of the Zoning Ordinance:

- (1) Transit Park and Ride
- (2) Radio transmission facilities

c. Excluded uses:

Unless a use is permitted outright or as a conditional use, or is determined to be permissible by the Planning Director or the Planning Commission in accordance with the provisions of this *ESID* Zone Ordinance, the use shall be excluded from, and may not be permitted to develop within the *ESID* Zone.

d. Special Provisions for Support Commercial Services uses:

- (1) At least one million (1,000,000) total square feet of building floor area of permitted industrial development within Sub-area "A", and at least one-half million (500,000) total square feet of building floor area of permitted industrial development within Sub-area "B", must first be approved by the City (as documented by building permits issued for industrial projects) before the City may consider and approve the development within Sub-area "A" and Sub-area "B", respectively, of a support commercial service use permitted under Section C.6. of this *ESID* Ordinance.⁵
- (2) Development of the support commercial service use will require an amendment to the Evergreen Area Plan Map, City zone change, and City Development Review approval of the proposed use.
- (3) Specific retail and professional service uses to be included within a proposed Support Commercial Services development shall be consistent with the kinds of uses described in Section C. of this *ESID* Zone Ordinance which defines "Support Commercial Services". If a question arises whether a proposed retail or professional service use is consistent with that definition, the Hillsboro Planning Director shall issue a written determination of consistency of the proposed use with the definition of "Support Commercial Services" pursuant to the Section 117 of the Hillsboro Zoning Ordinance. The Director's determination shall be based

⁵

This provision limiting the development of retail commercial and professional offices only to one (1) site in Sub-area "A" and one (1) site in Sub-area "B" that may not exceed 10-acres in size and must include retail and offices uses demonstrated to directly and primarily serve the daily needs of immediately surrounding industrial businesses and employees is intended to accommodate and achieve the intent and objectives of applicable Metro Urban Growth Management Functional Plan Title 4 restrictions on large retail commercial, professional offices and Title 4 Regionally Significant Industrial Area (RSIA) requirements.

on documents that describe how the proposed retail or professional service use satisfies the definition. The documents shall be compiled and submitted to the director by the party seeking City approval of the proposed support commercial services use.

- (4) The land area to be occupied by proposed Support Commercial Services use may not contain more than ten (10) net acres of developed land.

e. Pre-Existing Uses:

Any lawfully created use of any building, structure or land existing at the time of adoption of this *ESID* Zone Ordinance may continue to operate and may expand to add up to 20 percent (20%) more floor area and ten percent (10%) more land area.

2. **Lot Size.**

a. Sub-area "A": East Evergreen:

- (1) Industrial developments allowed by this *ESID* Zone Ordinance within Sub-area "A" shall have a minimum lot size of 50-acres. All other lots of record or contiguous lots of record in common ownership within the *ESID* Zone smaller than 50-acres in size may contain any business or use described in Section D.1.a. of this Ordinance.⁶
- (2) Subdivision of parcels within Sub-area "A" will be permitted for lots larger than 50-acres in size so long as the resulting land division creates one lot or parcel of at least 50-acres and the remaining lot(s) created contains at least one parcel of 25-acres of contiguous land.

b. Sub-area "B": West Evergreen:

- (1) Industrial developments allowed by this *ESID* Zone Ordinance within Sub-area "B" shall have a minimum lot size of 10-acres. All other lots of record or contiguous lots of record in common ownership within the *ESID* Zone smaller than 10-acres in size may contain any business or use listed in Section D.1.a. of this ordinance.
- (2) Subdivision of parcels within Sub-area "B" will be permitted for lots larger than 10-acres in size so long as the resulting land division

⁶

This 50-acres minimum lot size standard for industrial developments and 50-acres lot-creation subdivision standard established by Subsection D.2.a.(1) and D.2.a.(2) for Sub-area "A" are intended to:

- 1) Encourage and facilitate parcel aggregations and consolidations into several large lots within Sub-area "A" containing at least 50-acres and, therefore, better accomplish an Evergreen Area UGB Condition of Approval requiring the establishment of one 100-acre industrial lot within the Evergreen Area; and,
- 2) Address ORS 197.352 (Ballot Measure 37) considerations.

creates one lot or parcel of at least 10-acres and the remaining lot(s) contains at least one parcel of 5-acres of contiguous land.

3. **Implementing the City Transportation System Plan.**

The required minimum lot sizes for Sub-areas "A" and "B" may be reduced in size to the extent necessary to allow the dedication and/or construction of public collector or arterial roadways necessary to implement Section 13: Transportation of the Hillsboro Comprehensive Plan.

4. **Natural & Hazard Areas.** The required minimum lot sizes for Sub-areas "A" and "B" may be reduced in size to the extent made necessary by the presence on the lot(s) of a natural area, flood hazard area or other resource or hazard designation restricting development pursuant the provisions of the Hillsboro Comprehensive Plan or Zoning Ordinance; or for the sole purpose of segregating common or public ownership of natural areas, flood hazard areas or other natural resource or hazard areas within an industrial park.

E. **Land Development Standards.** The following M-P District provisions shall apply to all developments within the *ESID* Zone unless modified by the Planning Director as a result of Development Review to achieve improved project design, protect or enhance significant natural resources, achieve public infrastructure efficiencies and economies of scale or other practicable project development solutions.

1. **Setback Requirements.** The yard setback requirements set forth in Section 68 of the Hillsboro Zoning Ordinance shall apply.

2. **Height of Buildings.** The building height limits and standards set forth in Section 69 of the Zoning Ordinance shall apply.

3. **Lot Coverage.** The maximum lot coverage standard in Section 70 of the Zoning Ordinance shall apply.

4. **Off-Street Parking and Loading.** The off-street parking and loading standard in Section 71 of the Zoning Ordinance shall apply.

F. **Performance Standards.** The land and structure use and development performance standards in Section 72 of the Zoning Ordinance shall apply. In the *ESID* Zone, as a condition for granting of a building permit, it shall be agreed that, upon request of the City, information sufficient to determine the extent of compliance with the performance standards in Section 72 shall be furnished by the owner of the property to which the building permit was granted or all successors and assignees of the owner. Such requests may include a requirement for continuous records of operation likely to violate the standards, for periodic checks to assure maintenance of standards, or for special surveys in the event a question arises regarding compliance with Section 72 performance standards.

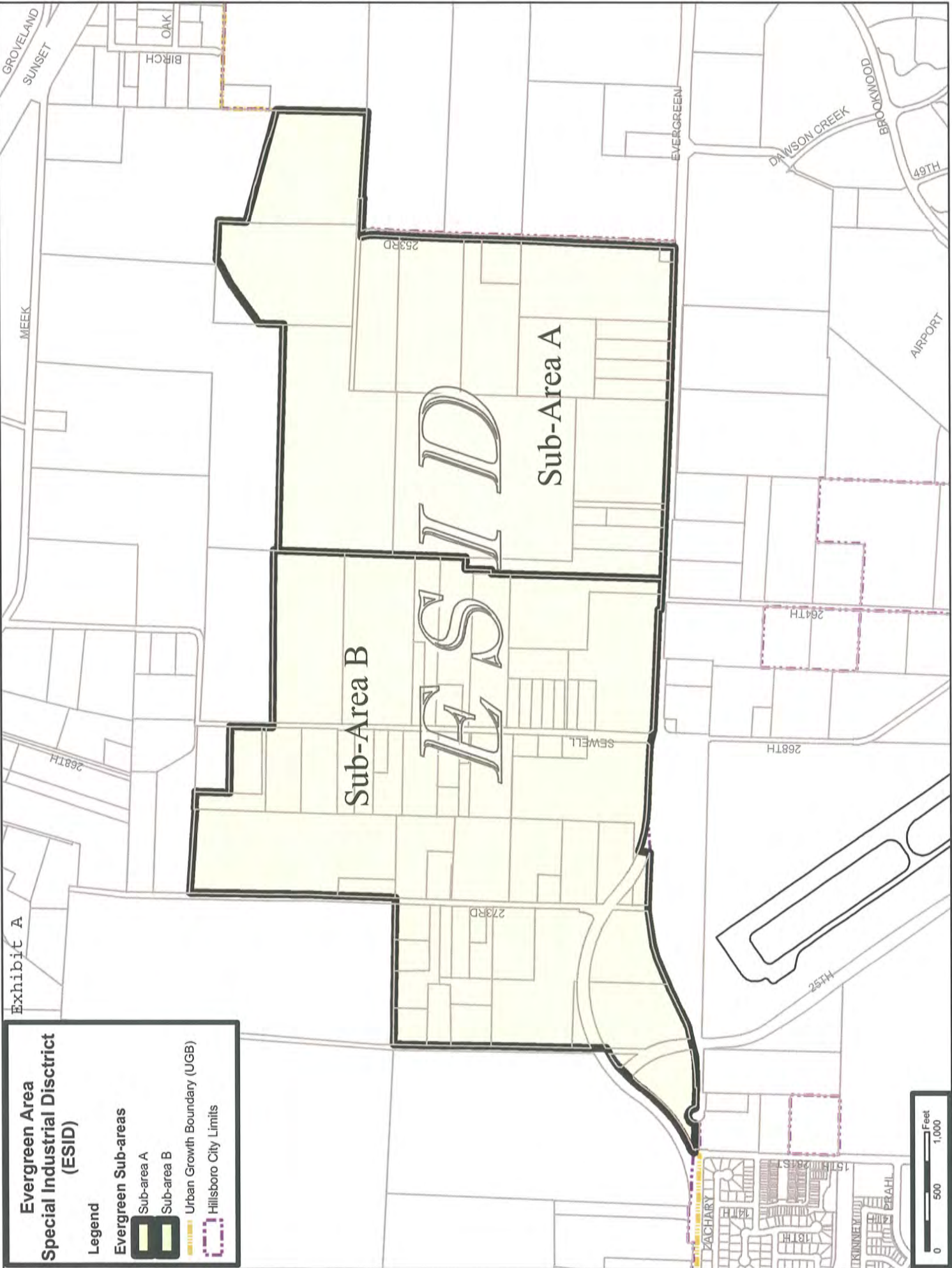
Development within properties situated in Sub-area "A", the "East Evergreen" Area and Sub-area "B", the "West Evergreen" Area shall comply with Airport Safety and

Compatibility Overlay Zone (Section 135B) requirements pertaining to the height of structures; smoke, glare, dust, wildlife attractants, and electronic emissions and interferences; and, construction of public or private facilities or infrastructure in locations that may create hazardous or safety conflicts with the safe landing and departure of aircraft from the Hillsboro Airport.

