



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 30, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Hillsboro Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 10, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Debbie Raber, City Of Hillsboro

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FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

JUL 23 2007

Jurisdiction: HILLSBORO Local File No.: HCP 2-06

Date of Adoption: JULY 17, 2007 Date Mailed: JULY 20, 2007

Date the Notice of Proposed Amendment was mailed to DLCD: JANUARY 22, 2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Comprehensive Plan Amendments relate to requirements for neighborhood meetings, eliminate automatic density bonuses in Planned Unit Developments, and increase burden of proof for increased residential densities.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Adopted amendments are more extensive than initiated language. Please call for additional information.

Plan Map Changed from: N/A To: N/A

Zone Map Changed from: N/A to N/A

Location: N/A Acres Involved: N/A

Specified Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goal 2

Was an Exception Proposed? Yes: _____ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment

FORTY FIVE (45) days prior to the first evidentiary hearing? Yes X No _____

If no, do the Statewide Planning Goals apply? Yes _____ No _____

If no, did the Emergency Circumstances Require immediate adoption? Yes _____ No _____

Affected State or Federal Agencies, Local Governments or Special Districts: METRO

Local Contact: Debbie Raber Phone: 503-681-6155

Address: 150 E MAIN STREET City: HILLSBORO Zip Code + 4: 97123-4028

DLCD No. 001-07 (15822)

ORDINANCE NO. 5777

HCP 2-06: DENSITY, DESIGN AND OPEN SPACE (DDOS)

AN ORDINANCE AMENDING COMPREHENSIVE PLAN ORDINANCE NO. 2793 AS AMENDED, IN MULTIPLE SECTIONS, REGARDING DENSITY, DESIGN, AND OPEN SPACE.

WHEREAS, the City Council, Planning Commission, and Parks Commission expressed strong concern with specific deficiencies in the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding density, design, and open space, and

WHEREAS, on December 13, 2006, the Planning Commission adopted Resolution No. 1590-P, initiating amendments to the Comprehensive Plan to correct and address these deficiencies, and

WHEREAS, the Planning Commission held a public hearing on the amendments on February 15, March 14, April 12, May 23, and June 13, 2007 and heard testimony regarding the amendments, and

WHEREAS, the Planning Commission also held a work session on January 29, 2007 and a joint work session with the City Council on May 1, 2007, to consider the proposed amendments, and

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1617-P on June 27, 2007, recommending City Council approval of the amendments, together with the findings attached hereto as "Attachment A" in support of their recommendation, and

WHEREAS, the City Council considered the Planning Commission's recommendation on July 17, 2007, and voted to adopt the findings of the Planning Commission as its own in regard to the amendments.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Comprehensive Plan Ordinance No. 2793, as amended, Section 1 Planning and Citizen Involvement, Minor Plan Amendment Plan Map, Section 1 (IV) (B) (2) is further amended to read as follows:

- (2) A complete application and supporting information addressing the specific criteria for Plan Map amendments shall be filed with the City Planning Department. In order to defray the costs of processing, the application shall be accompanied by a fee as established by the City Council under Subsection (3) of this section. A complete application must include documentation of a neighborhood meeting in compliance with Subsection (4) of this Section.

Section 2. Comprehensive Plan Ordinance No. 2793, as amended, Section 1 Planning and Citizen Involvement, Minor Plan Amendment Plan Map, Section 1 (IV) (B) is further amended with the addition of a new subsection (4) to read as follows:

- (4) Prior to submittal of an application for a Minor Plan Map Amendment, the applicant shall hold a neighborhood meeting 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 the surrounding neighborhood, at the same notification radius required by the City for the minor Comprehensive Plan Map amendment. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.

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.

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.

Compliance with the provisions of this section is a jurisdictional requirement of the Hillsboro Comprehensive Plan. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted, such applications shall not be accepted by the City.

Section 3. Comprehensive Plan Ordinance No. 2793, as amended, Section 2 Urbanization, Implementation Measures, Section 2 (IV) (I) is further amended to read as follows:

- (I) Use of services available in the Hillsboro Planning Area will be maximized through the encouragement of new development at maximum densities prescribed by the applicable Comprehensive Plan/land use ordinance, and through the infilling of partially developed areas. The social and aesthetic impact of poorly designed development increases with density. Consequently, development proposals above the minimum prescribed density of the applicable zone must demonstrate compliance with any applicable objective development standards and design guidelines adopted by the City Council or the Planning Commission.

Section 4. Comprehensive Plan Ordinance No. 2793, as amended, Section 3 Housing, Policies, Section 3 (III) (C) and Section 3 (III) (Y) are further amended to read as follows:

- (C) Housing in the planning area shall be designed and constructed in a manner that assures safe, healthy and convenient living conditions for the community's citizens. Residential projects shall be designed to promote a diverse, pedestrian-scale environment; respect surrounding context and enhance community

character; consider security and privacy; and provide usable open space. Construction shall be sound, energy-efficient, and of a quality that assures a reasonable structural life and attractive appearance with normal maintenance. To apply this policy, the City may adopt development standards and design guidelines to be used in evaluation of residential projects through the subdivision, planned unit development, or development review process.

- (Y) Residential land shall develop within the density range designated by the Comprehensive Plan unless higher densities are approved by the City under the Planned Unit Development process. Density reductions and transfers may also be allowed within the Significant Natural Resource Overlay (SNRO) District and within Habitat Benefit Areas that fall outside of the SNRO District.

Section 5. Comprehensive Plan Ordinance No. 2793, as amended, Section 3 Housing, Implementation Measures, Section 3 (IV) (A) and Section 3 (IV) (G) are further amended to read as follows:

- (A) Developers of tracts of land which are sufficiently large to allow for comprehensive planning shall be encouraged to use the Planned Unit Development (PUD) process in order to permit the application of new technology, greater freedom of design, land development and ownership patterns, greater population densities and economy of land use, thereby promoting a harmonious variety of uses, a more efficient use of public facilities, and the creation of attractive, healthful and stable environments for living, shopping or working. The Planned Unit Development shall be a superimposed zone applied over the existing zone designation(s).

The procedural requirements for processing an application shall be that minimum necessary to adequately review the proposed development, and shall be coordinated with all other required reviews (i.e. Development Review). The PUD provisions of the Zoning Ordinance shall include clear and objective standards consistent with Section 2(III)(C)(6) herein.

Any ownership patterns and dwelling unit types which are allowable in the Residential designation could be included in a Planned Unit Development. Non-residential uses could be included if the use is supportive of the Residential use and is economically justified by the applicant.

Within a PUD, densities may reach 120 percent of the maximum density allowed in the implementing zone of the applicable Plan designation. Such a density increase must be mitigated by the applicant through provision of usable open space and amenities, innovative site design, architectural variety, and quality of construction. The level of mitigation shall increase as the density increases above that cited.

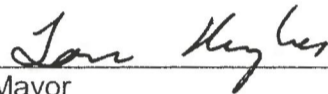
- (G) In order to provide greater flexibility and economy of land use, the Zoning and Subdivision Ordinance(s) shall require variable lot sizes and setbacks in single-family residential subdivisions of eight lots or larger. At least 30% of the lots in a new subdivision shall contain less than the average lot area allowed in the applicable zone, but the average of the lot sizes must be that specified for the zone. In addition, the minimum lot size approved in a subdivision or Planned Unit

Development shall not be less than 75% of the average lot size established for each applicable zone. The Subdivision Ordinance shall provide clear and objective standards for variations in lot dimensions and structural setbacks, which may also be applied in residential Planned Unit Developments and through the Development Review process.

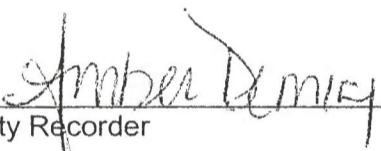
Section 6. Except as herein amended, Comprehensive Plan Ordinance No. 2793, as amended, shall remain in full force and effect.

Passed by the Council this 17th day of July, 2007.

Approved by the Mayor this 17th day of July, 2007.



Mayor

ATTEST: 

City Recorder

Attachment A

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945,
Volumes 1 and 2, and Subdivision Ordinance No. 2808

Case File Numbers HCP 2-06; ZOA 5-06; and SOA 2-06
Density, Open Space and Design (“DDOS”) Amendments

I. INTRODUCTION

In March 2006, the Hillsboro City Council, Planning Commission, and Parks Commission conducted a joint work session concerning needed improvements in the City’s Comprehensive Plan (HCP), Zoning Ordinance (ZO) and Subdivision Ordinance (SDO) and directed Planning Department staff to proceed with amendments to correct specific deficiencies in those regulations regarding density, open space, and design. The proposed amendments are intended as interim measures to improve the City’s development regulations prior to a planned more comprehensive Major Code Update process. The interim amendments were divided into four areas:

- Reconcile different definitions of “net acre” or equivalent
- Reconcile inconsistent calculations of residential density
- Reconcile inconsistent definitions and enhance requirements for usable open space
- Create objective design standards for development

In order to address these identified deficiencies, the Planning staff presented proposed modifications that would make the following changes in the adopted regulations:

- Change definitions of net acreage (and density) to subtract only unbuildable lands
- Establish new minimum and maximum densities for each zone
- Create an administrative review process for preliminary subdivision plat review
- Create an administrative review process for preliminary subdivision plat modification
- Codify and increase notification radii for certain land use applications

The Planning Commission initiated staff-recommended amendments by Resolution No. 1590-P on December 13, 2006. Pursuant to the procedures established in the HCP at Section 1(IV), Minor Plan Amendments, ZO Section 116, and SDO Article VII, the Planning Commission held a work session on January 29, 2007, and conducted public hearings on February 15, March 14, April 12, May 23 and June 13, 2007, and conducted a final joint work session with the City Council on May 1, 2007. Public testimony received throughout the process helped to shape the final amendments forwarded to the City Council for adoption.

II. OVERVIEW OF AMENDMENTS

The final amendments are included in Planning Commission Resolutions 1617-P, 1618-P, 1619-P, 1620-P, and 1621-P. The amendments were originally included in a series of “Attachments” and were revised during the course of the public hearings. The amendments were identified as Attachments A through K, and can be summarized as follows:

Attachment A

- Revise definitions of Net Acreage in ZO Volumes I and II
- Revise definition of Net Buildable Acre in SDO

Attachment B

- Adopt maximum densities in standard zones
- Adjust the density range in the A-1 zone to implement the upper end of the RM Plan designation density range
- Create a new R-4.5 zone to implement the lower end of the RM Plan designation density range

Attachment C

- Revise density calculations to remove “automatic” density bonuses for Planned Unit Developments (PUDs)
- Establish new criteria for exceptions for increased density in PUDs
- Include references to minimum and maximum densities in subdivision and partition standards
- Amend HCP language to reflect current policy regarding project densities
- Amend HCP language for consistency with ZO and SDO amendments

Attachment D

- Add and revise definitions in ZO and SDO to reflect emphasis on “usable open space” (UOS)
- Establish new ZO and SDO definitions of “Third Place” as cited in new UOS standards
- Increase rear yard setbacks in selected zones to encourage provision of usable yards
- Amend PUD and subdivision criteria to provide additional standards for UOS
- Amend ZO Volume II to provide additional standards for UOS

Attachment E

- Provide for appeals of variances on design issues to be heard by Planning Commission
- Establish regulatory basis for variation in lot dimensions and setbacks
- Establish regulatory basis for application of stronger development standards and design guidelines

Attachment F

- Development Standards and Design Guidelines (to be adopted by Planning Commission and City Council)

Attachment G

- Increase notification radii for most land use applications
- Redefine flag lot setbacks to encourage more compatible infill development
- Reconcile minimum lot width and minimum lot frontage in residential light rail districts
- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment G.1

- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment H

- Establish new administrative processes for subdivision and major partition review

Attachment I

- Revise lot size threshold between subdivisions and minor land partitions
- Establish procedures and criteria for Property Line Adjustment applications
- Enhance protection for mature street trees in historic Orenco
- Revise setback requirements in historic Orenco for better consistency with historic architectural styles

Attachment J

- Increase setbacks and definition for accessory structures, consistent with building code
- Require Development Review for accessory dwellings to insure compatibility with primary structures
- Require Development Review for duplexes and two-unit townhouses
- Adjust lot dimension variation requirements in Significant Natural Resource Areas consistent with new Development Standards

Attachment K

- Clarify intent to preserve mature trees in light rail zones outside Significant Natural Resource Areas
- Establish administrative review process for Detailed Development Plans

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as “Minor Amendments”

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A “Minor Plan Amendment” is defined as “any change to the Comprehensive Plan which is not a major plan amendment.” A “Major Plan Amendment,” in turn, is defined as follows at Section 1(II)(G):

“Major Plan Amendment” includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A “significant change” is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental, energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610. Notice was also provided to Metro as part of the City’s coordination efforts. Metro responded that the changes were consistent with applicable requirements.

Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated January 23, February 9, April 6, May 16, June 8 and June 13, 2007, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1590-P on December 13, 2006.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV(A)(1).

Findings: The Planning Commission initiated these amendments and conducted three public work sessions and six public hearings over the course of its eighteen-month review of these revisions. Direct response to public input at these meetings is evidenced in the record by revisions to the proposed amendments and planning department staff responses to each issue raised in reports dated March 8 and 13, 2007, and May 16, 2007 and June 8, 2007.