G. **Development Review Standards.** All developments within the *ESID* Zone are subject to, and shall comply with the development standards and procedures set forth in Section 133, Development Review/Approval of Plans, of the Hillsboro Zoning Ordinance:

1. The Planning Director shall review and may approve each proposed development within the *ESID* Zone in accordance with the review standards and procedures prescribed in this *ESID* Zone Ordinance and in Section 133 of this Zoning Ordinance. If the provisions of this *ESID* Zone Ordinance and Section 133 are inconsistent or conflict as applied to any proposed development, the provisions of the *ESID* Zone Ordinance shall apply and control.
2. Within the *ESID* Zone, final development plans for any proposed land use to be built or site alteration to take place on a lot of record or contiguous lots of record in common ownership within the *ESID* Zone shall comply with the applicable provisions of Section 133.
3. Any subdivision of lots and parcels within this *ESID* Zone shall comply with the applicable provisions of this *ESID* Zone Ordinance and the City of Hillsboro Subdivision Ordinance. If the provisions of this *ESID* Zone Ordinance and the City Subdivision Ordinance are inconsistent or conflict as applied to any proposed development in the *ESID* Zone, the provisions of the *ESID* Zone Ordinance shall apply and control.

(Added by Ord. No. 5833/2-08)



Section 134C. Helvetia Area Special Industrial District (HSID)
(Added by Ord. No. 5835/2-08)

- A. **Purpose.** *Helvetia Area Special Industrial District (HSID)* provisions shall apply to and regulate land within the Helvetia Area shown on map Exhibit A upon adoption of this Ordinance and land annexation to the City. The purpose of the *HSID* Zone Ordinance is to:
1. Encourage and accommodate the *creation of larger industrial parcels* within the Helvetia Area through *HSID* Ordinance provisions that facilitate land assembly consolidations to create large campus-like industrial sites.
 2. Facilitate and accommodate *business clusters on smaller industrial sites* within the Helvetia Area for business start-ups, incubators and spin-offs that derive from high-tech, sustainable industries and bio-tech/bio-medical/bio-pharmaceutical industry clusters and for supporting public and private facilities and utilities.
 3. Accommodate land development opportunities within the Helvetia Area that can accommodate *high technology and related companies and businesses* and local, national and international "*sustainable industries*" *businesses and companies* (including uses that support or complement such companies and businesses).
 4. Accommodate the establishment, development and growth of "*sustainable industries*" and "*bio-tech/bio-medical/bio-pharmaceutical*" *industries* within the Helvetia Area.
 5. Support and implement the development goals, development program, and corresponding implementation measures described in Section 25, Hillsboro Area Industrial Plan, of the Hillsboro Comprehensive Plan.
- B. **Applicability.** *HSID* Ordinance provisions apply to properties within the Helvetia Area shown on map Exhibit A. The Official City of Hillsboro Zoning Map shall be amended to incorporate the *HSID* Ordinance provisions which shall regulate properties within the Helvetia Area upon their annexation to the City.
- C. **Definitions.** The industrial use category defined in this Section shall be interpreted and applied narrowly and exclusively to exclude from the *HSID* Zone land uses that fall under other general industrial categories not specifically listed in this Section. However, the range and types of industry uses covered within each industrial category listed in this Section may be broadly interpreted and applied to include uses currently associated with the category by recognized industry classification systems and new kinds of uses that may evolve in the future from businesses in that category. As used in the application and enforcement of this *HSID* Ordinance:
1. "*Sustainable Energy and Environmental Businesses*" means and includes industrial businesses and land uses engaged in the research and design or development, manufacturing, processing, marketing (and combinations of such activities) of products or services associated with local, national and international sustainable energy and environmental industries. Such businesses include, but

are not limited to large and small firms and companies engaged in high technology research and products development and manufacturing; solar and wind energy products and parts manufacturing; and, other high-tech and sustainable industry operations. These businesses usually require parcels of various sizes, especially large parcels (e.g., 50 – 100 or more acres in size), to accommodate vertically-integrated business operations, entirely within a single business site.

2. *"Biotech Campus"* means and includes industrial businesses and land uses engaged in research and design or development, manufacturing and processing, marketing (and combinations thereof) of bio-technology, bio-medical, bio-pharmaceutical business products or services and like-kind businesses. Biotech campuses usually require medium-sized parcels (35 – 50 or more acres in size).
3. *"Industrial Incubators, Start-ups and Spin-offs Business Parks"* means and includes small-to-medium sized specialized business parks that contain (within leased, building spaces) a mix of small, emerging industrial companies that evolve from, or support the established, larger high tech, sustainable industries and bio-tech companies nearby. Typical business parks present a unifying brand and image controlled by project covenants or conditions and restrictions (CC&Rs). Some Business Parks may provide raw industrial building space, while others may provide industrial flex building spaces. Leased spaces often contain combined business office and product production operations. These types of business parks usually require medium-sized parcels (20 – 40 acres in size).
4. *"Industry Research & Development (R&D) Parks"* means and includes industrial R&D business parks that primarily provide industry flex-space developments for vertically-integrated research and development businesses and research laboratories that develop new products and/or industry technologies in smaller campus-like projects. Industry Business Parks, R& D Parks also usually require small-to-medium sized parcels (20 – 30 acres in size).
5. *"Industry Suppliers"* means and includes businesses that manufacture, process, distribute or provide production materials, parts, product components and business services used by local high tech, sustainable industry and bio-tech businesses in the Portland Region. They include, but are not limited to suppliers of test equipment, uniforms and linens, lab supplies, sub-components and circuit boards, and packaging materials. Industry suppliers usually require smaller-sized parcels (10 – 20 or more acres in size).
6. *"Distribution Businesses"* are industries that require good access to the transportation network, via Highway 26, in order to deliver goods throughout the region.
7. *"Lot of Record"* means any lot or parcel of property described on Washington County Tax Maps on the date of annexation of the lot or parcel of land to the City of Hillsboro.

8. "Contiguous Lots of Record in Common Ownership" means all contiguous lots or parcels which are either owned by a single individual or entity at the time land is placed in this district or which are thereafter acquired by a single individual or entity.
 9. "Pre-Existing Use" means any lawfully created use or structure established and in existence on the date of adoption of this ordinance.
- D. **Standards.** All land uses, land development and lot partition and lot development requirements within the *HSID* Zone shall comply with the standards contained in Sections D. and E. of this *HSID* Ordinance and the standards of the M-P Industrial Park Zone of Hillsboro Zoning Ordinance specifically identified or referenced in this *HSID* Ordinance. All land uses, land development and lot partition and lot development requirements within the *HSID* Zone shall also be subject to review and approval under Section 133, Development Review/Approval, of the Hillsboro Zoning Ordinance:
1. **Land Use.**
Land uses, new development and redevelopment within the *HSID* Zone shall be allowed and shall occur in accordance with the following requirements:
 - a. Permitted land uses:
Permitted uses within the *HSID* Zone Ordinance shall be limited to the kind of land uses described in the following Industrial use categories as defined in Section C of this Ordinance:
 - (1) Sustainable, Environmental, and Energy Businesses
 - (2) Biotech Campus
 - (3) Industry Research & Development (R&D) Parks
 - (4) Industrial Incubators, Start-ups and Spin-offs Business Parks
 - (5) Distribution Businesses
 - (6) Industry Suppliers
 - (7) Support Commercial Services [described in Section D.1.d. of this Ordinance]
 - (8) Transportation facilities, including public improvements for streets, transit, parking, and bicycle and pedestrian facilities
 - (9) Public service or utility uses and facilities
 - (10) Other uses similar in type and character to the permitted use categories in this Helvetia Area as determined by the Planning Director pursuant to Section 117 of the Hillsboro Zoning Ordinance.
 - b. Conditional uses:
Only the following Conditional Land Uses may be permitted within the *HSID* Zone when proposed, processed, approved and developed in accordance with the provisions Sections 78 to 83 of the Hillsboro Zoning Ordinance and Section 133, Development Review/Approval, of the Zoning Ordinance:
 - (1) Transit Park and Ride

(2) Communication transmission facilities

c. Excluded uses:

Unless a use is permitted outright or as a conditional use, or is determined to be permissible by the Planning Director or the Planning Commission in accordance with the provisions of this *HSID* Ordinance, the use shall be excluded from, and may not be permitted to develop within the *HSID* Zone.

d. Special Provisions for Support Commercial Services uses:

Commercial land uses within the *HSID* Zone shall be limited to:

(1) Retail commercial and professional services uses that primarily serve the needs of the workers within the Helvetia and immediately adjacent industrial areas. Buildings for these retail uses and professional services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

(2) Training facilities whose primary purpose is to provide training to meet industrial needs.

e. Pre-Existing Uses:

Any lawfully created use of any building, structure or land existing at the time of adoption of this Ordinance may continue to operate and may expand to add up to 20 percent (20%) more floor area and ten percent (10%) more land area.

2. Lot Size.a. Minimum Lot Size:

(1) Industrial developments allowed by this *HSID* Ordinance within the *HSID* Zone shall have a minimum lot size of 10-acres. All other lots of record or contiguous lots of record in common ownership within the *HSID* Zone smaller than 10-acres in size may contain any business or use listed in Section D.1.a. of this Ordinance.⁷

⁷

This 10-acres minimum lot size standard for industrial developments and 10-acres lot-creation subdivision standard established by Subsection D.2.a.(1) and D.2.a.(2) for the *HSID* are intended to:

3) Encourage and facilitate parcel aggregations and consolidations within the *HSID*, therefore, better accomplish the Helvetia Area UGB Condition of Approval requiring the establishment of one 50-acre industrial lot within the Helvetia Area; and,
4) Address ORS 197.352 (Ballot Measure 37) considerations.

- (2) Subdivision of parcels the *HSID* Zone will be permitted for lots larger than 10-acres in size so long as the resulting land division creates one lot or parcel of at least 10-acres and the remaining lot(s) created contains at least one parcel of 5-acres of contiguous land.

3. **Implementing the City Transportation System Plan.**

The required minimum lot sizes for parcels within the *HSID* Zone may be reduced in size to the extent necessary to allow the dedication and/or construction of public collector or arterial roadways necessary to implement Section 13: Transportation of the Hillsboro Comprehensive Plan.

4. **Natural & Hazard Areas.**

The required minimum lot sizes for parcels within the *HSID* Zone may be reduced in size to the extent made necessary by the bisection of the lot(s) by a natural area, flood hazard area or other resource or hazard designation restricting development pursuant the provisions of the Hillsboro Comprehensive Plan or Zoning Ordinance; or for the sole purpose of segregating common or public ownership of natural areas, flood hazard areas or other natural resource or hazard areas within an industrial park.

E. **Land Development Standards.**

The following M-P District provisions shall apply to all developments within the *HSID* Zone unless modified by the Planning Director as a result of Development Review to achieve improved project design, protect or enhance significant natural resources, achieve public infrastructure efficiencies and economies of scale or other practicable project development solutions.

1. **Setback Requirements.**

The yard setback requirements set forth in Section 68 of the Hillsboro Zoning Ordinance shall apply.

2. **Height of Buildings.**

The building height limits and standards set forth in Section 69 of the Zoning Ordinance shall apply.

3. **Lot Coverage.**

The maximum lot coverage standard in Section 70 of the Zoning Ordinance shall apply.

4. **Off-Street Parking and Loading.**

The off-street parking and loading standard in Section 71 of the Zoning Ordinance shall apply.

5. **Performance Standards.**

The land and structure use and development performance standards in Section 72 of the Zoning Ordinance shall apply. In the *HSID* Zone, as a condition for granting of a building permit, it shall be agreed that, upon request of the City, information sufficient to determine the extent of compliance with the performance

standards in Section 72 shall be furnished by the owner of the property to which the building permit was granted or all successors and assignees of the owner. Such requests may include a requirement for continuous records of operation likely to violate the standards, for periodic checks to assure maintenance of standards, or for special surveys in the event a question arises regarding compliance with Section 72 performance standards.

F. **Development Review Standards.** All developments within the *HSID* Zone are subject to, and shall comply with the development standards and procedures set forth in Section 133, Development Review/Approval of Plans, of the Hillsboro Zoning Ordinance:

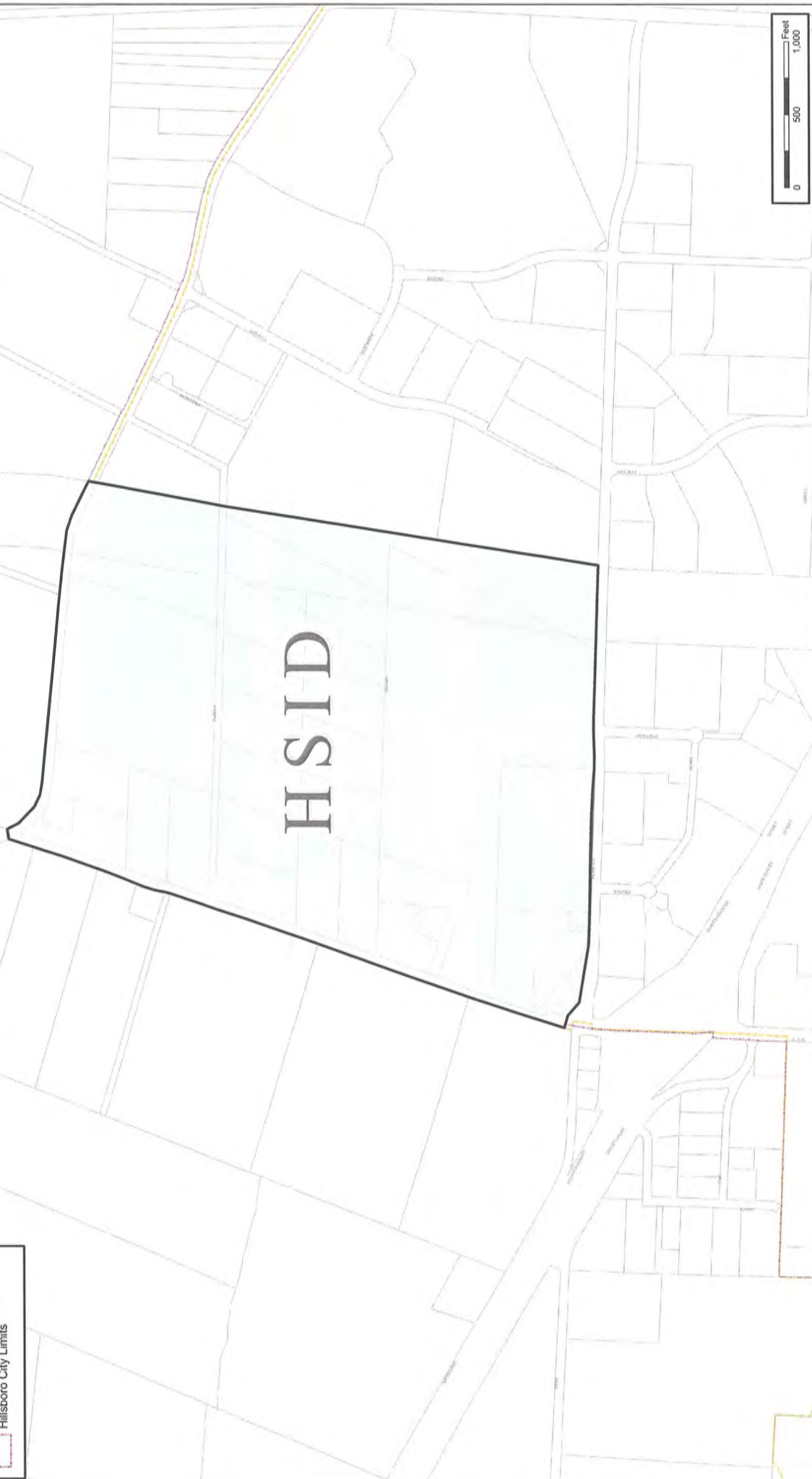
1. The Planning Director shall review and may approve each proposed development within the *HSID* Zone in accordance with the review standards and procedures prescribed in this *HSID* Ordinance and in Section 133 of this Zoning Ordinance. If the provisions of this *HSID* Ordinance and Section 133 are inconsistent or conflict as applied to any proposed development, the provisions of the *HSID* Ordinance shall apply and control.
2. Within the *HSID* Zone, final development plans for any proposed land use to be built or site alteration to take place on a lot or record or contiguous lots of record in common ownership within the *HSID* Zone shall comply with the applicable provisions of Section 133.
3. Any subdivision of lots and parcels within this *HSID* Zone shall comply with the applicable provisions of this *HSID* Ordinance and the City of Hillsboro Subdivision Ordinance. If the provisions of this *HSID* Ordinance and the City Subdivision Ordinance are inconsistent or conflict as applied to any proposed development in the *HSID* Zone, the provisions of the *HSID* Ordinance shall apply and control.

(Added by Ord. No. 5835/2-08)

Exhibit A

Helvetia HSID

- Urban Growth Boundary (UGB)
Hillsboro City Limits



Feet

0 500 1,000

Section 134D. Industrial Sanctuary zone (I-S)
(Added by Ord. No. 5978/1-12)

1. **Purpose.** The purposes of the I-S Zone are as follows:
 - A. To provide a full range of industrial uses and limited support services in areas brought into the Regional Urban Growth Boundary (UGB) for industrial development, in order to support the goals and policies of Section 10 (Economy) of the City's Comprehensive Plan and Statewide Planning Goal 9 (Economy of the State); and
 - B. To accommodate the region-wide need to create and preserve large lots for industrial use, as set forth in Title 4 of the Metro 2040 Urban Growth Management Functional Plan.
2. **Applicability.** The provisions of this zone shall generally apply to properties, north of NW Evergreen Road or NW Jacobsen Road, and west of NW Cornelius Pass Road. The zone contains four Sub-areas as shown on Figure 134D-A: West Union / Helvetia; Shute Road; Evergreen East; Evergreen West; and Meek. (Amended by Ord. No. 6074/02-14)
3. **Use Categories.** For the purposes of this Zone, permitted uses are categorized as follows:

Aviation Uses include landing, take-off, servicing and storage of aircraft including airplanes, jets, helicopters and gliders, and activities related to or using aircraft or aviation services. Example of aviation uses include but are not limited to: aviation-related activities, including taxiing, take-offs and landings; air passenger and air freight services and facilities; emergency medical flight services; flight instruction; aircraft service, maintenance and training; aircraft rental and supporting facilities; aircraft and aeronautic equipment and supplies sales; indoor or outdoor storage of aircraft; crop-dusting activities; commercial supporting uses and at terminal buildings; and aeronautic educational, recreational and sporting activities.

Eating and Drinking Establishments sell food and/or beverages to the general public as the primary use, for on-site consumption and/or take-away service. Examples of eating and drinking establishments include cafes, coffee shops and delicatessens; dine-in restaurants with or without take-out facilities; drive-up or drive-through restaurants with or without seating; and taverns, brew pubs, bars and night clubs.

Industrial Services uses are engaged in repair and/or servicing of industrial, business or consumer machinery, equipment, products or by-products or in training or instruction of such repair or servicing. Contractors and building maintenance firms and similar uses perform services on- or off-site. Examples of industrial services uses include but are not limited to: information technology centers; building, heating, plumbing and electrical contractors; laundry, dry-cleaning and carpet cleaning plants; extermination services; fuel oil distribution and solid fuel yards; heavy truck servicing and repair; janitorial and building maintenance services; printing, publishing and lithography shops; research and development facilities; bulk sales of building materials and landscaping materials; repair and servicing of heavy construction or farm equipment; tire retreading or recapping; tool, electric motor and scientific or professional instrument repair; trade schools where industrial vehicles and

equipment are operated; welding and machine shops; and contracting firms with on-site storage of equipment and materials.

Manufacturing and Production uses involve the manufacturing, processing, fabrication, packaging and/or assembly of products on-site, using natural, man-made, raw, secondary or partially-completed materials. Products are generally not displayed or sold on site, but if so, sales and displays are accessory to the primary use. Examples of manufacturing and production uses include but are not limited to: breweries, distilleries and wineries; concrete batching and asphalt mixing plants; manufacture of solar, wind-power or other energy production devices; food, beverage, and related product processing; manufacture or assembly of machinery, equipment and instruments; manufacture of micro-processors and computer components; production of artwork and toys; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; production of prefabricated structures, including manufactured dwellings; production or fabrication of metals or metal products including enameling and galvanizing; sign making; weaving or production of textiles or apparel; woodworking, including cabinet makers; and printing, publishing, and lithography shops.

Office uses provide professional services in an office setting including but not limited to: computer system design and programming; data processing; engineering, architectural, planning, and similar services; graphic and industrial design; medical, dental and allied health clinics and offices; financial, insurance, and real estate services; scientific and technical services; software and internet content development and publishing; and telecommunication service providers.

Major Assembly Facilities are uses that attract a large number of people who participate as a group in a specific activity or event that may be religious, cultural, educational, social or recreational. An assembly facility is a Major Assembly Facility use when the maximum Building Code occupancy within the primary assembly area is equal to or greater than 250 persons. Examples of Major Assembly Facilities include churches, synagogues, mosques or temples; auditoriums; coliseums, stadiums and sports arenas; convention and conference centers; fairgrounds; race tracks; and outdoor amphitheaters.

Parks and Open Areas are primarily publicly-owned or non-profit facilities featuring natural or cultivated landscaping; active and passive outdoor recreation including playing fields, basketball and tennis courts, swimming pools and trails; community gardens and public squares. Examples of parks and open spaces include botanical gardens, cemeteries, community gardens, nature preserves, parks, public squares and plazas, and recreational trails

Public Safety Facilities provide police, fire, ambulance and emergency services to the community. With the exception of ambulance services, these facilities are typically publicly-owned and -operated. Examples of public safety facilities include: emergency communications centers; police and fire stations; publicly- and privately-operated ambulance facilities; and public agency or private utility operations centers.

Retail Products and Services sell, lease, rent and/or repair new or used products and provide personal services. These services typically are provided directly to consumers, as opposed to wholesale products and services provided to industrial, institutional, or

commercial users. Activities associated with this use classification include but are not limited to: sales, leasing or rental of products and equipment; repair or servicing of products or equipment generally performed on-site; processing of products or equipment; personal services; and catering or food preparation without on-site consumption.