The amendments also propose to increase the public notice requirements (Attachment G) to increase the likelihood that citizens will be aware of proposed land use actions and facilitate their participation.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Findings: The proposed amendments are consistent with the goal and policies of the Urbanization element of the Comprehensive Plan because the Plan envisions that as development occurs there is a need to accommodate all types of uses and the planned population densities through the planning period. Among the specific policies in the Urbanization section of the Plan are policies that require that regulations be designed to support needed expansions of public facilities, and that require coordination with other affected governmental entities. The proposed amendments facilitate certainty for the development community and insure maximization of infill and development by providing consistent standards and clarifying requirements for density, setbacks and lot dimensions.

As also noted above, these amendments were coordinated with Metro, which in its code establishes density requirements that must be achieved within the regional urban growth boundary of which Hillsboro is a part. The enhanced clarity in calculation of density will assure that the City can document its compliance with these requirements.

Conclusion: Applicable policies of the Urbanization section of the Plan are met.

Section 3. Housing.

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to this amendment in that they: identify the need to maintain buildable land

supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. Open space is better defined in the amendments in light of the new higher density environment, clarifying that it must be usable open space and recognizing a "third place" is needed when dwelling units are smaller and more densely situated. These provisions contribute to a safe, healthy and convenient environment. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community (whose representatives had direct input during the public process) can provide for the housing needs of Hillsboro's citizens.

Conclusion: The applicable policies of the Housing section of the Plan are met.

Section 4. Agricultural Lands.

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, the clarification of calculation of density and the ability to transfer density in planned unit developments as well as clarification of setbacks should facilitate preservation of significant trees in the planning area.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City.

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan, although as noted above the amendments should clarify and improve the need for and requirements applicable to establishment and maintaining of open space within the City.

Section 7. Air, Water and Land Resource Quality.

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Findings: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. The proposed amendments provide the opportunity to improve air quality and efficient use of land resources within the city based on clarity of calculation of density, establishment of minimum and maximum densities, and requirements for open space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Findings: The proposed amendments do not affect this Section of the Plan. Development proposals will remain subject to existing regulations and building code provisions which apply to any development designated natural hazard areas in the City.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Findings: The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting this Section of the Plan. Among the specific Policies in this Section are policies requiring dispersal of parks and recreation facilities in neighborhoods and the establishment of park-like improvements to developed properties. These policies will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.

Conclusion: The applicable policies of this Section of the Plan are met.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: This Section of the Plan is not implicated directly in these amendments. However, the increased clarity in the City's regulations will provide certainty to the development community and industry and can help promote the attraction of commercial and industrial development.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Findings: Among the policies in this Section of the Plan is a policy that states the City may use a variety of implementation methods to encourage achievement of the energy goal of the Plan, including density of use, particularly housing density, availability of light, wind and air, and compatibility among competing land use activities. By clarifying the calculation of density in residential zones, and requiring usable open space throughout the City, the City is directly complying with the identified policy.

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Findings: The proposed amendments implement Plan policies that include park and recreation facilities within the definition of this Section by assuring usable open space in developments. The uniform calculation of density will allow the City and other service providers to better predict the need for public facilities to serve development.

Conclusion: Applicable policies of this Section of the Plan are met.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: This Section of the Plan is not relevant to the proposed amendments as they do not relate to transportation facilities. All development will still be required to comply with adopted City plans and regulations related to transportation facilities.

The *remaining Sections of the Plan* do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of extensive public review, and has provided ample opportunities for public input. As such, the amendment complies with Goal 1.

The Planning Commission held six public hearings on the amendment, in February through June, 2007, and conducted additional work sessions detailed above.

The City's process complied fully with its Plan requirements for citizen involvement and the amendments include increased public notice of development applications. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.

- i) The amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the amendments.
- ii) Prior to adopting the amendment, the City considered alternatives to the amendments, and believes that the policies of the Plan are met by the amendments.
- iii) As these findings demonstrate, the amendments are consistent with the Goals.

- iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including Metro, DLCD and Washington County.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
 4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
 5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:
 - (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
 - (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
 - (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Because the amendments do not implicate either (a), (b) or (c) above, Goal 5 does not apply to this legislative enactment by the City. The City further notes that the Land Use Board of Appeals (LUBA) has most recently held that Goal 5 does not impose decisional criteria that are independent of the criteria set out in OAR 660, Division 23. Therefore, the Goal 5 rule specifies that Goal 5 applies only in the circumstances set out in OAR 660-023-0250(3).

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the

proposed amendments based on improved development standards for open space, setbacks and street trees.

9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.
 - i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
 - ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
 - iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needed housing types in the City.
11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.
12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.
13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

The remaining Statewide Planning Goals do not apply to these amendments.

IV. CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and Statewide Goals.

FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

JUL 23 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: HILLSBORO Local File No.: SOA 2-06

Date of Adoption: JULY 17, 2007 Date Mailed: JULY 20, 2007

Date the Notice of Proposed Amendment was mailed to DLCD: JANUARY 22, 2007

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
Subdivision Ordinance Amendments relate to provision of usable open space and requirements for variations in lot dimensions and setbacks in subdivisions. Adopted amendments also establish administrative procedures for subdivision review and property line adjustment review, and provide for adoption of non-codified development standards and design guidelines for subdivisions, which can also be applied to development review and Planned Unit Developments.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."
Adopted amendments are more extensive than initiated language. Please call for additional information.

Plan Map Changed from: N/A To: N/A
 Zone Map Changed from: N/A to N/A
 Location: N/A Acres Involved: N/A
 Specified Density: Previous: N/A New: N/A
 Applicable Statewide Planning Goals: Goal 2
 Was an Exception Proposed? Yes: _____ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes X No _____
 If no, do the Statewide Planning Goals apply? Yes _____ No _____
 If no, did the Emergency Circumstances Require immediate adoption? Yes _____ No _____
 Affected State or Federal Agencies, Local Governments or Special Districts: METRO

Local Contact: Debbie Raber Phone: 503-681-6155
 Address: 150 E MAIN STREET City: HILLSBORO Zip Code + 4: 97123-4028

DLCD No. 001-07 (15822)

ORDINANCE NO. 5780

SOA 2-06: DENSITY, DESIGN AND OPEN SPACE (DDOS)

AN ORDINANCE APPROVING AMENDMENTS TO SUBDIVISION ORDINANCE NO. 2808 AS AMENDED, IN MULTIPLE SECTIONS, REGARDING DENSITY, DESIGN, AND OPEN SPACE.

WHEREAS, the City Council, Planning Commission, and Parks Commission expressed strong concern with specific deficiencies in the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding density, design, and open space, and

WHEREAS, on December 13, 2006, the Planning Commission adopted Resolution No. 1590-P, initiating amendments to the Subdivision Ordinance to correct and address these deficiencies, and

WHEREAS, the Planning Commission held a public hearing on the amendments on February 15, March 14, April 12, May 23, and June 13, and heard testimony regarding the amendments, and

WHEREAS, the Planning Commission also held a work session on January 29, 2007 and a joint work session with the City Council on May 1, 2007, to consider the proposed amendments, and

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1620-P on June 27, 2007, recommending City Council approval of the amendments, together with the findings attached hereto as "Attachment A" in support of their recommendation, and

WHEREAS, the City Council considered the Planning Commission's recommendation on July 17, 2007, and voted to adopt the findings of the Planning Commission as its own in regard to the amendments.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Subdivision Ordinance No. 2808 as amended, Article I Section 3 Definitions subsection (15) is further amended to read as follows:

- (15) Net Buildable Area. The area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:
 - a. Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;
 - b. Areas necessary to accommodate truck loading docks, along with the minimum amount of maneuvering area necessary to safely utilize such a loading dock;
 - c. Required stormwater treatment and detention facilities;

- d. 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;
- e. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;
- f. Delineated wetlands, and vegetated corridors as required by Clean Water Services;
- g. Any area or facility where occupancy is prohibited for safety reasons, such as electrical transformer platforms, industrial chemical and/or gas storage areas, or other similar hazardous facility or area; and
- h. 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.

Section 2. Subdivision Ordinance No. 2808 as amended, Article I Section 3 Definitions is further amended with the insertion of three new subsections to read as follows, and with the renumbering of the existing subsections numerically:

Property Line Adjustment. The relocation of a common boundary line between two or more abutting properties, which does not create an additional lot or parcel, and which does not reduce the areas or dimensions of existing lots or parcels, or the setbacks of structures thereon, below the minimum standards established by the applicable zone.

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.

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.

Section 3. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 1 Application Procedure and Submittal Requirements, subsections (B) and (D) are further amended to read as follows:

(B) An application, using forms provided by the City of Hillsboro Planning Department, must be filed with said department in completed form a minimum of 30 days prior to the Planning Commission meeting at which said application is to be considered.

(D) Twenty-five copies of the tentative subdivision, a narrative addressing the approval criteria, and any other informational maps required shall be submitted with the application and filing fee. A list of information required on or accompanying the tentative subdivision plat shall be available from the Planning Department. This list shall be provided upon request.

Section 4. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 1 Application Procedure and Submittal Requirements, subsection (E) is further amended with the addition of two new subsections (7) and (8) to read as follows:

(7) 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 any applicable development standards and design guidelines adopted by the City Council or the Planning Commission pursuant to Article VI.

(8) In residential projects of eight or more lots, to demonstrate compliance with General Architectural Design and Construction Standards and Guidelines adopted under Article VI of this Ordinance, the applicant shall submit front, side and rear elevation, color palettes, and plot plans for all proposed residential structures.

At the option of the applicant, documentation of compliance with the General Architectural Design and Construction Standards and Guidelines may be delayed until submittal of the final plat, but in that case public notice of the final plat review shall be given as required in Section 2.

The City Council shall adopt by Resolution a fee, to be charged in addition to the tentative plat fee or the final plat fee as applicable, to defray the costs of reviewing the documentation required under this subsection.

Section 5. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 1 Application Procedure and Submittal Requirements, is further amended with the addition of a new subsection (G) to read as follows:

(G) Prior to submittal of an application for a tentative subdivision plat, the applicant shall hold a neighborhood meeting 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 the tentative subdivision plat. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.

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.

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.

Compliance with the provisions of this section is a jurisdictional requirement of the Hillsboro Subdivision Ordinance. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted without this documentation, such applications shall not be accepted by the City.

Section 6. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 2 Public Notice is further amended to be renumbered as Section 3, and a new Section 2 Determination of Administrative or Planning Commission Review inserted, to read as follows:

Section 2. Determination of Administrative or Planning Commission Review. An application for approval of a tentative subdivision plat may be processed either administratively through the Planning Department, or under a public hearing process through the Planning Commission.

- (A) An applicant for tentative subdivision plat approval may request Planning Commission review upon submittal of the application at any time prior to the Planning Department determination of application completeness.
- (B) Upon review of an application for tentative subdivision plat approval, prior to the determination of application completeness, the Planning Director may decide that the application warrants Planning Commission review due to either of the following factors:
 - 1. the likelihood of significant interest or opposition from surrounding property owners or affected agencies; or
 - 2. the presence of issues requiring significant discretion during the review process, or review by a second party (such as variances).
- (C) Any application for tentative residential subdivision plat approval exceeding the following thresholds shall be processed only through Planning Commission review:
 - 1. gross site acreage of five (5) acres or more;
 - 2. total number of proposed lots greater than 20
 - 3. total number of proposed dwelling units greater than 20;
 - 4. site location within a light rail district or conservation district; or
 - 5. inclusion within the site of Significant Natural Resource Overlay district.

Section 7. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 2 Public Notice (proposed Section 3) is further amended to read as follows:

Section 3. Public Notice. A public notice of the tentative subdivision plat application shall be mailed to property owners within 500 feet of the proposed subdivision not less than 30 days prior to the date of the Planning Director's decision, or not less than 20 days before the Planning Commission public hearing, as applicable. For this purpose the names and addresses of the owners as shown on the current records of the County Assessor shall be used. The notice shall state the proposed number of lots, the proposed use and shall be accompanied by a map showing the site and approximate street layout of the proposed subdivision in relation to the immediately surrounding area. Failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the application for preliminary subdivision plat.

Section 8. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, is further amended with the insertion of new Section 4 Administrative Review and new Section 5 Planning Commission Review to read as follows, and the renumbering of existing Section 3 as Section 6.

Section 4. Administrative Review. The Planning Director shall distribute copies of the application, tentative plat and any other pertinent information to appropriate City department heads, affected governmental agencies and utility companies for review and comment.

- (A) If sufficient questions or concerns are expressed, a meeting of department heads, governmental agencies, and utility companies may be called to review the proposed tentative plat. The applicant or the applicant's agent may be invited to attend this meeting. The purpose of the meeting will be to discuss the technical aspects of the proposed development and advise the developer regarding any concerns which the staff or other agencies might have regarding the development, and to make appropriate recommendations as to alterations or conditions which the staff feels are necessary for tentative plat approval.
- (B) Following receipt of comments from department heads, affected governmental agencies, utility companies, and the public, the Planning Director or the Director's designee shall review the tentative plat and prepare a staff report. The staff report shall analyze issues of concern and make appropriate recommendations as to alterations or conditions necessary for tentative plat approval.
- (C) A copy of the staff report shall be made available to the applicant and the public not less than seven days prior to the date of the Director's decision. If the applicant wishes to revise the plat based on the staff report, the applicant shall submit a 60-day extension of the statutory 120-day limitation, and notice of the revised plat shall be sent to owners of surrounding property pursuant to Section 3. Following receipt of any additional comments, the Director shall evaluate the revisions and prepare a supplemental report regarding any changes in necessary conditions.