Schools are public and private educational facilities providing state-mandated basic education. Schools may serve any ages of students from kindergarten through 12th grade. Examples of schools include public and private elementary, middle and high schools, with or without kindergartens, and boarding schools and military academies that have residential facilities for students.

Telecommunication Facilities include all devices, equipment, machinery, structures and supporting structures necessary to produce or transfer a signal or message. Only free-standing towers are classified as Telecommunication Facilities. Examples include: AM and FM radio and television towers; wireless transmission towers; point-to-point microwave towers; two-way radio towers; and receive only antennas.

Warehousing and Distribution uses are involved in the storage, repackaging, delivery and movement of products. Examples of warehouse and distribution uses include but are not limited to: centralized warehouses; cold storage plants, including frozen food lockers; general freight storage; household and business moving operations; major wholesale distribution centers; parcel or postal distribution facilities; storage and stockpiling of sand, gravel, or other aggregate or raw materials; freight terminals and yards; mail-order merchandise warehouses; and heavy rail facilities; transfer and storage facilities without individual units.

Wholesale Sales are firms involved in the sale, lease and/or rental of products primarily to businesses. On-site sales to the general public are limited. Examples of wholesale sales include but are not limited to: mail order houses; sale and/or rental of construction and farm machinery, equipment, and vehicles, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; wholesalers of food, clothing, auto parts, building hardware and office supplies; and suppliers of test equipment, uniforms and linens, lab supplies, sub-components and circuit boards, and packaging materials.

Utility Facilities are local and regional infrastructure facilities which must be located in or near the area to which the infrastructure is provided. Utilities may be publicly or privately owned and operated. Most facilities have few or no on-site employees, although treatment plants may be staffed continuously. Examples of utility facilities include but are not limited to: electrical substations; high tension electrical power lines; sewage disposal and conveyance systems; telephone exchange equipment; water or sewage pump stations; water towers and reservoirs; water quality and flow control facilities; and water or sewage treatment plants.

4. **Permitted Uses.** In the I-S Zone, the following uses and their accessory uses are allowed outright:
- A. Industrial services
 - B. Manufacturing and production
 - C. Public safety facilities

- D. Warehousing and distribution
- E. Wholesale sales
- F. Utility facilities

5. Conditional Uses Permitted. In the I-S Zone, the following uses and their accessory uses are permitted with Conditional Use approval according to the requirements contained in Sections 78-83:

- A. Automobile service stations, subject to additional requirements in Section 128.
- B. Telecommunications facilities
- C. Major Assembly Facilities uses, Schools, and Parks and Open Space in the West Union and West Evergreen sub-areas. (Amended by Ord. No. 6074/02-14)
- D. Corporate or company headquarters offices for firms allowed in the I-S zone as permitted or conditional uses. Such headquarters offices are not subject to the limitations in Subsection 134D 6 so long as they remain in use by the original occupant.

6. Limited Uses. In the I-S Zone, the following uses and their accessory uses are allowed subject to the limitations listed below:

- A. Aviation uses are limited to locations within the boundaries of a public-use airport.
- B. Community colleges or trade schools are limited to those with offerings that provide basic skills and vocational training to employees in the industrial area.
- C. Eating and drinking establishments, general office uses, and retail goods and services are limited in scale and location to serve primarily the needs of the businesses and employees in the industrial area. Such uses are subject to the following limitations in location and size:
 - 1. Location only in those commercial support nodes identified in Comprehensive Plan Section 30 North Hillsboro Industrial Area Community Plan. The node between the Shute Road and Evergreen East sub-areas shall be located in the Evergreen East sub-area;
 - 2. within any commercial support node, no single use shall exceed 20,000 square feet;
 - 3. no single commercial node shall occupy more than five gross acres of developed land; with not more than 50,000 gross square feet of total structural or building floor area per node; and
 - 4. Development of a commercial support node in an identified sub-area is permitted only after certain thresholds of industrial development are met or exceeded. These thresholds are considered met when the city has issued building permits for permitted manufacturing and production and industrial services development as defined in Section 134D 3) within the sub-area at the cumulative levels established in Table 134D-1:

**TABLE 134D-1: COMMERCIAL SUPPORT THRESHOLDS
IN THE I-S ZONE BY SUB-AREA**

Sub-Area	Industrial Development Threshold for Commercial Support Nodes
West Union/Helvetia	500,000 total gross square feet of permitted building space
Shute Road and Evergreen East	1,000,000 total gross square feet of permitted building space within both sub-areas
Evergreen West	500,000 total gross square feet of permitted building space

7. **Prohibited Uses.** Any use not contained explicitly in Section 134D is prohibited in the I-S zone. In addition, the following uses are prohibited:
- A. Manufacturing and production uses:
 - Concrete and asphalt batch plants
 - Animal slaughtering and processing
 - Fossil fuel products manufacturing
 - Production of soil amendments (fertilizers, pesticides, fungicides, etc.)
 - B. Industrial Services uses:
 - Building, heating, plumbing and electrical contractors
 - Extermination services
 - Fuel oil distribution and solid fuel yards
 - Heavy truck servicing and repair
 - Bulk sales of building materials and landscaping materials
 - Repair and servicing of heavy construction or farm equipment
 - Tire retreading or recapping
 - Truck driving schools
 - Truck stops
 - C. Major Assembly Facilities Uses in the Helvetia, Shute Road, East Evergreen and Meek sub-areas: (Amended by Ord. No. 6074/02-14)
 - Auditoriums
 - Coliseums, stadiums and sports arenas
 - Convention and conference centers
 - Outdoor amphitheaters
8. **Accessory Uses.** Accessory uses to permitted uses listed in Subsection 4 and conditional uses listed in Subsection 5, include but are not limited to: administrative offices; conference rooms/conference facilities; food service such as cafeterias, delicatessens and coffee shops; personal retail services, exercise facilities; and child care. Such accessory uses are subject to the following standards:

- A. The accessory uses are intended to serve only the primary use's employees and visitors; and
 - B. The uses are located entirely within the building containing the primary permitted use, or if the primary use has a multiple building campus, in a free-standing building within the campus perimeter.
9. **Pre-Existing Uses or Structures.** Any land use, building, structure or site improvement permitted by right prior to January 17, 2012 is deemed pre-existing and can continue to operate and expand subject to the standards and requirements of Sections 98-105 regarding Non-Conforming Uses and Structures.
10. **Development Standards.** The following development standards apply to all proposed development within the I-S zone except where the applicant has obtained a Variance(s) as governed by Sections 106 – 109.
- A. Minimum lot dimensions:
 - 1. Width: 300 feet for newly created lots smaller than 10 acres; otherwise none. (Amended by Ord. No. 6074/02-14)
 - 2. Depth: 600 feet for newly created lots smaller than 10 acres; otherwise none.
 - 3. Area: subject to Section 134D 10 Land Division Regulations.
 - B. Minimum front setbacks:
 - 1. Buildings up to 45 feet in height: 35 feet
 - 2. Buildings taller than 45 feet in height: 35 feet plus 1 foot for each additional foot of height over 45 feet.
 - C. Minimum side and rear setbacks:
 - 1. Buildings up to 45 feet in height: 10 feet
 - 2. Buildings taller than 45 feet in height: 10 feet plus 1 foot for each additional foot of height over 45 feet.
 - D. Maximum setbacks: none.
 - E. Maximum lot coverage: 50%
 - F. Maximum building height:
 - 1. High profile industrial buildings: 150 feet
 - 2. All other buildings: 45 feet
 - G. Landscaping and parking:
 - 1. Minimum landscaping: 15% of lot area, including all minimum setbacks;
 - 2. Parking: permitted within the minimum front setback only if a 20-foot wide landscaped buffer is maintained at the front property line.

11. Performance Standards. All development in the I-S zone is subject to the following performance standards:

- A. the standards of the M-P Industrial Park zone as specified in Section 72; and
- B. where applicable, the Airport Safety and Compatibility Overlay zone standards as specified in Section 135B regarding outdoor lighting, reflectivity, steam or particulate emissions and water impoundments.

12. Lot Reconfiguration and Division Standards

- A. Intent of lot reconfiguration and division requirements. Land in the I-S zone was added to the regional Urban Growth Boundary with the expressed purpose of maintaining and creating large lots for industrial use. To accomplish this purpose, lot reconfiguration and division approvals shall require retention and creation of lots of certain sizes, as described in subsections B, C and D below. (Amended by Ord. No. 6074/02-14)
- B. Development on lots of record. Lots of record or contiguous lots of record, existing on or after January 17, 2012 in common ownership may be developed in compliance with Tables 134D-2 and 134D-3 below:

**TABLE 134D-2: WEST UNION / HELVETIA AND EVERGREEN WEST
LOT DIVISION, ASSEMBLY AND/OR RECONFIGURATION CALCULATIONS**

Lot of Record or Assembly area	number of required lots larger than 20 acres	number of required lots 10 to 20 acres	number of allowable lots 5 to 10 acres
Less than 16 acres	none	none	up to 2
16 to 30.99 acres	none	at least 1	up to 2
31 to 35.99 acres	at least 1	none	up to 2
36 to 49.99 acres	at least 1	at least 1	up to 2
over 50 acres	at least 2	none	up to 2


**TABLE 134D-3: EVERGREEN EAST
LOT DIVISION OR ASSEMBLY AND RECONFIGURATION CALCULATIONS**

Lot of Record or Assembly area	number of required lots larger than 50 acres	number of required lots 25 to 50 acres	number of allowable lots 5 to 25 acres
Less than 36 acres	none	none	up to 2
36 to 55.99 acres	none	at least 1	up to 2

Lot of Record or Assembly area	number of required lots larger than 50 acres	number of required lots 25 to 50 acres	number of allowable lots 5 to 25 acres
56 to 65.99 acres	none	at least 2	up to 2
66 to 85.99 acres	at least 1	none	up to 2
over 86 acres	at least 1	at least 1	up to 2

- C. Lot reconfiguration and division requirements in Shute Road sub-area. Prior to development, properties shall be aggregated into parcels at least 50 gross acres in area; with the exception of the area north of the Waibel Creek drainage, which may be reconfigured as a separate lot less than 50 gross acres in area.
- D. Lot reconfiguration and division requirements in Meek sub-area. Lot division, assembly and/or reconfiguration shall provide for, or not preclude the creation of, at least one parcel of 100 acres or more and at least two parcels of 50 acres or more. (Added by Ord. No. 6074/02-14)
- E. Exceptions to minimum lot sizes. Lot sizes in any sub-area may be reduced below the standards listed in subsections B and C above to allow:
1. Provision of public facilities and services;
 2. Dedication and/or construction of public collector or arterial streets necessary to implement Comprehensive Plan Section 13 Transportation;
 3. To separate common or public ownership of natural areas or flood hazard areas; or
 4. To separate an existing non-conforming use from the remainder of the lot.
- F. Property line adjustments. Property line adjustments between lots of record individually smaller than 5 acres are exempt from the standards listed Subsections B and C. If an applicant proposes to reconfigure two lots of record in common or varied ownership, such reconfiguration may be approved as a Property Line Adjustment under Subdivision Ordinance Article VI. All other property line adjustments shall result in lots which are in compliance with Subsection B, C or D as applicable. (Amended by Ord. No. 6074/02-14)
- G. Lot division, assembly and/or reconfiguration by partition or subdivision. A land division or reconfiguration of lots may be approved as a Partition under Subdivision Ordinance Article V or as a Subdivision under Articles II and III.
- H. Sequential lot reconfiguration or division restrictions. Lots of record or lot assemblies reconfigured or divided through property line adjustments, partitions or subdivisions under Subsections F or G shall not be reconfigured or redivided for a minimum of five years following the recordation of the deed or plat for such reconfiguration or division. This restriction against reconfiguration or redivision may be waived for purposes described in subsection 10 E above. (Amended by Ord. No. 6074/02-14)

(Section 134D added by Ord. No. 5978/1-12.)