Section 5. Planning Commission Review. If the applicant or the Planning Director has determined that the tentative subdivision plat application will be reviewed by the Planning Commission, the Planning Director shall proceed through the process cited in Section 4 (A) through (C) of this Article, except that the staff report shall be made available to the applicant and the Planning Commission not less than seven days prior to the date of the Planning Commission public hearing. On the specified date, the Planning Commission shall conduct a

public hearing on the tentative subdivision plat application as prescribed by its own Rules and Procedures and by state statute.

Section 9. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 6 (currently Section 4) is further amended to read as follows:

Section 6. Planning Commission or Administrative Approval.

(A) In considering approval, conditional approval or denial of a tentative plat, the Planning Commission or the Planning Director shall consider whether the proposed subdivision:

- (1) Complies with the zoning ordinance and other applicable land use regulations, including the minimum and maximum residential densities of the zone if applicable.
- (2) Provides necessary public utilities and facilities including, but not limited to, water, sanitary sewer, storm sewer, streets, parks, fire protection, and police protection.
- (3) Facilitates safe and convenient bicycle and pedestrian connections and access within and from the proposed subdivision to nearby shopping centers, industrial parks, transit stops and neighborhood activity centers.
- (4) Facilitates the efficient development of and safe, access to adjoining undeveloped properties.
- (5) Complies with the street and bicycle/pedestrian design standards in Section 8 of this Article and the pedestrian/bicycle accessway standards in Section 9 of this Article.
- (6) Complies with the usable open space standards in Section 7 of this Article.
- (7) Conforms with the Development Standards and Design Guidelines adopted under Article VI of this Ordinance, and with any other applicable standards adopted by the City Council or Planning Commission.
- (8) Warrants conditions of approval to minimize traffic or other adverse impacts on adjacent properties or to enable a determination that applicable approval standards are met.

(B) The Planning Commission or the Planning Director shall approve the proposed tentative plat only if it finds that the tentative plat satisfies the standards in subsection A of this Section. The Planning Commission or the Planning Director may impose such approval conditions as necessary to assure compliance with those standards. The Planning Commission or the Planning Director may deny the proposed tentative plat if the tentative plat does not comply with the standards in subsection A (1) - (8) of this Section.

- (1) If the Planning Commission or the Planning Director finds that there are inadequacies in public facilities, services, and/or utilities, the Commission or Director may condition approval of the subdivision only upon finding that such deficiencies can be corrected in a timely manner.
- (2) If the Planning Commission or the Planning Director finds that the tentative plan does not comply with the applicable design standards for subdivisions in subsections A (1) - (8) of this Section, the Commission or

Director may approve the tentative plat with conditions, or deny the tentative plat.

- (3) The Planning Commission or the Planning Director shall notify the applicant and parties of the decision in the manner established by state law.

Section 10. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, is further amended with the addition of a new Section 7 Appeal of Decision on Tentative Subdivision Plat to read as follows, and the renumbering of existing Section 5 Street and Pedestrian/Bicycle Design Standards and Section 6 Pedestrian/Bicycle Accessways as Sections 8 and 9:

Section 7. Appeal of Decision on Tentative Subdivision Plat. A decision by the Planning Commission may be appealed to the City Council under the provisions of Article VIII of this Ordinance. A decision by the Planning Director may be appealed to the Planning Commission under the provisions of Article VIII of this Ordinance.

Section 11. Subdivision Ordinance No. 2808 as amended, Article II, Tentative Subdivision Application, is further amended with the addition of a new Section 10 Usable Open Space to read as follows, and the renumbering of existing Section 7 Limitation of Approval and Section 8 Modification of Tentative Plan Approval as Sections 11 and 12:

Section 10. Usable Open Space. Unless an exception is approved under the standards in subsection e below, residential subdivisions in all 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 40.00	5.0%
5.01 to 15.00	7.5%
15.01 to 25.0	7.5% 10.0%
Over 25.01	10.0% 12.5%

a. Maintenance of common private open space and other facilities such as private streets shall be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.

b. Usable open space in residential subdivisions 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.

c. Usable open space in residential subdivisions 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:

- 1) public accessways and covered viewing areas are provided;
- 2) 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.
- 3) the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and
- 4) 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.

d. 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.

e. The Planning Commission may grant an exception to the Open Space requirements of this Section upon finding that:

1. The subdivision is within $\frac{1}{4}$ mile (measured in actual walking distance) of a publicly accessible active open space area such as a public park; or
2. a minimum of 800 square feet of private open space per lot is provided for at least 65 percent of the lots in the subdivision. To apply toward this exception, such private open space must be configured in contiguous side and/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.

Section 12. Subdivision Ordinance No. 2808 as amended Article II, Tentative Subdivision Application, Section 7 Limitation of Approval and Section 8 Modification of Tentative Plat Approval (proposed Sections 11 and 12) are further amended to read as follows:

Section 11. Limitation of Approval. Approval of a tentative plat shall not constitute approval of the final plat for record. Rather, it shall be a guide for the preparation of the final plat for submission to the Planning Director for approval.

(A) Approval of the tentative plat shall be in effect for one year from the date of approval by the Planning Commission. During this time a final plat shall be prepared and submitted to the City. If the final plat application is not submitted in

this period, the Planning Director may extend the approval period for one year. Requests for extension of approval time shall be submitted in writing prior to the one year expiration date. Failure of the applicant to prepare and submit a final plat within the prescribed time period shall cause the plat to become null and void.

If further consideration is requested, the tentative plat shall be resubmitted for consideration, subject to the tentative plat provisions of this ordinance. If any phase of a development submitted to the Planning Director for final approval is approved and recorded with Washington County within the prescribed time period, the one-year time limit shall be extended to the remaining portion of the development. This extension may be renewable for a period of one year upon approval of the Planning Director.

(B) Approval of the tentative plat where public facilities, services, and/or utilities essential to development of the site are inadequate does not obligate the City or any other agency to a schedule or financial commitment to provide such services. The applicant is advised to negotiate commitments from the appropriate authorities before proceeding with the final plat.

Section 12. Modification of Tentative Plat Approval. Application for modifications in the lotting pattern and/or the conditions of approval of an approved tentative subdivision plat shall be reviewed by the Planning Director pursuant to the procedures specified in Sections 2, 3, and 4 of this article. In order to defray the costs of processing, applications for modification of an approved tentative subdivision plat shall be accompanied by payment of a fee as established by the City Council under Article X of this Ordinance. The Director shall approve a proposed modification of an approved tentative plat only upon finding that the proposed modification equally or better complies with the subdivision approval criteria listed in Section 4 (A) of this Article. The Commission may impose such approval conditions on the modification as it deems necessary to assure compliance with those standards. The Director may deny the proposed modification if it finds that the modification does not equally or better comply with the standards in Section 6 (A).

Section 13. Subdivision Ordinance No. 2808 as amended, Article III Final Plat Procedure, Section 1, is further amended to read as follows:

Section 1. Submission of Final Plat. In order to receive consideration for final plat approval, the applicant shall have the subdivision surveyed and a final plat prepared in substantial conformance with the tentative plat as approved. The subdivider shall submit 25 copies of the final plat and any supplementary information to the Planning Director, including detailed elevations, color palette, and plot plans as required by Article II, Section 6 (C), unless submitted with the preliminary plat. A list of information required on and materials required for the final plat shall be available from the Planning Department.

Section 14. Subdivision Ordinance No. 2808 as amended, Article III Final Plat Procedure, Section 3 is further amended with the addition of two new subsections (C) and (D) to read as follows:

(C) If the submittal of the detailed elevations, color palette, and plot plans required by Article II, Section 6 (C), was deferred to submittal of the final plat, a notice of final plat application review shall be sent to property owners within 500 feet of the proposed subdivision, as required in Article II, Section 3.

(D) The final plat application shall be reviewed under the same standards and regulations in effect when the preliminary plat application was deemed complete, unless the applicant consents in writing to the application of standards adopted after submittal of the preliminary plat.

Section 15. Subdivision Ordinance No. 2808 as amended, Article III Final Plat Procedure, Sections 4 and 5 are further amended to read as follows:

Section 4. Approval of Final Plat.

(A) A determination by the Planning Director that the final plat conforms with the tentative plat as approved or has met applicable conditions if approved conditionally, and the requirements of this Ordinance have been met, shall constitute authorization for the presiding officer of the Planning Commission to sign the final plat. If the final plat is determined not to conform to the tentative plat as approved, or has not met applicable conditions if approved conditionally, the Planning Director shall provide findings of fact stating the basis for disapproval. The subdivider may then either submit a new plat for consideration or appeal the decision as provided in Article VII of this Ordinance.

(B) Following signature by the presiding officer of the Planning Commission, the Planning Director shall notify the subdivider that the final plat has been approved by the City and forwarded to the County Surveyor for purposes of conducting the plat check in conformance with O.R.S. Chapter 92, and subsequent processing by the County to result in recording of the plat.

Section 5. Filing of Final Plat. Approval shall be effective for six months after the signature of the presiding officer of the Planning Commission is obtained. The Planning Director may extend the effective period, not to exceed six months, upon written request of the subdivider. If the final plat is not recorded by the subdivider within this time, the final plat shall be null and void. The subdivision may then be resubmitted to the City of Hillsboro for consideration subject to all tentative plat provisions of this ordinance.

Section 16. Subdivision Ordinance No. 2808 as amended, Article IV Major Partition Procedures, is further amended to read as follows:

ARTICLE IV

Major Partition Procedures

Section 1. Submitting the Major Partition Map. No person shall create a street, road, public or private way in the City of Hillsboro for the purpose of partitioning an area or tract of land without the approval of the Planning Director. A person desiring to so partition land within the City shall file an application with the Planning Director on forms provided by the City Planning Department, together with 12 copies and the fees required by this ordinance. The

application shall include the information specified in Article II, Sections (1) (A), (1) (E), (1) (F), and (1) (G).

Section 2. Major Partition Map Filing Fee. Applicable for a Major Partition. An application fee as established by the City Council under Article X of this Ordinance shall be paid to the City of Hillsboro by the applicant at the time of submission of the application for a major partition, in order to defray the costs of processing the application. All recording costs for legal instruments required by the City must also be paid by the applicant.

Section 3. Review of Major Partition. Upon receipt of the application for a major partition, the Planning Director shall proceed as follows:

- (a) Check the proposal against the Zoning Ordinance including the minimum and maximum residential densities of the zone if applicable, the requirements of this ordinance and any regulations applicable to the land.
- (b) Distribute one copy of the major partition map to each affected department and ask for comment within 14 days.
- (c) Send written notice by mail, not less than 20 days before the 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 major partition preliminary plat.
- (d) Prepare a staff report reviewing the major partition proposal; said staff report shall impede the future use of the tract, adversely affect the sale or logical development of any remainder of the tract or any adjoining land or access thereto; and if the proposal conforms to applicable statutes, rules, standards and ordinances. If the Planning Director finds that the major partition proposal does not conform to applicable standards, or if it impedes future use of the tract or adjacent properties, the Director shall deny the major partition, and the staff report shall include findings stating the reasons for denial.

Section 4. Final approval. When the conditions of approval on the tentative plat have been met, and upon payment of a fee as established by the City Council under Article X of this Ordinance to defray the costs of processing the application, the Planning Director shall sign the final plat and release it for recording with the County.

Approval or conditional approval of a major partition plat shall become null and void if the map is not recorded with the County within 12 months of the date of approval or conditional approval. A single six month extension may be granted by the Planning Director if requested in writing before the expiration of the initial six month period. If the major partition map is not recorded within the required time, the major partition may then be resubmitted to the City for consideration, subject to all provisions of this article.

Section 5. Appeal. Any decision of the Director may be appealed pursuant to Article VIII of this ordinance.

Section 17. Subdivision Ordinance No. 2808 as amended, Article V Minor Partition, is further amended to read as follows:

ARTICLE V

Minor Partition

Section 1. Submittal Requirements and Administrative Procedure. Minor partitions shall be reviewed, approved, approved with conditions, or denied by the Planning Director.

(A) An application for a minor partition shall be filed with the City on the form provided by the Planning Department, together with 12 copies and the fees required by Article X of this Ordinance. The application shall include the information specified in Article II, Sections (1) (A), (1) (E), (1) (F), and (1) (G).

(B) Applications for minor partition approval shall be reviewed for compliance with Zoning Ordinance requirements regarding minimum and maximum densities, lot dimensions, and other applicable Zoning Ordinance provisions, and under administrative rules approved by the Planning Commission.

In addition to these rules, the Planning Director shall require that minor partition applications include geotechnical investigation reports as specified in Article II, Section (1) (E) (6). 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: the construction value of the project is \$150,000 or less; the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; there is no evidence of any previous fill on the site to a depth exceeding one foot; the project does not include proposed fill on the site to a depth exceeding one foot; and no portion of the site has a slope in excess of ten percent (10%).

Section 2. Review and Approval. Approval, conditional approval, or denial will be made based on conformance of a preliminary partition plat with applicable standards, statutes, rules and ordinances. Approval of the final partition plat shall be based upon conformance with any applicable conditions, and shall be evidenced by the signature thereon of the Planning Director, with the date of such approval. Any decision of the Planning Director may be appealed according to the provisions of Article VIII of this Ordinance.

Section 3. Fees. For purposes of defraying the cost incurred by the City in processing preliminary and final plats for minor partition applications, each application by a property owner or the authorized agent of the owner for preliminary or final partition plat approval shall be accompanied by fees as established by the City Council under Article XII of this Ordinance. All recording costs for legal instruments required by the City must also be paid by the applicant.

Section 4. Lot Size Limitation for Partitions. A parcel of land or the aggregate of contiguous parcel under the same ownership, containing sufficient net buildable area to allow creation of four or more lots meeting the minimum requirements of Zoning Ordinance No. 1945 as amended, shall be divided only in conformance with the procedures and standards specified in Articles II and III of this Ordinance.

A parcel, partitioned solely for the purpose of segregating one separate smaller parcel for an existing or proposed single family house, shall be exempt from the provisions of Section 2 4. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone.

Section 18. Subdivision Ordinance No. 2808 as amended, is further amended with the insertion of a new Article VI Property Line Adjustments to read as follows, and the renumbering of existing Article VI General Principles of Design and Improvement Standards, existing Article VII Appeal, existing Article VIII Amendments, existing Article IX Interpretation and Enforcement, and existing Article X Fees as Articles VII, VIII, IX, X, and XI, respectively.

Article VI

Property Line Adjustments

Section 1. Administrative Procedure. Property line adjustments shall be reviewed, approved, approved with conditions, or denied by the Planning Director or the Director's designee. Applications for property line adjustments shall be made on a form prescribed by the Planning Director, and shall be accompanied by payment of a fee as determined by the City Council. Approval, conditional approval, or denial will be made based on the following standards:

- (a) conformance of both properties with the minimum dimensional (lot depth, width, and area) standards of the applicable zone after the proposed adjustment;
- (b) conformance of any structures on either property with the minimum and maximum setback standards of the applicable zone after the proposed adjustment;
- (c) if either or both of the affected properties are eligible for additional development, the proposed adjustment will neither preclude opportunity for such additional development nor reconfigure the properties in a pattern which might obviate public improvements required as condition of such additional development.

Section 19. Subdivision Ordinance No. 2808, as amended, Article VI General Principles of Design and Improvement Standards (proposed Article VII) is further amended to read as follows:

ARTICLE VII

Development Standards and Design Guidelines

Section 1. Conformance. The design of and improvements in subdivisions or partitions shall conform with the policies of the Comprehensive Plan, the standards of the Zoning Ordinance, and other applicable standards adopted by the Planning Commission or City Council.

Section 2. Standards. The Planning Commission and City Council may adopt development standards and design guidelines for any element of development within a

subdivision, including but not limited to the following: lotting patterns; building orientation, design, and placement; circulation and parking design; streets and infrastructure construction; and landscaping and usable open space.

Section 3. Applicability. The Planning Commission, the City Council, and the Planning Director or the Director's designee may apply the development standards and design guidelines adopted for subdivisions to other land use applications reviewed by the City, including planned unit developments and development review, where such standards are clearly applicable.

Section 20. Subdivision Ordinance No. 2808, as amended, Article VII Appeal (proposed Article VIII) is further amended to read as follows:

ARTICLE VIII

Appeal

Section 1. Appeal. An appeal to the City Council or Planning Commission from any final decision of the Planning Commission or Planning Director may be made 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 the fee for the original application. If the appeal is of the Planning Director's decision on a tentative subdivision plat application, the amount of the appeal fee shall be one-tenth of the fee for the original application.

- (A) Notice shall set forth in detail the nature of the decision and the grounds upon which the appeal is being made.
- (B) The City Council or the Planning Commission following the filing of said appeal, shall set a time for a hearing on the appeal to be held within 40 days of receipt by the City Recorder.
- (C) Unless specifically excepted by the Council or the Commission, appeals shall be based on the record before the Planning Commission or the Planning Director.
 - 1. The Planning Director's Record of Decision shall consist of the application materials, comments from department heads and affected agencies, public notification affidavits, public testimony, staff reports, conditions of approval, and supporting findings, and the Notice of Decision.
 - 2. The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted Resolution and supporting findings.
- (D) Either the City Council or the Planning Commission proceedings, as applicable, shall be conducted in accordance with the rules adopted by that body. Either the Council or the Commission, as applicable, shall make findings based on the Record before it and testimony received by it, and may uphold, modify, or overturn the earlier Decision.
- (E) An appeal to the City Council of the Planning Commission's decision, either on a tentative subdivision plat or on appeal of a Planning Director's decision, may be

made by filing written notice with the City Recorder within 15 days of the date of the Decision. Any such appeal shall be processed according to the requirements of this section.

- (F) All final orders made pursuant to the procedures set forth in this article shall be reviewable by the Circuit Court of the State of Oregon.

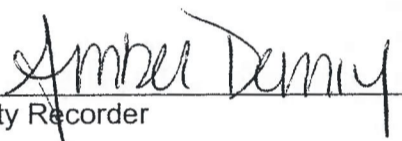
Section 21. Except as herein amended, Subdivision Ordinance No. 2808, as amended, shall remain in full force and effect.

Passed by the Council this 17th day of July, 2007.

Approved by the Mayor this 17th day of July, 2007.



Mayor

ATTEST: 

City Recorder

Attachment A

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945,
Volumes 1 and 2, and Subdivision Ordinance No. 2808

Case File Numbers HCP 2-06; ZOA 5-06; and SOA 2-06
Density, Open Space and Design (“DDOS”) Amendments

I. INTRODUCTION

In March 2006, the Hillsboro City Council, Planning Commission, and Parks Commission conducted a joint work session concerning needed improvements in the City’s Comprehensive Plan (HCP), Zoning Ordinance (ZO) and Subdivision Ordinance (SDO) and directed Planning Department staff to proceed with amendments to correct specific deficiencies in those regulations regarding density, open space, and design. The proposed amendments are intended as interim measures to improve the City’s development regulations prior to a planned more comprehensive Major Code Update process. The interim amendments were divided into four areas:

- Reconcile different definitions of “net acre” or equivalent
- Reconcile inconsistent calculations of residential density
- Reconcile inconsistent definitions and enhance requirements for usable open space
- Create objective design standards for development

In order to address these identified deficiencies, the Planning staff presented proposed modifications that would make the following changes in the adopted regulations:

- Change definitions of net acreage (and density) to subtract only unbuildable lands
- Establish new minimum and maximum densities for each zone
- Create an administrative review process for preliminary subdivision plat review
- Create an administrative review process for preliminary subdivision plat modification
- Codify and increase notification radii for certain land use applications

The Planning Commission initiated staff-recommended amendments by Resolution No. 1590-P on December 13, 2006. Pursuant to the procedures established in the HCP at Section 1(IV), Minor Plan Amendments, ZO Section 116, and SDO Article VII, the Planning Commission held a work session on January 29, 2007, and conducted public hearings on February 15, March 14, April 12, May 23 and June 13, 2007, and conducted a final joint work session with the City Council on May 1, 2007. Public testimony received throughout the process helped to shape the final amendments forwarded to the City Council for adoption.

II. OVERVIEW OF AMENDMENTS

The final amendments are included in Planning Commission Resolutions 1617-P, 1618-P, 1619-P, 1620-P, and 1621-P. The amendments were originally included in a series of "Attachments" and were revised during the course of the public hearings. The amendments were identified as Attachments A through K, and can be summarized as follows:

Attachment A

- Revise definitions of Net Acreage in ZO Volumes I and II
- Revise definition of Net Buildable Acre in SDO

Attachment B

- Adopt maximum densities in standard zones
- Adjust the density range in the A-1 zone to implement the upper end of the RM Plan designation density range
- Create a new R-4.5 zone to implement the lower end of the RM Plan designation density range

Attachment C

- Revise density calculations to remove "automatic" density bonuses for Planned Unit Developments (PUDs)
- Establish new criteria for exceptions for increased density in PUDs
- Include references to minimum and maximum densities in subdivision and partition standards
- Amend HCP language to reflect current policy regarding project densities
- Amend HCP language for consistency with ZO and SDO amendments

Attachment D

- Add and revise definitions in ZO and SDO to reflect emphasis on "usable open space" (UOS)
- Establish new ZO and SDO definitions of "Third Place" as cited in new UOS standards
- Increase rear yard setbacks in selected zones to encourage provision of usable yards
- Amend PUD and subdivision criteria to provide additional standards for UOS
- Amend ZO Volume II to provide additional standards for UOS

Attachment E

- Provide for appeals of variances on design issues to be heard by Planning Commission
- Establish regulatory basis for variation in lot dimensions and setbacks
- Establish regulatory basis for application of stronger development standards and design guidelines

Attachment F

- Development Standards and Design Guidelines (to be adopted by Planning Commission and City Council)

Attachment G

- Increase notification radii for most land use applications
- Redefine flag lot setbacks to encourage more compatible infill development
- Reconcile minimum lot width and minimum lot frontage in residential light rail districts
- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment G.1

- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment H

- Establish new administrative processes for subdivision and major partition review

Attachment I

- Revise lot size threshold between subdivisions and minor land partitions
- Establish procedures and criteria for Property Line Adjustment applications
- Enhance protection for mature street trees in historic Orenco
- Revise setback requirements in historic Orenco for better consistency with historic architectural styles

Attachment J

- Increase setbacks and definition for accessory structures, consistent with building code
- Require Development Review for accessory dwellings to insure compatibility with primary structures
- Require Development Review for duplexes and two-unit townhouses
- Adjust lot dimension variation requirements in Significant Natural Resource Areas consistent with new Development Standards

Attachment K

- Clarify intent to preserve mature trees in light rail zones outside Significant Natural Resource Areas
- Establish administrative review process for Detailed Development Plans

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as “Minor Amendments”

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A “Minor Plan Amendment” is defined as “any change to the Comprehensive Plan which is not a major plan amendment.” A “Major Plan Amendment,” in turn, is defined as follows at Section 1(II)(G):

“Major Plan Amendment” includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A “significant change” is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental, energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610. Notice was also provided to Metro as part of the City’s coordination efforts. Metro responded that the changes were consistent with applicable requirements.

Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated January 23, February 9, April 6, May 16, June 8 and June 13, 2007, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1590-P on December 13, 2006.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV(A)(1).

Findings: The Planning Commission initiated these amendments and conducted three public work sessions and six public hearings over the course of its eighteen-month review of these revisions. Direct response to public input at these meetings is evidenced in the record by revisions to the proposed amendments and planning department staff responses to each issue raised in reports dated March 8 and 13, 2007, and May 16, 2007 and June 8, 2007.

The amendments also propose to increase the public notice requirements (Attachment G) to increase the likelihood that citizens will be aware of proposed land use actions and facilitate their participation.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Findings: The proposed amendments are consistent with the goal and policies of the Urbanization element of the Comprehensive Plan because the Plan envisions that as development occurs there is a need to accommodate all types of uses and the planned population densities through the planning period. Among the specific policies in the Urbanization section of the Plan are policies that require that regulations be designed to support needed expansions of public facilities, and that require coordination with other affected governmental entities. The proposed amendments facilitate certainty for the development community and insure maximization of infill and development by providing consistent standards and clarifying requirements for density, setbacks and lot dimensions.

As also noted above, these amendments were coordinated with Metro, which in its code establishes density requirements that must be achieved within the regional urban growth boundary of which Hillsboro is a part. The enhanced clarity in calculation of density will assure that the City can document its compliance with these requirements.

Conclusion: Applicable policies of the Urbanization section of the Plan are met.

Section 3. Housing.

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to this amendment in that they: identify the need to maintain buildable land

City of Hillsboro

5

Findings and Conclusions: DDOS Amendments

HCP 2-06; ZOA 5-06; and SOA 2-06

June, 2007

supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. Open space is better defined in the amendments in light of the new higher density environment, clarifying that it must be usable open space and recognizing a "third place" is needed when dwelling units are smaller and more densely situated. These provisions contribute to a safe, healthy and convenient environment. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community (whose representatives had direct input during the public process) can provide for the housing needs of Hillsboro's citizens.

Conclusion: The applicable policies of the Housing section of the Plan are met.

Section 4. Agricultural Lands.

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, the clarification of calculation of density and the ability to transfer density in planned unit developments as well as clarification of setbacks should facilitate preservation of significant trees in the planning area.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City.

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan, although as noted above the amendments should clarify and improve the need for and requirements applicable to establishment and maintaining of open space within the City.

Section 7. Air, Water and Land Resource Quality.

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Findings: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. The proposed amendments provide the opportunity to improve air quality and efficient use of land resources within the city based on clarity of calculation of density, establishment of minimum and maximum densities, and requirements for open space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Findings: The proposed amendments do not affect this Section of the Plan. Development proposals will remain subject to existing regulations and building code provisions which apply to any development designated natural hazard areas in the City.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Findings: The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting this Section of the Plan. Among the specific Policies in this Section are policies requiring dispersal of parks and recreation facilities in neighborhoods and the establishment of park-like improvements to developed properties. These policies will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.

Conclusion: The applicable policies of this Section of the Plan are met.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: This Section of the Plan is not implicated directly in these amendments. However, the increased clarity in the City's regulations will provide certainty to the development community and industry and can help promote the attraction of commercial and industrial development.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Findings: Among the policies in this Section of the Plan is a policy that states the City may use a variety of implementation methods to encourage achievement of the energy goal of the Plan, including density of use, particularly housing density, availability of light, wind and air, and compatibility among competing land use activities. By clarifying the calculation of density in residential zones, and requiring usable open space throughout the City, the City is directly complying with the identified policy.