 **Figure 134D-A Industrial Sanctuary Zone Sub-Areas**



Light Rail Station Area Interim Protection Ordinance (SAIPO)

Section 135. Station Area Interim Protection District (Deleted) (Added by Ord. No. 4223/4-94.) (Deleted by Ord. No. 4976/11-00.)

(1) – (15) **(Deleted)** (Deleted by Ord. No. 4976/11-00.)

Section 135A. Airport Use (AU) Zone

- A. **Purpose.** The purpose of the AU Airport Use Zone is to encourage and support the continued operation and vitality of the Hillsboro Airport by allowing airport and aviation-related commercial, industrial and recreational uses in accordance with state laws. These laws are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce the risks to airport operators and nearby land uses.
- B. **Application.** The AU zone applies to properties owned by the Port of Portland, which are in use or proposed for use for airport or aviation-related operations and activities. These properties are generally located north of NE Cornell Road, south of NW Evergreen Road, east of NE 25th Avenue, and west of NW Brookwood Parkway. The boundary of the AU zone is identified on the "Airport Use Zone Map" adopted as part of the Zoning Ordinance.
- C. **Conformance with the Airport Safety and Compatibility Overlay (ASCO) Zone.** All uses, activities, facilities and structures allowed in the AU Airport Use Zone shall comply with the requirements of the ASCO Airport Safety and Compatibility Overlay Zone, Hillsboro Zoning Ordinance Section 135B. In the event of a conflict between the requirements of the AU zone and the ASCO zone, the requirements of the ASCO zone shall control.
- D. **Definitions.**
1. **Aircraft:** Includes airplanes and helicopters, but not sport aircraft, ultra lights or lighter than air aircraft.
 2. **Commercial Aviation Activity (CAA):** Any activity that is conducted on the airport for profit.
 3. **Aircraft manufacturing:** Includes one or more of the following:
 - a. Original Equipment Manufacturer – a CAA using materials to produce aircraft or aircraft parts for sale to the public.
 - b. Commercial Assembly – a CAA that assists aircraft kit owners with assembly of their aircraft.
 - c. Hobbyist Assembly – aircraft assembled from kit or raw materials on the Airport for the personal use and enjoyment of the person(s) assembling it, and not constructed for the purpose of profit or resale.
 4. **Aviation/aeronautical activity:** Any activity on the airport that involves the operation of aircraft or aviation related equipment; or supports the operation of aircraft or aviation related equipment.
 5. **Fixed Base Operator (FBO):** A person or entity who leases property at the Airport for the purpose of offering commercial aviation activities that typically

include retail fuel sales, line services, aircraft maintenance and activities such as, but not limited to:

- d. Aircraft charter operation
 - e. Aircraft rental
 - f. Aircraft storage
 - g. Flight training
 - h. Aircraft sales/leasing
 - i. Aircraft component maintenance
 - j. Aircraft parts sales
6. **Environmental Laws:** Any and all federal, state and local statutes, regulations, rules, permit terms and ordinances now or hereafter in effect, as the same may be amended from time to time, which in any way govern materials, substances, regulated substances and wastes, emissions, pollutants, animals or plants, noise, or products and/or relate to the protection of health, safety or the environment.
7. **Hazardous Substance:** Any and all substances, emissions, pollutants, materials, or products defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes or materials, or any similar term in or under any Environmental Laws. "Hazardous Substance" shall also include, but not be limited to, fuels, petroleum, and petroleum-derived products.

E. **Uses and Activities Permitted Outright.** The following uses and their associated facilities and accessory structures are permitted in the AU zone.

- 1. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a facility for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport, including operation of fixed wing aircraft, helicopters and lighter than air aircraft. Except as provided in this ordinance, customary and usual aviation-related activities do not include residential, commercial, industrial, manufacturing and other uses.
- 2. Air passenger and air freight services and facilities that are consistent with levels identified in the most current, adopted Master Plan for the Hillsboro Airport.
- 3. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

4. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation and transport of equipment, water, fire retardant and supplies.
5. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
6. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
7. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes allowances for the construction and assembly of aircraft and aircraft components for personal use.
8. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
9. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sale of aircraft and aeronautic equipment and supplies to the public.
10. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting. Operators must provide the Port of Portland a current list of all Hazardous Substances used in crop dusting activities, listing the amounts stored, method of storage, the projected maximum storage period and providing a hazardous response spill plan.
11. Agricultural activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.
12. Manufacturing, assembly, processing, packaging, testing, treatment, repair, or distribution of aircraft or aircraft related components or products for sale to the public and/or for personal use.

13. Other aeronautical uses and activities and supporting uses and activities associated with terminal buildings at high activity public use airports, including automobile rental and associated auto washing facilities, hotels and motels, eating and drinking establishments, banks, offices, public parking and auto storage, conference centers, aviation clubs and schools, barber shops, physical fitness centers, transit park and rides and commercial support services.
14. Aeronautic educational, recreational and sporting activities, including activities, facilities and accessory structures at airports that support aviation education, recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic education, recreation and sporting activities authorized under this paragraph include, but are not limited to, air shows, fly-ins; glider flights; hot air ballooning; ultra light aircraft flights; displays of aircraft; gyrocopter flights and aviation museums, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
15. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

F. **Pre-Existing Non-Conforming Uses.**

Any lawfully created structure or use existing at the time of adoption of the AU Airport Use Zone, which does not comply with the provisions of this Section, may be continued and maintained in reasonable repair, but shall not be enlarged or expanded except as specified in Zoning Ordinance Section 98 – 100. Pre-existing non-conforming structures or uses in the AU Airport Use zone shall also be subject to Zoning Ordinance Sections 101-105 regarding alterations, completion, change, discontinuance, or destruction.

G. **Setback Requirements.** In the AU zone, the yards shall be as follows:

- (a) The front yard and any side yard abutting a public street shall be a minimum of 25 feet.
- (b) The side or rear yard abutting a leasehold line shall be a minimum of five feet.

H. **Height of Buildings.** In the AU zone, the maximum structural height shall be 45 feet. All structures in the AU zone must comply with the height standards specified in the Airport Imaginary Surfaces as defined in Zoning Ordinance Section 135B, and as illustrated on Figure 135B2.

I. **Off-Street Parking and Loading.** In the AU zone, in addition to the requirements of Section 84 to 86, parking or loading shall not be permitted within the front yard adjacent

to a public street unless the building setback is increased to 45 feet and the first 15 feet from the front property line are landscaped.

J. General Development Standards.

1. Exterior lighting shall be directed away from adjacent properties.
2. Open storage of materials and equipment shall be surrounded by a sight-obscuring fence at least six feet high, but no more than 10 feet high.
3. Access points to public streets shall be located to minimize traffic congestion and consolidated wherever possible.
4. Yards adjacent to public streets shall be continuously maintained in lawn, trees and shrubs. Other yards and unused property shall be maintained in grass or other suitable ground cover.

K. Compliance with Port of Portland Requirements.

All uses and activities permitted outright within the AU Airport Use Zone shall be reviewed for compliance with, and shall comply with currently applicable Port of Portland standards as follows:

1. Hillsboro Airport Standards for Development;
2. General Aviation Minimum Standards for the Hillsboro Airport; and
3. Wildlife Hazard Management Plan for the Hillsboro Airport

L. Development Review Standards.

All development within the AU Airport Use Zone is subject to and shall comply with the standards and procedures set forth in Section 133, Development Review/Approval of Plans.

(Added by Ord. No. 5929/10-09)

Section 135B: Airport Safety and Compatibility Overlay (ASCO) Zone

- A. **Purpose.** The Airport Safety and Compatibility Overlay (ASCO) Zone is an overlay zone that supplements the provisions of the underlying zones. The purpose of the ASCO zone is to establish compatibility and safety standards to promote air navigational safety and reduce potential safety hazards for persons living, working or recreating near the Hillsboro Airport, thereby encouraging and supporting its continued operation and vitality.
- B. **Boundary Delineations and Applicability.** The location and dimensions of the Hillsboro Airport runways, civil airport imaginary surfaces, airport noise impact boundaries, and compatibility zones as defined and described in this Section, are delineated for the Hillsboro Airport on Figures 135B 1, 135B 2, 135B 3, and 135B 4. By their inclusion in this Section, these boundaries are made part of the Official Zoning Map.
1. All land, water and airspace, or portions thereof, located within the imaginary surfaces, airport noise impact boundaries, and compatibility zones are subject to the requirements of the ASCO zone. Where the boundary of an imaginary surface, airport noise impact contour, or compatibility zone divides an individual property, the location of that boundary on that property shall be determined by the Planning Director or the Director's designee upon request by an interested party.
 2. Adjustments adopted by the Port of Portland to the airport noise impact boundaries delineated on Figure 135B 3 shall be made to that Figure following completion of a public hearing process as set forth in Section 116 Public Hearing on an Amendment. The public hearing shall be held before the Planning and Zoning Hearings Board, and notice of the hearing shall be provided to owners of properties to be wholly or partially included or excluded in any relocated noise contour boundary as required in Section 116 1 b. Publication of the notice in a general circulation newspaper shall not be required.
- C. **Definitions.**
1. Airport (also referred to as "Hillsboro Airport"). Those properties lying generally north of NE Cornell Road, east of NE 25th Avenue, west of NE Brookwood Parkway, and south of NW Evergreen Road, which are owned and administered by the Port of Portland for general aviation purposes including taking off and landing aircraft. Hillsboro Airport includes airside facilities (runways, taxiways, lighting, markings, signage and navigational aids) and landside facilities (terminals, aircraft storage/maintenance hangars, aircraft parking aprons, and support facilities such as fuel storage, automobile parking, roadway access, firefighting and aircraft rescue). The Hillsboro Airport Runways are illustrated on Figure 135B 1.
 2. Airport Safety and Compatibility Overlay Zones: Areas on and near the Hillsboro Airport in which land use and development restrictions are established to protect

the safety of the public. The dimensions of the Hillsboro Airport Safety and Compatibility Overlay Zones are based upon guidelines from the California Airport Land Use Handbook which are in turn based on patterns of aircraft accidents at and near general aviation airports. The Airport Safety and Compatibility Overlay Zones dimensions are illustrated and defined on Figure 135B 4 and are generally located as follows:

- a. Zone 1 - Runway Protection Zone (RPZ): Trapezoidal areas extending from the runway ends, centered on the extended runway centerlines.
 - b. Zone 2 - Inner Approach/Departure Zone: A rectangular area extending beyond the RPZ. If the RPZ widths approximately equal the runway widths, the Inner Approach/Departure Zone area extends along the sides of the RPZs from the end of the runway.
 - c. Zone 3 - Inner Turning Zone: A triangular area over which aircraft are typically turning from the base to final approach legs of the standard traffic pattern. The Inner Turning Zone also includes the area where departing aircraft normally complete the transition from takeoff to climb mode and begin to turn to their en route heading.
 - d. Zone 4 - Outer Approach/Departure Zone: A rectangular area located along the extended runway centerline beyond the Inner Approach/Departure Zone.
 - e. Zone 5 - Sideline Zone: A rectangular area in close proximity and parallel to the runway.
 - f. Zone 6 - Traffic Pattern Zone: An elliptical area that includes the majority of other portions of regular air traffic patterns and pattern entry routes, and generally extends to the farthest points of 6,000 foot radius arcs from the centers of each of the primary surfaces and connecting lines tangent to those arcs.
3. Airport Elevation. The highest point of the Airport's usable runways, measured in feet above mean sea level.
 4. Airport Imaginary Surfaces. The areas established in relation to the airport and to each runway consistent with FAR Part Section 77.25 Civil Airport Imaginary Surfaces in which any object extending above these imaginary surfaces, by definition, is an obstruction. The Hillsboro Airport Imaginary Surfaces area illustrated on Figure 135B 2, and are generally located as follows:
 - a. Primary Surfaces. A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond the end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface for runway 12/30 is 1000 feet, 500 feet for runway 2/20 and 500 feet future runway 12L/30R.

- b. Approach surfaces: An aerial surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based upon the type of approach available or planned for that runway end.

The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a length of 1,250 feet for runway ends 12L/30R, 1,500 feet for runway ends 2/20, 3,500 feet for runway end 30 and 16,000 feet for runway end 12.

The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20:1 for runway 2/20 and future runway 12L/30R. The approach surface extends for a horizontal distance of 10,000 feet at a slope of 34:1 for runway 30. The approach surface extends for a horizontal distance of 50,000 feet for runway 12 at a slope of 50:1 for 10,000 feet and then 40:1 for the remaining 40,000.

The outer width of the approach surface for future runway 12L/30R is 5,000 feet. The outer width of the approach surface for runway 2-20 is 5,000 feet. The outer width of the approach surface for runway 30 is 50,000 feet. The outer width of the approach surface for runway 12 is 10,000 feet.

- c. Transitional Surfaces. Sloping aerial planes extending upward and outward at 90 degree angles to the runway centerlines and the extended runway centerlines. Transitional surfaces rise at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the points of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
 - d. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation. The horizontal surface perimeter of the Hillsboro Airport is located at the farthest points of 10,000 foot radius arcs from the centers of each of the primary surfaces and connecting lines tangent to those arcs.
 - e. Conical Surface. A sloping aerial plane extending outward and upward from the perimeter of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.
5. Airport Noise Impact Contour Boundaries. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 DnL, as defined and demarcated in the most recently adopted Hillsboro Airport Master

Plan, and as illustrated on Figure 135B 3. The noise exposures contours on Figure 135B 3 are derived from projected long term noise exposure contours in the most current Hillsboro Airport Master Plan.

6. **Avigation Easement.** A type of easement which conveys the following rights:
 - A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (set in accordance with Federal Aviation Regulations Part 77 criteria).
 - A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
 - A right to prohibit the erection or growth of any structure, tree, or other object that would penetrate the imaginary surfaces as defined in this ordinance.
 - A right-of-entry onto the property, with proper advance notice, for the purpose of marking or lighting any structure or other object that penetrates the imaginary surfaces as defined in this ordinance.
 - A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight as defined in this ordinance from being created on the property.
7. **Building permit.** Within Section 135B, a permit issued by the Hillsboro Building Department for structural improvements on a property, excluding permits for electrical, mechanical, plumbing or grading improvements, non-residential tenant improvements, residential remodeling, or any other permit which does not increase the number of residential dwelling units or the square footage of non-residential structures on a property.
8. **Commercial Child Care Facility.** Any child care facility, other than certified or registered family child care homes or childcare centers used by and operated solely for employees of one or more businesses within the boundaries of the ASCO zone.
9. **Commercial Senior or Convalescent Care Facility.** Any senior or convalescent care facility, other than licensed residential homes or residential facilities, which provides overnight sleeping rooms for residents' use.
10. **FAA.** The Federal Aviation Administration.
11. **Height.** The highest point of a structure or tree, plant or other object of natural growth, measured in feet above the Airport Elevation.
12. **Day-Night Average Sound Level (DNL or L_{dn}).** The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise.

It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn} .

13. Noise Sensitive Uses. Real property normally used for sleeping or as a school, church, hospital, or public library.
14. Obstruction. Any structure or other natural object penetrating an Airport Imaginary Surface.
15. Airport Activity Disclosure Statement. A disclosure statement that acknowledges that a subject property is located within the noise impact boundary and/or the 55 DNL and signifies an owner's awareness of the noise levels and activities associated with airport operations, such as over flights, vibration and odors.
16. Public Assembly Facility. A permanent or temporary structure, facility, place or activity where concentrations of people gather in reasonably close quarters. Public assembly facilities include, but are not limited to: schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, large museums, and similar facilities and places, but do not include parks, golf courses, fair grounds or similar facilities. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
17. Runway. The defined areas at the Hillsboro Airport constructed and used for aircraft landing and takeoff. Runways at the Hillsboro Airport include existing Runway 12/30, existing 2/20, and future Runway 12L/30R.
18. Structure. For purposes of this Section, any constructed or erected object which requires location on the ground or is attached to something located on the ground. For purposes of this section, structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines, but do not include concrete or asphalt surfaces exceeding the surrounding ground level by less than six inches.
19. Water Impoundment. A temporary or permanent, human-made body of water, excluding above-ground or in-ground swimming pools, hot tubs, or spas with surface areas less than 650 square feet. Water impoundments include wastewater treatment settling ponds, storm water swales, detention and retention ponds, artificial lakes and ponds, and similar water features. An expansion of an existing water impoundment is considered a new impoundment except where such expansion was authorized by the City prior to November 5, 2009.

- D. **Compatibility and Safety Standards regarding Height.** All structures permitted in the ASCO zone under the standards of the underlying zone shall comply with the height limitations of this Section. Where height limitations of the underlying zone are more restrictive than those of this Section, the underlying zone limitations shall control.

Pursuant to Section I, installation of obstruction markers or lighting, or alteration of the structure, may be required on any pre-existing legally constructed structures built or permitted prior to November 5, 2009 not conforming to these standards if the structure is determined to be a potential air navigation hazard.

1. Except as provided in subsections 2 and 3 of this Section, no structure, tree, plant, object of natural growth and temporary structures, such as construction equipment, shall penetrate the Imaginary Surfaces shown on Figure 135B 2.
2. Within the Imaginary Surfaces outside the approach and transition surfaces, where ground elevation exceeds the Airport Elevation to the degree that existing or permitted structures penetrate or would penetrate the primary, conical, or horizontal Surfaces, the City may issue permits for construction of structures up to 35 feet in height.
3. Variances or exceptions to allow structural heights exceeding the standard of the underlying zone may be permitted. Applications for height variances shall be processed as required under Zoning Ordinance Sections 106 through 111, or 136 (X).
4. Proposed structures, trees, plants, objects of natural growth and temporary structures that would penetrate the imaginary surfaces must be reviewed through the FAA's Obstruction Evaluation / Airport Airspace Analysis process and the applicant must file a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. Approval of a variance for increased height within the ASCO may be subject to conditions recommended by the FAA.

E. **Compatibility and Safety Standards regarding Noise.** Applications for land use approvals, limited land use approvals, or building permits for properties within the boundaries of the ASCO zone received after November 5, 2009 shall demonstrate compliance with the noise disclosure and mitigation requirements of this Section. The requirements of Section E shall not be construed to require the compliance of any pre-existing legally established structure or land use approval not conforming to these requirements.

1. Within the Airport Noise Impact Boundaries shown on Figure 135B 3, recordation of any land division of residentially zoned property shall include recordation of a Airport Activity Disclosure Statement. Any Covenants, Conditions and Restrictions or similar documents shall include citation of the Airport Activity Disclosure Statement. Issuance of a Development Review approval, under Zoning Ordinance Section 133 Development Review / Approval of Plans, for a multi-family residential development not including a land division shall be conditioned to require documentation that an Airport Activity Disclosure Statement is included within any lease or rental contracts. Documentation demonstrating compliance with this standard shall be provided to the Planning Department prior to issuance of a Certificate of Occupancy.
2. Within the Airport Noise Impact Boundaries shown on Figure 135B 3, where airport noise levels are identified at or above 55 Ldn, construction plans

submitted for building permit applications for noise sensitive land uses shall include noise abatement methods incorporated into building design and construction as necessary to achieve an indoor noise level not to exceed 45 dBA. Such noise abatement methods may include, but are not limited to: additional insulation; drywall; air conditioning; and/or double- or triple-glazed windows. Building permit applications for construction of noise sensitive uses shall include documentation from a certified acoustician that the building design and construction will achieve an indoor noise level equal to or less than 45 dBA.

F. **Compatibility and Safety Standards regarding Development.** The following items have the potential to create hazards to aircraft flight. Applications for land use approvals, limited land use approvals, or building permits on properties within the boundaries of the ASCO zone received after November 5, 2009 shall demonstrate compliance with the requirements of this Section. The requirements of Section F shall not be construed to require the compliance of any pre-existing legally established development improvement not conforming to these requirements.