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Findings: The proposed amendments implement Plan policies that include park and recreation facilities within the definition of this Section by assuring usable open space in developments. The uniform calculation of density will allow the City and other service providers to better predict the need for public facilities to serve development.

Conclusion: Applicable policies of this Section of the Plan are met.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: This Section of the Plan is not relevant to the proposed amendments as they do not relate to transportation facilities. All development will still be required to comply with adopted City plans and regulations related to transportation facilities.

The *remaining Sections of the Plan* do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of extensive public review, and has provided ample opportunities for public input. As such, the amendment complies with Goal 1.

The Planning Commission held six public hearings on the amendment, in February through June, 2007, and conducted additional work sessions detailed above.

The City's process complied fully with its Plan requirements for citizen involvement and the amendments include increased public notice of development applications. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.
 - i) The amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the amendments.
 - ii) Prior to adopting the amendment, the City considered alternatives to the amendments, and believes that the policies of the Plan are met by the amendments.
 - iii) As these findings demonstrate, the amendments are consistent with the Goals.

- iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including Metro, DLCD and Washington County.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
 4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
 5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:
 - (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
 - (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
 - (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Because the amendments do not implicate either (a), (b) or (c) above, Goal 5 does not apply to this legislative enactment by the City. The City further notes that the Land Use Board of Appeals (LUBA) has most recently held that Goal 5 does not impose decisional criteria that are independent of the criteria set out in OAR 660, Division 23. Therefore, the Goal 5 rule specifies that Goal 5 applies only in the circumstances set out in OAR 660-023-0250(3).

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the

proposed amendments based on improved development standards for open space, setbacks and street trees.

9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.
 - i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
 - ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
 - iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needed housing types in the City.
11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.
12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.
13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

The remaining Statewide Planning Goals do not apply to these amendments.

IV. CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and Statewide Goals.

RESOLUTION NO. 2219

**SOA 2-06: DENSITY, DESIGN AND OPEN SPACE (DDOS)
UNCODIFIED DEVELOPMENT STANDARDS AND DESIGN GUIDELINES**

A RESOLUTION ADOPTING DEVELOPMENT STANDARDS AND DESIGN GUIDELINES AS AUTHORIZED BY SUBDIVISION ORDINANCE NO. 2808, ARTICLE VII.

WHEREAS, the City Council, Planning Commission, and Parks Commission expressed strong concern with specific deficiencies in the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding density, design, and open space, and

WHEREAS, on December 13, 2006, the Planning Commission adopted Resolution No. 1590-P, initiating amendments to the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance to correct and address these deficiencies, and

WHEREAS, the Planning Commission held a public hearing on the amendments on February 15, March 14, April 12, May 23, and June 13, 2007 and heard testimony regarding the amendments, and

WHEREAS, the Planning Commission also held a work session on January 29, 2007 and a joint work session with the City Council on May 1, 2007, to consider the proposed amendments, and

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1621-P on June 27, 2007, recommending City Council approval of Development Standards and Design Guidelines in conjunction with the Code amendments, together with the findings attached hereto as "Attachment A" in support of their recommendation, and

WHEREAS, the City Council considered the Planning Commission's recommendation on July 17, 2007, and voted to adopt the findings of the Planning Commission as its own in regard to the amendments.

NOW THEREFORE, BE IT RESOLVED, by the Hillsboro City Council,

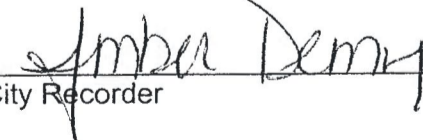
Section 1. The Development Standards and Design Guidelines attached hereto as "Attachment B" are adopted as authorized by Subdivision Ordinance No. 2808, Article VII.

Section 2. This resolution will become effective 30 days from the date of adoption.

Approved and adopted by the Hillsboro City Council at a regular meeting held on the 17th of July, 2007.



Mayor

ATTEST: 

City Recorder

Attachment A

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945,
Volumes 1 and 2, and Subdivision Ordinance No. 2808

Case File Numbers HCP 2-06; ZOA 5-06; and SOA 2-06
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In order to address these identified deficiencies, the Planning staff presented proposed modifications that would make the following changes in the adopted regulations:

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- Codify and increase notification radii for certain land use applications

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- Revise definition of Net Buildable Acre in SDO

Attachment B

- Adopt maximum densities in standard zones
- Adjust the density range in the A-1 zone to implement the upper end of the RM Plan designation density range
- Create a new R-4.5 zone to implement the lower end of the RM Plan designation density range

Attachment C

- Revise density calculations to remove "automatic" density bonuses for Planned Unit Developments (PUDs)
- Establish new criteria for exceptions for increased density in PUDs
- Include references to minimum and maximum densities in subdivision and partition standards
- Amend HCP language to reflect current policy regarding project densities
- Amend HCP language for consistency with ZO and SDO amendments

Attachment D

- Add and revise definitions in ZO and SDO to reflect emphasis on "usable open space" (UOS)
- Establish new ZO and SDO definitions of "Third Place" as cited in new UOS standards
- Increase rear yard setbacks in selected zones to encourage provision of usable yards
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Attachment E

- Provide for appeals of variances on design issues to be heard by Planning Commission
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Attachment F

- Development Standards and Design Guidelines (to be adopted by Planning Commission and City Council)

Attachment G

- Increase notification radii for most land use applications
- Redefine flag lot setbacks to encourage more compatible infill development
- Reconcile minimum lot width and minimum lot frontage in residential light rail districts
- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment G.1

- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment H

- Establish new administrative processes for subdivision and major partition review

Attachment I

- Revise lot size threshold between subdivisions and minor land partitions
- Establish procedures and criteria for Property Line Adjustment applications
- Enhance protection for mature street trees in historic Orenco
- Revise setback requirements in historic Orenco for better consistency with historic architectural styles

Attachment J

- Increase setbacks and definition for accessory structures, consistent with building code
- Require Development Review for accessory dwellings to insure compatibility with primary structures
- Require Development Review for duplexes and two-unit townhouses
- Adjust lot dimension variation requirements in Significant Natural Resource Areas consistent with new Development Standards

Attachment K

- Clarify intent to preserve mature trees in light rail zones outside Significant Natural Resource Areas
- Establish administrative review process for Detailed Development Plans

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as “Minor Amendments”

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A “Minor Plan Amendment” is defined as “any change to the Comprehensive Plan which is not a major plan amendment.” A “Major Plan Amendment,” in turn, is defined as follows at Section 1(II)(G):

“Major Plan Amendment” includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A “significant change” is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental, energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610. Notice was also provided to Metro as part of the City’s coordination efforts. Metro responded that the changes were consistent with applicable requirements.

Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated January 23, February 9, April 6, May 16, June 8 and June 13, 2007, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1590-P on December 13, 2006.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV(A)(1).

Findings: The Planning Commission initiated these amendments and conducted three public work sessions and six public hearings over the course of its eighteen-month review of these revisions. Direct response to public input at these meetings is evidenced in the record by revisions to the proposed amendments and planning department staff responses to each issue raised in reports dated March 8 and 13, 2007, and May 16, 2007 and June 8, 2007.

The amendments also propose to increase the public notice requirements (Attachment G) to increase the likelihood that citizens will be aware of proposed land use actions and facilitate their participation.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Findings: The proposed amendments are consistent with the goal and policies of the Urbanization element of the Comprehensive Plan because the Plan envisions that as development occurs there is a need to accommodate all types of uses and the planned population densities through the planning period. Among the specific policies in the Urbanization section of the Plan are policies that require that regulations be designed to support needed expansions of public facilities, and that require coordination with other affected governmental entities. The proposed amendments facilitate certainty for the development community and insure maximization of infill and development by providing consistent standards and clarifying requirements for density, setbacks and lot dimensions.

As also noted above, these amendments were coordinated with Metro, which in its code establishes density requirements that must be achieved within the regional urban growth boundary of which Hillsboro is a part. The enhanced clarity in calculation of density will assure that the City can document its compliance with these requirements.

Conclusion: Applicable policies of the Urbanization section of the Plan are met.

Section 3. Housing.

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to this amendment in that they: identify the need to maintain buildable land

supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. Open space is better defined in the amendments in light of the new higher density environment, clarifying that it must be usable open space and recognizing a "third place" is needed when dwelling units are smaller and more densely situated. These provisions contribute to a safe, healthy and convenient environment. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community (whose representatives had direct input during the public process) can provide for the housing needs of Hillsboro's citizens.

Conclusion: The applicable policies of the Housing section of the Plan are met.

Section 4. Agricultural Lands.

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, the clarification of calculation of density and the ability to transfer density in planned unit developments as well as clarification of setbacks should facilitate preservation of significant trees in the planning area.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City.

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan, although as noted above the amendments should clarify and improve the need for and requirements applicable to establishment and maintaining of open space within the City.

Section 7. Air, Water and Land Resource Quality.

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Findings: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. The proposed amendments provide the opportunity to improve air quality and efficient use of land resources within the city based on clarity of calculation of density, establishment of minimum and maximum densities, and requirements for open space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Findings: The proposed amendments do not affect this Section of the Plan. Development proposals will remain subject to existing regulations and building code provisions which apply to any development designated natural hazard areas in the City.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Findings: The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting this Section of the Plan. Among the specific Policies in this Section are policies requiring dispersal of parks and recreation facilities in neighborhoods and the establishment of park-like improvements to developed properties. These policies will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.

Conclusion: The applicable policies of this Section of the Plan are met.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: This Section of the Plan is not implicated directly in these amendments. However, the increased clarity in the City's regulations will provide certainty to the development community and industry and can help promote the attraction of commercial and industrial development.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Findings: Among the policies in this Section of the Plan is a policy that states the City may use a variety of implementation methods to encourage achievement of the energy goal of the Plan, including density of use, particularly housing density, availability of light, wind and air, and compatibility among competing land use activities. By clarifying the calculation of density in residential zones, and requiring usable open space throughout the City, the City is directly complying with the identified policy.

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Findings: The proposed amendments implement Plan policies that include park and recreation facilities within the definition of this Section by assuring usable open space in developments. The uniform calculation of density will allow the City and other service providers to better predict the need for public facilities to serve development.

Conclusion: Applicable policies of this Section of the Plan are met.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: This Section of the Plan is not relevant to the proposed amendments as they do not relate to transportation facilities. All development will still be required to comply with adopted City plans and regulations related to transportation facilities.

The *remaining Sections of the Plan* do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of extensive public review, and has provided ample opportunities for public input. As such, the amendment complies with Goal 1.

The Planning Commission held six public hearings on the amendment, in February through June, 2007, and conducted additional work sessions detailed above.

The City's process complied fully with its Plan requirements for citizen involvement and the amendments include increased public notice of development applications. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.

- i) The amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the amendments.
- ii) Prior to adopting the amendment, the City considered alternatives to the amendments, and believes that the policies of the Plan are met by the amendments.
- iii) As these findings demonstrate, the amendments are consistent with the Goals.

- iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including Metro, DLCD and Washington County.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
 4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
 5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:
 - (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
 - (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
 - (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Because the amendments do not implicate either (a), (b) or (c) above, Goal 5 does not apply to this legislative enactment by the City. The City further notes that the Land Use Board of Appeals (LUBA) has most recently held that Goal 5 does not impose decisional criteria that are independent of the criteria set out in OAR 660, Division 23. Therefore, the Goal 5 rule specifies that Goal 5 applies only in the circumstances set out in OAR 660-023-0250(3).

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the

proposed amendments based on improved development standards for open space, setbacks and street trees.

9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.
 - i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
 - ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
 - iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needed housing types in the City.
11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.
12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.
13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

The remaining Statewide Planning Goals do not apply to these amendments.

IV. CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and Statewide Goals.

Development Standards and Design Guidelines
(Adopted by the City Council and the Planning Commission
pursuant to Subdivision Ordinance No. 2808 Article VII)

A. Purpose: These standards and guidelines are intended to insure project design and construction which:

1. Provides adequate, structurally sound public and private streets and utilities;
2. Allows logical, efficient development or redevelopment of adjacent properties;
3. Promotes a range of lot sizes, structural design, setbacks, and housing choices within new developments;
4. Respects surrounding context and enhances community character;
5. Considers security and privacy; and
6. Provides usable open space.

Except where the word "shall" is used, the standards and guidelines are not to be construed as mandatory. However, requests for exceptions or variances from these standards and guidelines will be reviewed in the context of the project's overall consistency with their intent.

Although these standards are intended to apply primarily to single family and townhouse residential development, they may be applied by the Planning Commission or Planning Director (or the Director's designee) to multi-family residential, commercial, industrial, or institutional development as applicable. If the application of these standards and guidelines conflict with more specific requirements in the Zoning Ordinance or other applicable regulations, the more strict standards shall apply.

B. Lot Dimension Variation Standards. The lot dimension variation requirements of this section are intended to encourage a variety of lot widths, areas, and setbacks, and providing developers flexibility in response to varying site conditions. These requirements are not intended to apply to townhouse or multi-family residential development.