1. **Outdoor Lighting.** Industrial, commercial, institutional, or recreational uses or facilities shall not use outdoor lighting which projects vertically. Outdoor lighting for all developments shall incorporate shielding in its design to reflect light downward. No outdoor lighting shall be approved which is similar in size, pattern or intensity to airport lighting, and which may impede the ability of pilots to distinguish such outdoor lighting from airport lighting.
2. **Reflectivity.** Use of exterior metal or glass on the east, west, and south building faces or roofs of new structures shall include any of the following or equivalent methods to reduce the reflectivity of these materials: glare control film or tinting on windows; reduced pane size or overall window area; enlarged mullions; downward-angled windows; exterior louvers, panels, or screens on windows; and matte finishes on metal surfaces. For the purposes of this section, solar panels, collectors and arrays installed with permits issued by the City are not considered reflective materials and are not subject to the provisions of this section.
3. **Emissions.** Within the ASCO approach surface boundaries, emissions of smoke, dust or steam that could obscure a pilots' visibility are discouraged. Applications for new industrial, commercial, institutional, or other uses which are anticipated to regularly or intermittently create such emissions shall, during the Development Review process under Zoning Ordinance Section 133, provide documentation that the applicant has consulted with the Port of Portland to ensure that under normal weather conditions such emissions are likely to dissipate and not obscure pilot visibility before reaching the nearest runway approach surface elevation. The City may impose as conditions of approval requirements for reasonable and practical mitigation measures as necessary to ensure that emissions are unlikely to obscure pilot visibility.
4. **Communications Facilities and Electrical Interference.** No land use, facility, or utility installation shall cause or create radio transmissions or electrical interference at frequencies or levels which may disrupt navigational signals or radio communications between the Airport and an aircraft. Applications or

proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities, electrical transmission lines, or facilities using high frequency electrical impulses in any on-site process within the ASCO zone shall be coordinated with the Port of Portland prior to approval or installation. Approvals of cellular and other telephone or radio communication towers on leased property located within the Airport Imaginary Surfaces illustrated on Figure 135B 2 shall be conditioned to require their removal within 90 days following the expiration of the lease agreement and shall be further conditioned with a requirement to provide a bond or other security to ensure such removal.

5. **Water and Waste Water Treatment Facilities:** Sewage and industrial waste treatment systems and water treatment systems using permanent open ponds or tanks that attract and sustain wild life populations which pose a threat to the safe operation of fixed wing aircraft are not allowed within the ASCO zone boundaries, with the exception of the following:
 - a. Structural walled flocculation/sedimentation basins, mix basins, and/or structural walled filter basins all with permanently attached structurally framed roofs and open air side walls.
 - b. Closed piped industrial waste treatment such as Acid Waste Neutralization, and solvent waste collection systems used by semiconductor and solar industries are not open waste water treatment facilities.
 - c. Closed piped industrial water treatment systems such as RO / DI plants and associated pre-treatment are not open water treatment facilities.
 - d. Collection, use, or treatment of rainwater or gray water, which does not attract or sustain wild life populations that threaten safe operation of fixed wing aircraft.

G. Compatibility and Safety Standards regarding Land Use.

Within the six Airport Compatibility Zones in the ASCO zone, land uses established after November 5, 2009 shall be limited or restricted as described in this Section. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use. The requirements of Section G shall not be construed to require the discontinuance of any pre-existing legally established land use not conforming to these requirements.

1. Compatibility Zone 1: Runway Protection Zone

- (a) Prohibited land uses include the following: public assembly facilities; residential, commercial, industrial, and institutional land uses; athletic fields, sanitary landfills, water treatment plants, mining, water impoundments, wetland mitigation, and the storage of fuel and other hazardous materials.
- (b) Uses and facilities are restricted to those requiring location in Compatibility Zone 1 for which no practicable alternative location exists.

- (c) Roads and parking areas may be permitted in Compatibility Zone 1 upon demonstration that there are not practicable alternatives. Plans for lights, guardrails and related road and parking area improvements may be subject to conditions recommended by the Port of Portland based on FAA airport design standards.
- (d) No structures are allowed in Compatibility Zone 1, with the sole exception of structures accessory to airport operations whose location within Compatibility Zone 1 has been approved by the FAA.
- (e) Utilities, power lines and pipelines shall be underground.

2. Compatibility Zone 2: Inner Approach/Departure Zone

- (a) Prohibited land uses include the following: commercial child care facilities; schools; hospitals, commercial senior or convalescent care facilities; and sanitary landfills.
- (b) Residential development shall be limited to the densities specified on the Hillsboro Comprehensive Plan Land Use Map as of November 5, 2009. Land use approvals which would increase residential densities above the existing densities as of November 5, 2009 shall not be approved by the City.
- (c) Nonresidential development intensity in new developments shall be limited to:
 - (1) A maximum average intensity of 60 people per gross acre at any time.
 - (2) A maximum intensity of 120 people on any single gross acre at any time.
- (d) Structures shall be located as far as practical from the extended runway centerline.
- (e) Land use or limited land use approvals by the City shall be conditioned to provide an aviation easement and an Airport Activity Disclosure Statement to the Port of Portland prior to recordation of land division plats or Certificates of Occupancy, as applicable.
- (f) Water impoundments up to 10,000 square feet in surface area are permitted. Applications for water impoundments shall include documentation to the Planning Department that the applicant has consulted with the Port of Portland to ensure that the design of the water impoundment reduces its attractiveness to wildlife and minimizes the risk to aviation.

3. Compatibility Zone 3: Inner Turning Zone

- (a) Prohibited land uses include the following: commercial child care facilities; schools; hospitals, commercial senior or convalescent care facilities; and sanitary landfills.
- (b) Residential development shall be limited to the densities specified on the Hillsboro Comprehensive Plan Land Use Map as of November 5, 2009. Land use approvals which would increase residential densities above the existing densities as of November 5, 2009 shall not be approved by the City.
- (c) Nonresidential development intensity in new developments shall be limited to:
 - (1) A maximum average intensity of 100 people per gross acre at any time.
 - (2) A maximum intensity of 200 people on any single gross acre at any time.
- (d) Structures shall be located as far as practical from the extended runway centerline.
- (e) Land use or limited land use approvals by the City shall be conditioned to provide an aviation easement and an Airport Activity Disclosure Statement to the Port of Portland prior to recordation of land division plats or Certificates of Occupancy, as applicable.
- (f) Water impoundments up to 10,000 square feet in surface area are permitted. Applications for water impoundments shall include documentation to the Planning Department that the applicant has consulted with the Port of Portland to ensure that the design of the water impoundment reduces its attractiveness to wildlife and minimize the risks to aviation.

4. Compatibility Zone 4: Outer Approach/Departure Zone

- (a) Prohibited land uses include the following: commercial child care facilities; schools; hospitals, commercial senior or convalescent care facilities; and sanitary landfills.
- (b) Residential development shall be limited to the densities specified on the Hillsboro Comprehensive Plan Land Use Map as of November 5, 2009. Land use approvals which would increase residential densities above the existing densities as of November 5, 2009 shall not be approved by the City.

- (c) Nonresidential development intensity in new developments shall be limited to:
 - (1) A maximum average intensity of 100 people per gross acre at any time.
 - (2) A maximum intensity of 300 people on any single gross acre at any time.
- (d) Structures shall be located as far as practical from the extended runway centerline.
- (e) Land use or limited land use approvals by the City shall be conditioned to provide an aviation easement and an Airport Activity Disclosure Statement to the Port of Portland prior to recordation of land division plats or Certificates of Occupancy, as applicable.
- (f) Water impoundments up to 10,000 square feet in surface area are permitted. Applications for water impoundments shall include documentation to the Planning Department that the applicant has consulted with the Port of Portland to ensure that the design of the water impoundment reduces its attractiveness to wildlife and minimizes the risk to aviation.

5. Compatibility Zone 5: Sideline Zone

- (a) Prohibited land uses include the following: commercial child care facilities; schools; hospitals, commercial senior or convalescent care facilities; and sanitary landfills.
- (b) Residential development shall be limited to the densities specified on the Hillsboro Comprehensive Plan Land Use Map as of November 5, 2009. Land use approvals which would increase residential densities above the existing densities as of November 5, 2009 shall not be approved by the City.
- (c) Nonresidential development intensity in new developments shall be limited to:
 - (1) A maximum average intensity of 150 people per gross acre at any time.
 - (2) A maximum intensity of 300 people on any single gross acre at any time.
- (d) Structures shall be located as far as practical from the extended runway centerline.

- (e) Land use or limited land use approvals by the City shall be conditioned to provide an aviation easement and an Airport Activity Disclosure Statement to the Port of Portland prior to recordation of land division plats or Certificates of Occupancy, as applicable.
- (f) Water impoundments up to 10,000 square feet in surface area are permitted. Applications for water impoundments shall include documentation to the Planning Department that the applicant has consulted with the Port of Portland to ensure that the design of the water impoundment reduces its attractiveness to wildlife and minimizes the risk to aviation.

6. Compatibility Zone 6: Traffic Pattern Zone

- (a) Prohibited land uses include the following: schools; hospitals, commercial senior or convalescent care facilities; sanitary landfills, and publicly-owned water treatment plants.
- (b) Water impoundments are permitted. Applications for water impoundments shall include documentation to the Planning Department that the applicant has consulted with the Port of Portland to ensure that the design of the water impoundment has reduced its attractiveness to wildlife and minimized the risk to aviation to the greatest extent practicable.
- (c) Applications for increased densities of residential development may be approved if implementation of such increased densities can be conditioned to be constructed consistent with the safety and compatibility standards in this Ordinance regarding building height and noise management. Approvals by the City of increased residential densities shall be conditioned to provide an aviation easement and an Airport Activity Disclosure Statement to the Port of Portland prior to recordation of land division plats or Certificates of Occupancy, as applicable.
- (d) There are no nonresidential development intensity limitations in this compatibility zone.

H. Wetland Mitigation, Creation, Enhancement and Restoration

- 1. To minimize risk and reduce hazards to air navigation near the Airport, the establishment of wetland mitigation banks outside the ASCO zone boundaries is encouraged.
- 2. Wetland mitigation, creation, enhancement or restoration projects existing or approved on November 5, 2009 and located within the ASCO zone boundaries are recognized as lawfully pre-existing non-conforming uses.
- 3. Applications to expand existing wetland mitigation projects or to create new wetland mitigation projects within the ASCO zone boundaries shall be permitted

only in Airport Compatibility Zone 6 upon demonstration to the Planning Department that:

- a. The existing or proposed wetlands have a site-specific ecological function, including but not limited to critical habitat for threatened, endangered or state sensitive species, ground water recharge, etc.
 - b. The proposed mitigation created will be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or in Airport Compatibility Zones 1-5.
4. Applications to create, enhance or restore wetlands within Airport Compatibility Zones, which include expansion of an existing water impoundment or creation of a new water impoundment, shall be permitted upon demonstration that:
 - a. The subject wetlands have or will have a site-specific ecological function, including but not limited to critical habitat for threatened, endangered or state sensitive species, ground water recharge, etc; and
 - b. The proposed wetland will be designed and maintained to avoid increasing hazardous movements of birds feeding, watering or roosting in areas across runways or in Airport Compatibility Zones 1-5.
5. Applications for new or expanded mitigation submitted under Section 3, or applications for wetlands creation, enhancement or restoration submitted under Section 4 shall be coordinated with the Port of Portland.
6. Any approval of new or expanded mitigation submitted under Section 3, or for wetlands creation, enhancement or restoration submitted under Section 4 shall be conditioned as deemed appropriate and necessary by the City to prevent increasing hazardous bird movements across runways and Airport Compatibility Zones 1-5.

I. **Nonconforming Structures or Uses**

1. The requirements of this Section shall not be construed to require the removal, lowering or alteration of any pre-existing legally constructed structure not conforming to these requirements. These regulations do not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was approved prior to November 5, 2009.
2. Notwithstanding Section 1 above, if an existing structure is determined by the City, based on FAA obstruction standards, to have an adverse effect on air navigational safety, the provisions of this Section shall be construed to allow the City to require that the owner of that structure to install or allow the installation of obstruction markers, in order to make the structure more visible to pilots.