1. The following standards shall apply on single family residential subdivisions or Planned Unit Developments of eight or more lots, outside areas designated Station Community Planning Area on the Comprehensive Plan Map:
 - a. At least 30 percent of the lots in the subdivision or PUD shall have areas which are below the average lot size in the applicable zone. Areas of such "compact lots" shall not be reduced below 75% of the average lot area of the applicable zone.
 - b. At least 30 percent of the lots in the subdivision or PUD shall have lot widths at the building line which are below the average lot width in the applicable zone. Widths of such "narrow lots" shall not be reduced below 75% of the average lot width of the applicable zone.
 - c. At least 30 percent of the lots in the subdivision or PUD shall have widths which are above the average lot width in the applicable zone.

- d. To create lots with varying areas and widths, lots depths within the subdivision or PUD may be varied below or above the average lot depth in the applicable zone.
 - e. The compact, narrow, wide and shallow lots required in sections a, b, c and d, above, should be dispersed throughout the development.
2. To ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II., tentative plats for subdivisions or PUDs of eight lots or more in Station Community Planning Areas shall include a variety of lot widths and areas. At a minimum, the variation in area shall be 20% from the smallest to the largest lot, and the variation in width shall be 20% from the narrowest lot to the widest lot. These requirements are not intended to apply to townhouse or multi-family residential development.
 3. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for subdivisions, PUDs of four lots or more, or two or more adjacent partitions by the same developer, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall include a variety of lot widths and areas. At a minimum, the variation in area shall be 20% from the smallest to the largest lot, and the variation in width shall be 20% from the narrowest lot to the widest lot. These requirements are not intended to apply to townhouse or multi-family residential development.
- C. Setback Variation Standards.** The setback variation requirements of this section are intended to encourage a wider range of structural design, setbacks, and housing choices within new development, and provide developers with flexibility in response to varying site conditions. The following standards shall apply on single family residential subdivisions or Planned Unit Developments of eight or more lots, outside areas designated Station Community Planning Area on the Comprehensive Plan Map. These requirements are not intended to apply to townhouse or multi-family residential development.
1. At least 40 percent of the lots in the subdivision or PUD shall have front yard setbacks less than the specified distance in the applicable zone. This reduced setback shall apply only to the residence portion of the structure which may not be reduced below 75% of the specified setback. Application of the reduction is restricted as follows:
 - a. Side street setbacks on corner lots in subdivisions which allow reduced setbacks shall not be further reduced;
 - b. Front yard setback of the garage portion of the structure shall not be reduced below 19 feet;
 - c. Adequate angles of repose are maintained for public and private utilities.
 2. Side yard setbacks in all zones may be reduced to allow load-bearing architectural projections such as, but not limited to: bay windows; oriel windows; and alcoves. Such projections may extend up to four feet into the required setback, provided that:
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- a. A minimum three-foot setback is provided from the projection to the property line;
- b. Architectural projections on adjacent structures are not aligned opposite one another;
- c. The length of the architectural projection is not more than 25 percent of the length of the wall from which it projects; and
- d. Adequate angles of repose are maintained for public and private utilities.

D. Public Utilities and Site Grading

1. 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. 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.
2. Structural footprints shall be sited to provide adequate area for installation and maintenance of public and private utilities in compliance with City standards. If necessary, the City may require preliminary development applications to provide detailed utility plans showing horizontal and vertical locations of public and private utilities to demonstrate adequate angles of repose, and may require additional setbacks or easement width to assure adequate separation of utilities before and after construction.
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 brush.
4. Grading and erosion control plans submitted with development applications shall include "shadow grading" plans showing how changes in site grade at the property

- line can be accommodated as necessary on adjacent property. Grade changes of one foot or more at the property line, or any grade change which reverses direction of site drainage at the property line shall be avoided.
5. Final construction drawings for development projects shall include grading plans confirming that site grading within the PUD will not impede or impound existing storm drainage from surrounding properties. If deemed necessary by the City Engineer, plans and construction drawings shall include drainage tiles, private storm lines or catch basins, or other alternative means to adequately convey the storm runoff away from adjacent properties to the new storm drainage lines in the development. Any drainage tiles, private storm drainage lines, catch basins, or other alternative improvements considered necessary by the City Engineer shall be included in project construction.
 6. 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.
 7. Drainage 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 consistent with 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. Drainage plans shall be reviewed and approved by the City Engineer for conformance with the adopted City drainage standards prior to construction.
 8. Any project 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.
 9. 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.
 10. Except as noted below, all public utility distribution and service connections to new buildings and developments shall be underground. Aerial utility service
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(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 aerially rather than underground;
 - b. The project is located between other utility uses 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(s).
11. Developments abutting streets or corridors where overhead utilities may be placed underground in the future shall install underground utility duct banks and/or vaults as specified by the utility companies to facilitate future relocation of such utilities.

E. Private Streets, Alleys, and Common Driveways. Private streets, alleys and common driveways constructed in subdivisions, minor or major partitions, or Planned Unit Developments shall comply with the following standards:

1. Common Driveways:

Minimum Pavement Width (1 lot)	10 feet
Minimum Pavement Width (2 lots)	15 feet
Minimum Pavement Width (3 to 6 lots)	20 feet
Minimum Improvement section (1 or 2 lots)	70,000 lb. axle load; 1 foot gravel shoulder on each side
Minimum Improvement section (3 to 6 lots)	city street section; standard crown; rolled curb on each side
Alternative improvement section	city street section; shed crown; rolled curb and 1-foot gravel shoulder
Water service	public water lines prohibited in improvements < 20 feet wide; public fire service prohibited in all common driveways
Drainage	Catch basins provided with curb only; provide laterals if curbs not constructed.

2. Private Street or Alley Sections serving front loaded units on each side:

Maximum capacity and length	lesser of either 12 units or 125 feet if dead-end; 25 units and 200 feet if open at both ends
Minimum tract width	22 feet. Adjustable only with approval of Engineering, Building, and Water Departments and all affected utilities
Associated PUEs	12 feet behind curb where franchise utilities locate; first 2 feet behind curb reserved for water only curbside PUE to include sidewalk and angle of repose easements Minimum width adjustable only with approval of Engineering, Building, and Water Departments and all affected utilities)
Minimum improvement width	20 feet with no on-street parking; 28 feet with single side parking; 32 feet with double side parking
Minimum improvement section	city street section; standard crown; rolled curbs (alternative section: city street section, shed crown; rolled curb and 1-foot gravel shoulder)
Drainage	Catch basins provided with curb only; provide laterals if curbs not constructed
Water service	public water lines and public fire service permitted if approved by Water Department
Sidewalks	Single side if total street length < 100 feet; both sides if street length > 100 ft. or if open at both ends
Street lights	Private: minimum 6 foot posts; 1 per lot; to be installed during home construction
Street trees	from City list, or as approved by Planning Director; planted with root barriers behind sidewalk or curb; plan to be approved during preliminary project review

3. Public or Private Alley Sections (outside SCPAs) serving front loaded or rear loaded units on each side:

Maximum capacity and length	lesser of either 12 units or 125 feet if dead-end, 25 units and 200 feet if open at both ends.
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Minimum tract or R-O-W width	22 feet. Adjustable only with approval of Engineering, Building; and Water Departments and all affected utilities
Associated PUEs	12 feet behind curb @ side where franchise utilities locate; first 2 feet behind curb reserved for water only curbside PUE to include sidewalk and angle of repose easements (Minimum width adjustable only with approval of Engineering, Building, and Water Departments and all affected utilities)
Minimum improvement width:	20 feet, with no on-street parking (see Figure 1);
Minimum improvement section:	city street section; standard crown; rolled curbs (alternative section: city street section, shed crown; rolled curb and 1-foot gravel shoulder)
Water service	public water lines and public fire service permitted if approved by Water Department
Drainage:	Catch basins provided with curb only; provide laterals if curbs not constructed
Sidewalks:	single side if total street length < 100 feet; both sides if street length > 100 ft. or if open at both ends.
Street lights:	Private: minimum 6 foot posts; 1 per lot; to be installed during home construction
Street trees:	from City list, or as approved by Planning Director; planted with root barriers behind sidewalk or curb; plan to be approved during preliminary project review

F. Landscaping, Tree Preservation, and Usable Open Space

1. Landscaping in parking strips and common open space areas shall be installed according to plans approved by the City, prior to acceptance of public infrastructure. Landscaping shall be installed in all yards adjacent to a public or private street prior to final building inspections. Natural existing landscaping may be used to meet landscaping requirements. Landscape design and landscaping areas shall serve their intended functions and shall not adversely impact surrounding areas. Required landscaping shall include a mix of vertical elements (trees) and horizontal elements (grass, ground cover, etc.).
2. Site planning, including the siting of roadways, utility easements, and structures shall provide, wherever practicable, for the protection of trees eight-inch caliper or

greater, measured four feet from ground level. Development approval may be conditioned 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 retention of a qualified consulting arborist or horticulturist both during and after site preparation, and a special tree maintenance and management program to provide protection to the trees as recommended by the arborist or horticulturist.

3. Usable open space improvements 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 a development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of required usable open space area shall be improved for active recreational and "third place" use.

Usable open space in residential subdivisions 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 standards specified in Zoning Ordinance Section 127. III. H; Zoning Ordinance Section 137. XII. B. 3.; or Section Subdivision Ordinance Article II (7).

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.

G. Fences, Walls, and Berms

1. Perimeter street fences and walls shall be installed by the developer prior to the acceptance of public infrastructure, according to the standards listed in the following table:

Project Character	Preferred Standard
Arterial or collector frontage; double front-loaded (garage and front door facing interior street)	<p>1st. masonry or brick walls; with anti-graffiti sealant; 2nd. solid wood fence with masonry or brick columns with cap board, and with anti-graffiti sealant;</p> <p>All fences to be six feet high except in vision clearance areas. Construction to include a minimum 3- foot wide landscaped strip between the sidewalk and the fence or wall.</p>

Project Character	Preferred Standard
Arterial or collector frontage; rear loaded; (front door facing arterial or collector; garage facing interior street)	1 st . masonry or brick walls; with anti-graffiti sealant; 2 nd . metal fence with masonry or brick columns; 3 rd . solid wood fence with cap board, and anti-graffiti sealant; All fences to be four feet high except in vision clearance areas. Individual gates to be provided for single family dwellings; consolidated gates to be provided for multi-family or rowhouses.
Neighborhood route or local street frontage; double front-loaded (garage and front door facing interior street)	Fences and walls discouraged as part of project construction.
Neighborhood route or local street frontage; front loaded; (garage and front door facing neighborhood route street)	Uniform fencing plan, to be approved during subdivision, PUD, or DR review.
Perimeter fence or wall adjacent to surrounding property (not street frontage)	Uniform fencing plan, to be approved during subdivision, PUD, or DR review.

2. Interior yard fences and walls shall be constructed during home construction, according to a uniform fencing plan approved during preliminary review.
3. As an alternative to perimeter fences or walls, projects may include perimeter berms. Such berms shall be a maximum six feet in height, with a maximum 25 percent slope. If approved, berms shall include the following improvements: stabilizing landscaping on all areas of the slopes; irrigation; and provision for drainage at the toe of all slopes.

H. Street Trees Subdivisions and Planned Unit Developments shall install street trees on public street frontages in compliance with the following standards:

Minimum size:	2 ½ inch caliper, measured 4 feet above grade
Distance and Spacing:	1 tree per lot frontage up to 40 feet; 2 trees per lot frontage 40 to 100 feet; otherwise 30 feet on center
Location:	in planter strip with property line sidewalks; 3 feet behind curb with curbtight sidewalks

Species: from approved City list; or as approved by Planning Director

Specifications: City approved root barriers and ground covers required. Plan to be approved during preliminary subdivision or PUD review.

I. **General Architectural Design and Construction – Single Family Residences and Duplex /or Two-Unit Townhouses**

1. **Detailing on Visible Elevations.** Buildings shall demonstrate variation and detailing on all elevations facing and visible from public or private streets, including elevations which may be separated from such streets by open areas such as rail rights-of-way, access streets, or parking lots. Street-side building elevations, except where required to be in conformance with the design standards of a SCPA Conservation District, shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. Street-side elevations of residential buildings shall incorporate discernible and architecturally appropriate features such as, but not limited to: cornices; extended side eaves; barge and fascia boards; changes in gable siding; belly bands; symmetrical windows; enhanced window trim and framing; bay windows; and wrap-around porches. Street side elevations of non-residential buildings shall incorporate discernible and architecturally appropriate features; such as, but not limited to: cornices; bases; display windows; ornamental masonry, belt courses; bays and recesses; arcades, unique entry areas or other treatments for visual interest.
 2. **Use of High-Quality Materials.** Unless otherwise restricted by the design guidelines of a SCPA Conservation District, new buildings 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, cedar shakes and shingles, concrete or concrete-wood mix 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, EIFS siding, and similar exterior materials are prohibited.
 3. **Non-repetitive Architecture.** Architecture in new residential developments will be evaluated during preliminary review as a combination of three primary features and three secondary features. The primary features are height/mass; setback from the street; and roof pitch/gable orientation. Secondary features are structure width, façade articulation, and color/materials/detailing. To avoid monotonous, repetitive architecture in new residential developments, the following standards should be applied on the front facades of all single family structures constructed in projects of eight or more lots:
 - a. within each block face or eight-lot interval, whichever is less, no two adjacent houses shall repeat more than two of the three primary features.
-

If two primary features are repeated in adjacent houses, then at least two of the three secondary features must be substantially different.

- b. within each block face or eight-lot interval, whichever is less, at least three different combinations of primary features should be present.

[This standard should be applied as follows: in an eight-lot interval, no two adjacent houses could have the same front setback, the same roof pitch and gable orientation, and the same height. If two adjacent houses were proposed to repeat any two of those three features, then two of the three secondary features (façade articulation, width, or color/materials/detailing) would have to be varied to meet the standard. Also in the eight-lot interval, at least three different front setbacks, heights, and roof pitch / gable combinations would be present.]

J. Crime Prevention Through Environmental Design (CPTED). Development applications shall demonstrate natural access control, natural surveillance, and territorial reinforcement:

- Natural access control – physical guidance of pedestrians and vehicles coming and going from an area through placement of entrances, exits, signs, fencing, landscaping and lighting.
- Natural surveillance - organization of physical features, activities, and people to maximize visibility through clear sight lines and definition of spaces.
- Territorial reinforcement – use of physical features expressing ownership (fences, pavement treatments, art, signage, and landscaping) to create a hierarchy of spaces: public; semi-private; and private.

Developments should use the following guidelines as appropriate for the specific project type. Other design guidelines may be used if the applicant can demonstrate that the alternative design equally or better meets the CPTED principles.

1. Site signage should provide information and orientation internally within the site and in reference to adjacent landmarks.
2. In commercial and industrial areas, external building features such as windows, doors, lighting and fencing should be designed and maintained to provide visibility to and from adjacent properties and the public right-of-way.
3. Points of entry and exit for pedestrians and vehicles should be clearly identified, and designed in a manner which encourages legitimate activity and discourages illegitimate activity.
4. Open spaces should be designed and maintained to provide enhanced visibility and minimize areas of entrapment or concealment. Narrow spaces with poor sight lines or expansive spaces with no definition among uses should be avoided.

5. Open spaces should be located within projects so that surrounding uses provide natural surveillance. If open spaces are behind buildings, low opacity fences, not walls, should be used to establish territory. Maximum natural surveillance should be provided in children's play areas, but incompatible areas such as basketball courts and tot lots should be separated by distance.
6. Any open space parking areas should be located near streets for easy observation, and internal circulation systems for emergency vehicles should be designed into open spaces located away from streets. Bicycle paths should be located near park activities or on streets.
7. Landscaping should be designed and maintained to minimize concealment or entrapment, to eliminate potential for loitering or camping by transients, and to maintain clear sight lines from public streets to activity areas wherever possible.
8. Vehicular spaces should be designed to minimize vehicular/pedestrian conflicts, and provide safety features for pedestrians such as raised or separated sidewalks through parking areas and along building frontages.
9. Commercial and industrial buildings should enhance security through use of "invisible" measures such as shatter resistant glass, but avoid "fortress" features such as scissor gates and barbed wire.
10. Deep building entrances should be lighted and building numbers posted where clearly visible from the street or sidewalk.
11. Safety should be enhanced behind buildings with adequate lighting, limited access, signage; rear entrances for commercial activities, surveillance with windows or cameras. areas behind buildings, including storage and alleys, should be designed for visibility, security, and ease of on-going maintenance.
12. Trash receptacles should be designed in a manner that promotes on-going maintenance.
13. In residential developments, features such as front porches, back porches, and decks which encourage clear sight lines and natural surveillance of front yards, streets and alleys, sidewalks, and common open areas should be encouraged. Fences, hedges and walls that block street views on local streets and cul-de-sacs should be discouraged.
14. Sufficient lighting should be provided for both the sidewalk and the street, especially where these elements are separated.
15. Where appropriate, traffic calming measures such as on-street parking, gateway features, chokers, medians, and chicanes should be used to discourage through traffic on local streets.
16. Infill development should recognize the location of surrounding buildings and vehicular and pedestrian access routes to avoid creation of left over or limited use areas which could encourage concealment or entrapment.

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

DEPT OF

JUL 23 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: HILLSBORO Local File No.: ZOA 5-06

Date of Adoption: JULY 17, 2007 Date Mailed: JULY 20, 2007

Date the Notice of Proposed Amendment was mailed to DLCD: JANUARY 22, 2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
Zoning Ordinance Amendments relate to residential density, architectural design, and provision of usable open space. Adopted amendments also require variations in lot dimensions and setbacks in subdivisions, and include clear and objective development standards and design guidelines for development review and Planned Unit Developments.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."
Adopted amendments are more extensive than initiated language. Please call for additional information.

Plan Map Changed from: N/A To: N/A
 Zone Map Changed from: N/A to N/A
 Location: N/A Acres Involved: N/A
 Specified Density: Previous: N/A New: N/A
 Applicable Statewide Planning Goals: Goal 2
 Was an Exception Proposed? Yes: _____ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes X No _____
 If no, do the Statewide Planning Goals apply? Yes _____ No _____
 If no, did the Emergency Circumstances Require immediate adoption? Yes _____ No _____

Affected State or Federal Agencies, Local Governments or Special Districts: METRO

Local Contact: Debbie Raber Phone: 503-681-6155

Address: 150 E MAIN STREET City: HILLSBORO Zip Code + 4: 97123-4028

DLCD No. 001-07 (15822)

ORDINANCE NO. 5778

ZOA 5-06: DENSITY, DESIGN AND OPEN SPACE (DDOS)
ZONING ORDINANCE VOLUME 1

AN ORDINANCE APPROVING AMENDMENTS TO ZONING ORDINANCE NO. 1945 AS AMENDED, IN MULTIPLE SECTIONS OF VOLUME 1, REGARDING DENSITY, DESIGN, AND OPEN SPACE.

WHEREAS, the City Council, Planning Commission, and Parks Commission expressed strong concern with specific deficiencies in the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding density, design, and open space, and

WHEREAS, on December 13, 2006, the Planning Commission adopted Resolution No. 1590-P, initiating amendments to the Zoning Ordinance to correct and address these deficiencies, and

WHEREAS, the Planning Commission held a public hearing on the amendments on February 15, March 14, April 12, May 23, and June 13, 2007 and heard testimony regarding the amendments, and

WHEREAS, the Planning Commission also held a work session on January 29, 2007 and a joint work session with the City Council on May 1, 2007, to consider the proposed amendments, and

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1618-P on June 27, 2007, recommending City Council approval of the amendments, together with the findings attached hereto as "Attachment A" in support of their recommendation, and

WHEREAS, the City Council considered the Planning Commission's recommendation on July 17, 2007, and voted to adopt the findings of the Planning Commission as its own in regard to the amendments.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Zoning Ordinance No. 1945 as amended, Section 3 Definitions, subsections (55) and (72) are further amended to read as follows:

- (55) Lot line, front. In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley. In the case of a "flag" lot, the front lot line shall be measured not from the street, but from the closest edge of the "pole" access extended parallel along the dwelling.
- (72) 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 rights-of-way and 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.

Section 2. Zoning Ordinance No. 1945 as amended, Section 3 Definitions, is further amended with the insertion of three new subsections to read as follows, and with the renumbering of the existing subsections numerically:

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.

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.

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.

Section 3. Zoning Ordinance No. 1945 as amended, Section 5 Classification of Zones, is recommended to be amended to read as follows:

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 (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	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	SCRP
Station Community Fair Complex Institutional	SCFI

Section 4. Zoning Ordinance No. 1945 as amended, Section 6 Zoning Map, is further amended to read as follows:

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."
- (2) The original signed copy of the zoning map shall be maintained without change on file in the office of the city recorder.
- (3) Copies of the Zoning Map showing all amendments shall be maintained by the Planning and Information Services Departments.

Section 5. Zoning Ordinance No. 1945 as amended, Section 8A Minimum Densities [in the R-10 zone], Section 10 Lot Size [in the R-10 zone], and Section 11 Setback Requirements [in the R-10 zone] are further amended to read as follows:

Section 8A. Minimum and Maximum Densities. In the R-10 zone, the minimum density standard is 3 dwelling units per net residential acre. The maximum density standard is 3.75 dwelling units per net residential acre.

Section 10. Lot Size. In an 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 Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

Section 11. Setback Requirements. Except as provided in Sections 88 and 93, in an 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.
- (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.
- (5) All corner lots shall have front yards of not less than 20 feet, except as provided in Subsection 7 of this Section.

- (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

Section 6. Zoning Ordinance No. 1945 as amended, Section 15A Minimum Densities [in the R-7 zone], Section 17 Lot Size [in the R-7 zone], and Section 18 Setback Requirements [in the R-7 zone] are further amended to read as follows:

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.

Section 17. Lot Size. In an 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.
- (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 Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

Section 18. Setback Requirements. Except as provided in Sections 88 and 93, in an 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.
- (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.
- (5) All corner lots shall have front yards of not less than 20 feet, except as provided in Subsection 7 of this Section.
- (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

Section 7. Zoning Ordinance No. 1945 as amended, Section 20E Minimum Densities [in the R-6 zone], Section 20F Lot Size [in the R-6 zone], and Section 20G Setback Requirements [in the R-6 zone] are further amended to read as follows:

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.

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 Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

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 Subsection 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.
- (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.

Section 8. Zoning Ordinance No. 1945 as amended, is further amended with the insertion of nine new Sections, Sections 20K through 20S, to read as follows:

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 20 feet, except as provided in Subsection 6 of this Section.
- (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.

Section 9. Zoning Ordinance No. 1945 as amended, Section 22 Minimum Densities [in the A-1 zone], Section 24 Lot Size [in the A-1 zone], and Section 25 Setback Requirements [in the A-1 zone] are further amended to read as follows:

Section 22A. Minimum and Maximum Densities. 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 24. Lot Size. In an A-1 zone the lot size 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.
- (2) The minimum lot widths at the front building line shall average 50 feet, except as provided for in Subsection (4) of the Section.
- (3) The minimum lot depths shall average 85 feet.
- (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.
- (5) No more than four (4) dwelling units per structure shall be allowed on lots smaller than 22,000 square feet in area.

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 (7) and (8) of this Section.

- (2) The side yards shall be a minimum of five feet, except as provided for in Subsections (6), (7), and (8) 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 Subsections (7) and (8) 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.
- (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.

- (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.
- (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.

Section 10. Zoning Ordinance No. 1945 as amended, Section 29A Minimum Densities [in the A-2 zone], Section 31 Lot Size [in the A-2 zone], and Section 32 Setback Requirements [in the A-2 zone] are further amended to read as follows:

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.

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 Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

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.
- (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 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.

Section 11. Zoning Ordinance No. 1945 as amended, Section 34C Minimum Densities [in the A-4 zone], Section 34E Lot Size [in the A-4 zone], and Section 34F Setback Requirements [in the A-4 zone] are further amended to read as follows:

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.

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 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 area and width specified in Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

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.

Section 12. Zoning Ordinance No. 1945 as amended, Section 36A Minimum Densities [in the A-3 zone], Section 38 Lot Size [in the A-3 zone], and Section 39 Setback Requirements [in the A-3 zone] are further amended to read as follows:

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.

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

- (1) The minimum lot size shall be 6000 square feet. A minimum of 1500 square feet of lot area is required per dwelling unit.
- (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 Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

Section 39. Setback Requirements. Except as provided in Sections 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 yards shall be a minimum of 10 feet on the side abutting a street.
- (3) The rear yard shall be a minimum of ten feet.
- (4) 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.

Section 13. Zoning Ordinance No. 1945 as amended, Section 48A Mixed Use Districts, subsection (V) (D) 3. VariANCES is further amended to read as follows:

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.

Section 14. Zoning Ordinance No. 1945 as amended, Section 80 Public Hearing on a Conditional Use, is further amended to read as follows:

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 15. Zoning Ordinance No. 1945 as amended, Section 88 General Provisions Regarding Accessory Uses, is further amended with the deletion of existing subsection (3), the renumbering of existing subsection (4) as subsection (3), and the amendment of that subsection to read as follows:

- (3) 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.

Section 16. Zoning Ordinance No. 1945 as amended, Section 88A Accessory Dwellings, subsection (5) is further amended to read as follows:

- (5) Development Review Required. Construction of an accessory dwelling shall be subject to the requirements of Section 133 Development Review / Approval of Plans.

Section 17. Zoning Ordinance No. 1945 as amended, Section 90 Projections from Buildings, is further amended to read as follows:

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).

- 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).
- 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.

Section 18. Zoning Ordinance No. 1945 as amended, Section 106 Authorization to Grant or Deny Variances and Section 109 Public Hearing on a Variance, are further amended to read as follows:

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, 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.

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.

Section 19. Zoning Ordinance No. 1945 as amended, Section 117 Enforcement, is further amended to read as follows:

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 IX.

Section 20. Zoning Ordinance No. 1945 as amended, Section 126 (5) Minimum Densities [in the R-8.5 zone], Section 126 (6) Lot Size [in the R-8.5 zone], and Section 126 (7) Setback Requirements [in the R-8.5 zone] are further amended to read as follows:

- (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.
- (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 VI.
 - (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 Sections 1 and 2. The dwelling units shall have a common wall at the zero lot line.

- (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.
 - (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.

Section 21. Zoning Ordinance No. 1945 as amended, Section 127 Planned Unit Development subsection III Standards and Criteria, subsections E, F, and H, are further amended to read as follows:

III. Standards and Criteria. The following standards and criteria shall govern the application for a PUD within the City:

- 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.

- 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 VI.

- 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: landscaped 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 22. Zoning Ordinance No. 1945 as amended, Section 127 Planned Unit Development subsection III Standards and Criteria, subsection K Exceptions is further amended with the amendment of subsection 4 and the addition of a new subsection 5 to read as follows:

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:
- 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.