3. No land use approval, limited land use approval, building permit or other permit shall be issued by the City after November 5, 2009 that would increase any air navigation hazard caused by a pre-existing nonconforming use or structure.

J. **Land Use Applications in Airport Safety and Compatibility Overlay Zone.**

1. In addition to the materials specified elsewhere in the Zoning Ordinance, applications for land use or limited land use approvals on properties within the ASCO zone shall include the following documentation:
 - a. Elevation data on the site plan, showing native grade and height of all existing and proposed structures, measured in feet above mean sea level.
 - b. Vicinity maps showing the location of the subject property in relation to the Imaginary Surfaces shown on Figure 135B 2; the Airport Noise Impact Boundaries shown on Figure 135B 3; and the Compatibility Zone boundaries shown on Figure 135B 4.
 - c. Documentation of a landscaping plan that is consistent with the standards in Section 5.2.4 Vegetation Management in the Port of Portland's 2007 Hillsboro Airport Wildlife Hazard Management Plan.
2. The Planning Department shall provide to the Port of Portland notice of City review of applications for quasi-judicial land use or limited land use decisions or legislative decisions such as Comprehensive Plan or Zoning Ordinance text amendments, affecting properties within the ASCO zone, in the same manner and at the same time as notice is provided to surrounding property owners, as required elsewhere in the Zoning and Subdivision Ordinances and in the Comprehensive Plan.
3. Within Compatibility Zones 2, 3, 4, or 5, land divisions such as partitions, subdivisions, or condominiums, and Development Review approvals for multi-family residential development of any size, or non-residential structures exceeding 10,000 gsf, shall be conditioned to require provision to the Port of Portland of an Avigation Easement and an Airport Activity Disclosure Statement. Documentation of the recordation of the Avigation Easement and Airport Activity Disclosure Statement shall be provided prior to issuance of Certificates of Occupancy.

(Added by Ord. No. 5929/10-09)



Figure 135B 1 Hillsboro Airport Runways

Legend

- * Light Rail Station
- Future Runway 12L-30R Centerline
- - - Max Light Rail
- ▭ Hillsboro City Limits
- Urban Growth Boundary

0 500 1,000 2,000
Feet

0 0.25 0.5
Miles



NOTE: All elevations are from mean sea level. The approximate elevation of the HIO runways is 200 feet above mean sea level.

Disclaimer:
This map may contain inconsistent and DRAFT information. If you need assistance interpreting the data shown on this map please contact the Hillsboro Planning Department at (503) 681-6153.
This map is derived from various digital database sources. While care has been taken to insure the accuracy of the information shown on this map, the City of Hillsboro assumes no responsibility or liability for any errors or omissions in this information.

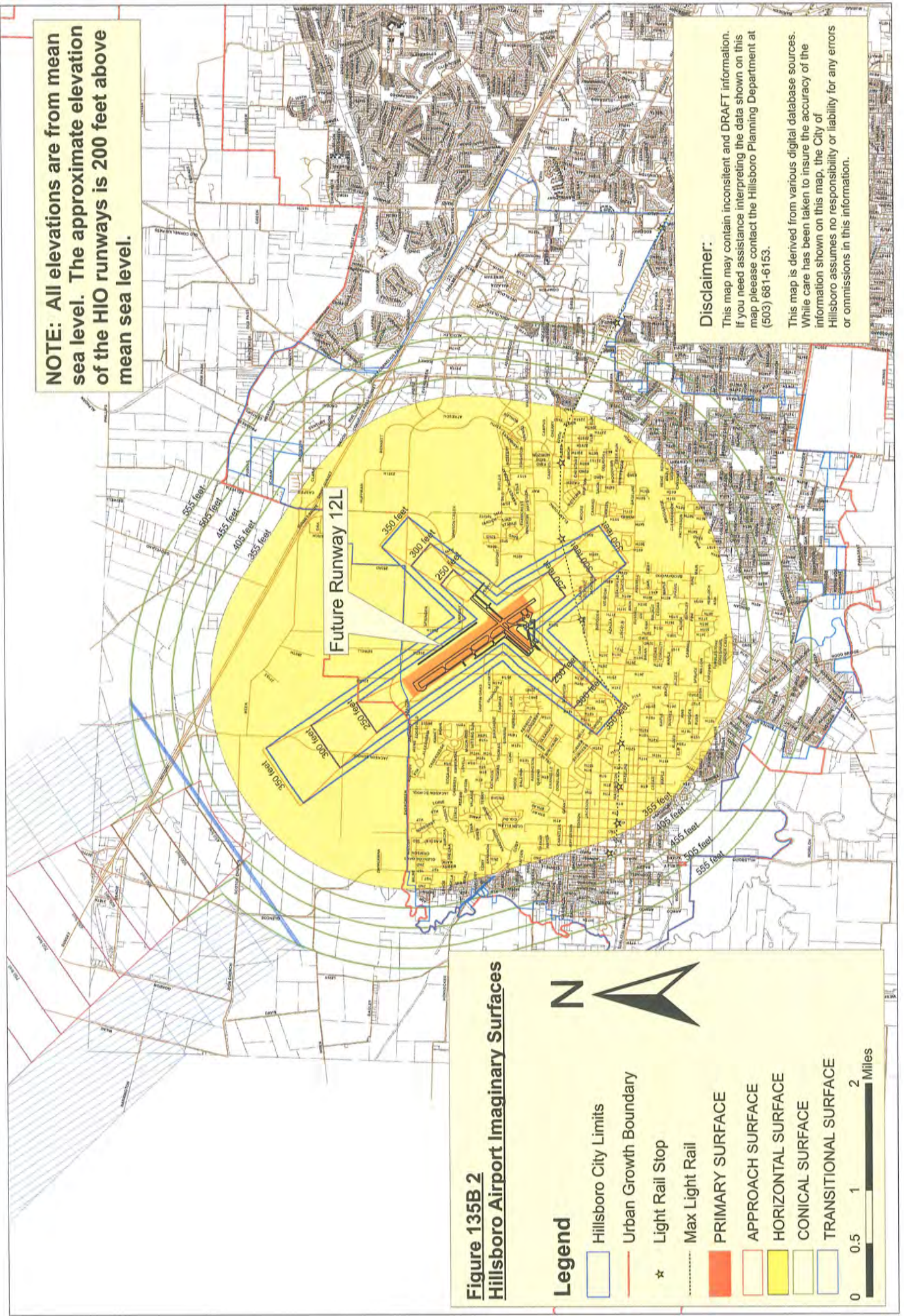


Figure 135B 2
Hillsboro Airport Imaginary Surfaces

Legend

- Hillsboro City Limits
- Urban Growth Boundary
- ★ Light Rail Stop
- Max Light Rail
- PRIMARY SURFACE
- APPROACH SURFACE
- HORIZONTAL SURFACE
- CONICAL SURFACE
- TRANSITIONAL SURFACE

0 0.5 1 2 Miles

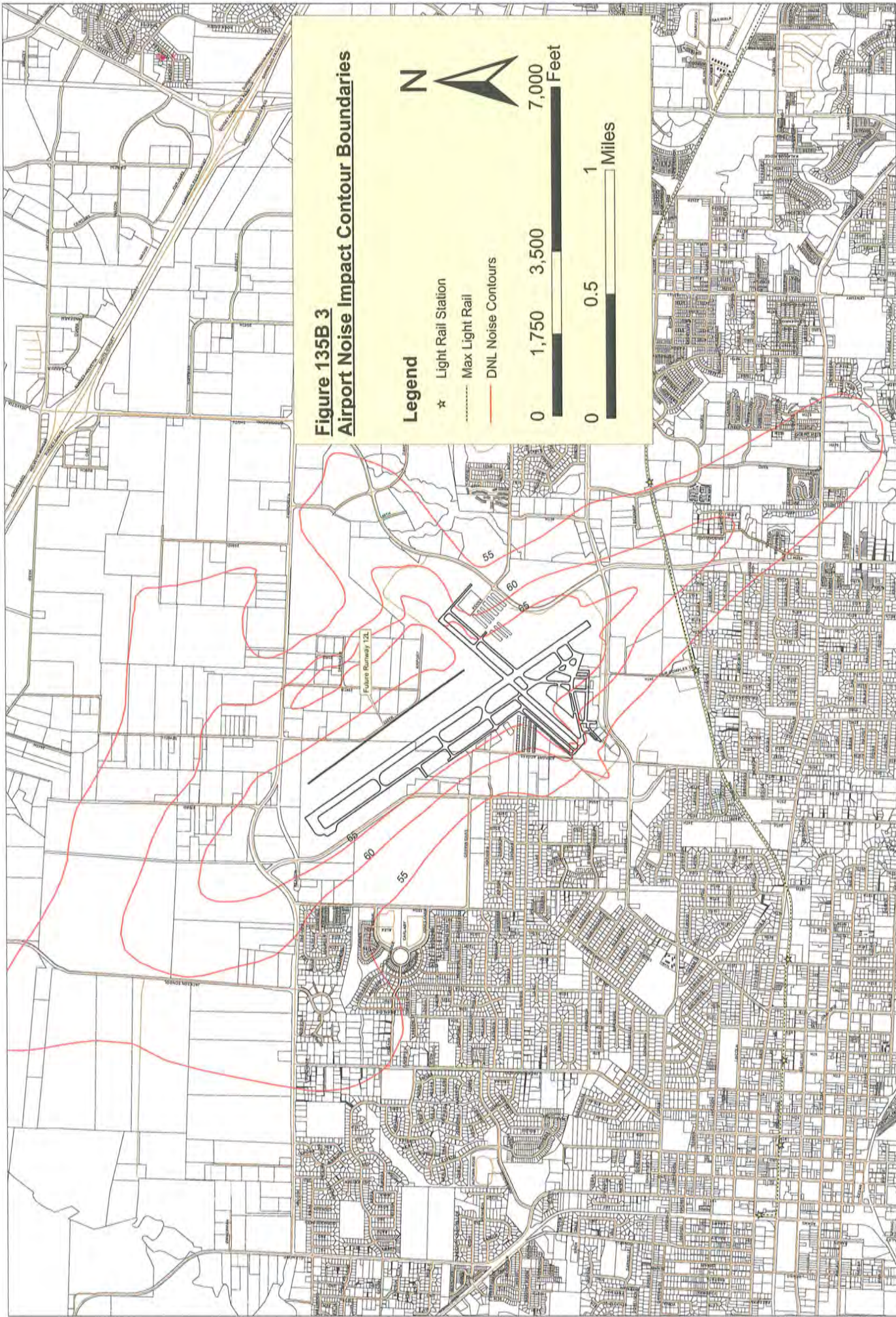


Figure 135B 3
Airport Noise Impact Contour Boundaries

Legend

☆ Light Rail Station

--- Max Light Rail

— DNL Noise Contours



0 1,750 3,500 7,000 Feet

0 0.5 1 Miles