Section 23. Zoning Ordinance No. 1945 as amended, Section 127 Planned Unit Development subsection IV Preliminary Application, subsection B heading, and subsection (13) are further amended to read as follows:

- 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:
 - (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 VI.

Section 24. Zoning Ordinance No. 1945 as amended, Zoning Ordinance No. 1945 is recommended to be amended with the insertion of a new Section 129A Neighborhood Meetings read as follows:

Section 129A. Neighborhood Meetings

- (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.

Section 25. Zoning Ordinance No. 1945 as amended, Section 131A Significant Natural Resources Overlay, Subsection (5) Activities Permitted Outright, subsections b) 1. (a) and (b) are further amended to read 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 1b application shall be provided by sending notices by mail not less than

10 days prior to the date of 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.

- (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 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.

Section 26. Zoning Ordinance No. 1945 as amended, Section 131A Significant Natural Resources Overlay Subsection (14) Residential Land Divisions, subsection a) 3. is further amended to read as follows:

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.

Section 27. Zoning Ordinance No. 1945 as amended, Section 131A Significant Natural Resources Overlay is further amended with the addition of a new subsection (15) Preservation of SNR in Additional Open Space to read as follows:

- (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).

Section 28. Section 132 Cultural Resource Management, subsection (5) (c) is further amended to read as follows:

- (c) The Planning Commission shall hold a public hearing and shall evaluate the application with reference to the following actions:
1. the economic or structural necessity of the proposed action;
 2. the extent of visible modification to the resource;
 3. the relationship of the proposed action to the resource's original character;

4. the possibility of any alternative action which would reduce negative impacts on the cultural resource; and
5. in the case of moving or demolition, the scheduling of redevelopment of the resource site.

Not less than 20 days before the public 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 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 cultural resource alteration.

Section 29. Zoning Ordinance No. 1945 as amended, Section 132 Cultural Resource Management, is further amended with the addition of a subsection (7) to read as follows:

- (7) 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.

Section 30. Zoning Ordinance No. 1945 as amended, Section 133 Development Review, Subsection III When Required, is further amended to read as follows:

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, M-P and M-2 zones, excluding the construction or development of single family dwellings within any of these zones;
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;
6. Additions or alterations to inventoried Cultural Resources;

7. Construction and development in the SCR-LD, SCR-MD, SCR-HD, and SCR-V zones, excluding detached single family dwellings;
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.
9. Construction and development in the SCC-CBD, SCC-HOD, SCC-SC, SCC-MM, SCFI, SCI, SCBP, and SCRP zones.

Section 31. Zoning Ordinance No. 1945 as amended, Section 133 Development Review Subsection V Standards, subsection B. is further amended to read as follows:

- 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.

Section 32. Section 133 Development Review, is recommended to be amended with the insertion of a new subsection VI Design Standards and Guidelines to read as follows, and with the renumbering of existing Subsection VI On-site Pedestrian Access, existing Subsection VII Special Development Standards at or near Transit Stops, and existing Subsection VIII Special Standards for Pedestrian/Bicycle Accessways, as Subsections VII, VIII, and IX, respectively:

VI. Design Standards and Guidelines.

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 aerially 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.

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 facade.
 - 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) enhance tie site features together, (ii) relate to a common use area, and (iii) complement the surrounding streetscape.

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.

Section 33. Zoning Ordinance No. 1945 as amended, Section 133 Development Review, is further amended with the insertion of a new subsection X Variances and Appeals to read as follows, and with the renumbering of existing Subsection IX Review and Enforcement as Subsection XI.

X. Variances and Appeals.

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.

Section 34. Zoning Ordinance No. 1945 as amended, Section 133 Development Review Subsection IX Review and Enforcement (proposed Subsection XI) is further amended to read as follows:

XI. Review and Enforcement.

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.

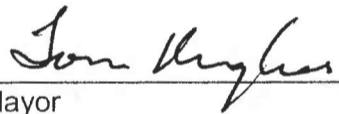
The City building official may issue a certificate of occupancy only after the improvements required by development review approval have been completed, or a schedule for completion and a bond or other financial guarantee for their completion have been accepted by the City. If construction has not begun 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.

Section 35. Zoning Ordinance No. 1945 as amended, Section 133 Development Review, Subsection "V" Application Within Station Community Planning Areas, which has been erroneously numbered "V" is renumbered as subsection XII.

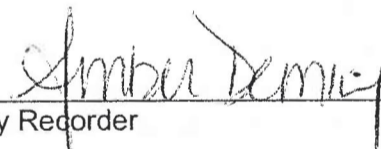
Section 36. Except as herein amended, Zoning Ordinance No. 1945, Volume I, as amended, shall remain in full force and effect.

Passed by the Council this 17th day of July, 2007.

Approved by the Mayor this 17th day of July, 2007.



Mayor

ATTEST: 

City Recorder

Attachment A

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945,
Volumes 1 and 2, and Subdivision Ordinance No. 2808

Case File Numbers HCP 2-06; ZOA 5-06; and SOA 2-06
Density, Open Space and Design (“DDOS”) Amendments

I. INTRODUCTION

In March 2006, the Hillsboro City Council, Planning Commission, and Parks Commission conducted a joint work session concerning needed improvements in the City’s Comprehensive Plan (HCP), Zoning Ordinance (ZO) and Subdivision Ordinance (SDO) and directed Planning Department staff to proceed with amendments to correct specific deficiencies in those regulations regarding density, open space, and design. The proposed amendments are intended as interim measures to improve the City’s development regulations prior to a planned more comprehensive Major Code Update process. The interim amendments were divided into four areas:

- Reconcile different definitions of “net acre” or equivalent
- Reconcile inconsistent calculations of residential density
- Reconcile inconsistent definitions and enhance requirements for usable open space
- Create objective design standards for development

In order to address these identified deficiencies, the Planning staff presented proposed modifications that would make the following changes in the adopted regulations:

- Change definitions of net acreage (and density) to subtract only unbuildable lands
- Establish new minimum and maximum densities for each zone
- Create an administrative review process for preliminary subdivision plat review
- Create an administrative review process for preliminary subdivision plat modification
- Codify and increase notification radii for certain land use applications

The Planning Commission initiated staff-recommended amendments by Resolution No. 1590-P on December 13, 2006. Pursuant to the procedures established in the HCP at Section 1(IV), Minor Plan Amendments, ZO Section 116, and SDO Article VII, the Planning Commission held a work session on January 29, 2007, and conducted public hearings on February 15, March 14, April 12, May 23 and June 13, 2007, and conducted a final joint work session with the City Council on May 1, 2007. Public testimony received throughout the process helped to shape the final amendments forwarded to the City Council for adoption.

II. OVERVIEW OF AMENDMENTS

The final amendments are included in Planning Commission Resolutions 1617-P, 1618-P, 1619-P, 1620-P, and 1621-P. The amendments were originally included in a series of "Attachments" and were revised during the course of the public hearings. The amendments were identified as Attachments A through K, and can be summarized as follows:

Attachment A

- Revise definitions of Net Acreage in ZO Volumes I and II
- Revise definition of Net Buildable Acre in SDO

Attachment B

- Adopt maximum densities in standard zones
- Adjust the density range in the A-1 zone to implement the upper end of the RM Plan designation density range
- Create a new R-4.5 zone to implement the lower end of the RM Plan designation density range

Attachment C

- Revise density calculations to remove "automatic" density bonuses for Planned Unit Developments (PUDs)
- Establish new criteria for exceptions for increased density in PUDs
- Include references to minimum and maximum densities in subdivision and partition standards
- Amend HCP language to reflect current policy regarding project densities
- Amend HCP language for consistency with ZO and SDO amendments

Attachment D

- Add and revise definitions in ZO and SDO to reflect emphasis on "usable open space" (UOS)
- Establish new ZO and SDO definitions of "Third Place" as cited in new UOS standards
- Increase rear yard setbacks in selected zones to encourage provision of usable yards
- Amend PUD and subdivision criteria to provide additional standards for UOS
- Amend ZO Volume II to provide additional standards for UOS

Attachment E

- Provide for appeals of variances on design issues to be heard by Planning Commission
- Establish regulatory basis for variation in lot dimensions and setbacks
- Establish regulatory basis for application of stronger development standards and design guidelines

Attachment F

- Development Standards and Design Guidelines (to be adopted by Planning Commission and City Council)

Attachment G

- Increase notification radii for most land use applications
- Redefine flag lot setbacks to encourage more compatible infill development
- Reconcile minimum lot width and minimum lot frontage in residential light rail districts
- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment G.1

- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment H

- Establish new administrative processes for subdivision and major partition review

Attachment I

- Revise lot size threshold between subdivisions and minor land partitions
- Establish procedures and criteria for Property Line Adjustment applications
- Enhance protection for mature street trees in historic Orenco
- Revise setback requirements in historic Orenco for better consistency with historic architectural styles

Attachment J

- Increase setbacks and definition for accessory structures, consistent with building code
- Require Development Review for accessory dwellings to insure compatibility with primary structures
- Require Development Review for duplexes and two-unit townhouses
- Adjust lot dimension variation requirements in Significant Natural Resource Areas consistent with new Development Standards

Attachment K

- Clarify intent to preserve mature trees in light rail zones outside Significant Natural Resource Areas
- Establish administrative review process for Detailed Development Plans

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as “Minor Amendments”

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A “Minor Plan Amendment” is defined as “any change to the Comprehensive Plan which is not a major plan amendment.” A “Major Plan Amendment,” in turn, is defined as follows at Section 1(II)(G):

“Major Plan Amendment” includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A “significant change” is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental, energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610. Notice was also provided to Metro as part of the City’s coordination efforts. Metro responded that the changes were consistent with applicable requirements.

Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated January 23, February 9, April 6, May 16, June 8 and June 13, 2007, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1590-P on December 13, 2006.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV(A)(1).

Findings: The Planning Commission initiated these amendments and conducted three public work sessions and six public hearings over the course of its eighteen-month review of these revisions. Direct response to public input at these meetings is evidenced in the record by revisions to the proposed amendments and planning department staff responses to each issue raised in reports dated March 8 and 13, 2007, and May 16, 2007 and June 8, 2007.

The amendments also propose to increase the public notice requirements (Attachment G) to increase the likelihood that citizens will be aware of proposed land use actions and facilitate their participation.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Findings: The proposed amendments are consistent with the goal and policies of the Urbanization element of the Comprehensive Plan because the Plan envisions that as development occurs there is a need to accommodate all types of uses and the planned population densities through the planning period. Among the specific policies in the Urbanization section of the Plan are policies that require that regulations be designed to support needed expansions of public facilities, and that require coordination with other affected governmental entities. The proposed amendments facilitate certainty for the development community and insure maximization of infill and development by providing consistent standards and clarifying requirements for density, setbacks and lot dimensions.

As also noted above, these amendments were coordinated with Metro, which in its code establishes density requirements that must be achieved within the regional urban growth boundary of which Hillsboro is a part. The enhanced clarity in calculation of density will assure that the City can document its compliance with these requirements.

Conclusion: Applicable policies of the Urbanization section of the Plan are met.

Section 3. Housing.

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to this amendment in that they: identify the need to maintain buildable land

supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. Open space is better defined in the amendments in light of the new higher density environment, clarifying that it must be usable open space and recognizing a "third place" is needed when dwelling units are smaller and more densely situated. These provisions contribute to a safe, healthy and convenient environment. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community (whose representatives had direct input during the public process) can provide for the housing needs of Hillsboro's citizens.

Conclusion: The applicable policies of the Housing section of the Plan are met.

Section 4. Agricultural Lands.

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, the clarification of calculation of density and the ability to transfer density in planned unit developments as well as clarification of setbacks should facilitate preservation of significant trees in the planning area.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City.

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan, although as noted above the amendments should clarify and improve the need for and requirements applicable to establishment and maintaining of open space within the City.

Section 7. Air, Water and Land Resource Quality.

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Findings: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. The proposed amendments provide the opportunity to improve air quality and efficient use of land resources within the city based on clarity of calculation of density, establishment of minimum and maximum densities, and requirements for open space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Findings: The proposed amendments do not affect this Section of the Plan. Development proposals will remain subject to existing regulations and building code provisions which apply to any development designated natural hazard areas in the City.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Findings: The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting this Section of the Plan. Among the specific Policies in this Section are policies requiring dispersal of parks and recreation facilities in neighborhoods and the establishment of park-like improvements to developed properties. These policies will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.

Conclusion: The applicable policies of this Section of the Plan are met.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: This Section of the Plan is not implicated directly in these amendments. However, the increased clarity in the City's regulations will provide certainty to the development community and industry and can help promote the attraction of commercial and industrial development.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Findings: Among the policies in this Section of the Plan is a policy that states the City may use a variety of implementation methods to encourage achievement of the energy goal of the Plan, including density of use, particularly housing density, availability of light, wind and air, and compatibility among competing land use activities. By clarifying the calculation of density in residential zones, and requiring usable open space throughout the City, the City is directly complying with the identified policy.

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Findings: The proposed amendments implement Plan policies that include park and recreation facilities within the definition of this Section by assuring usable open space in developments. The uniform calculation of density will allow the City and other service providers to better predict the need for public facilities to serve development.

Conclusion: Applicable policies of this Section of the Plan are met.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: This Section of the Plan is not relevant to the proposed amendments as they do not relate to transportation facilities. All development will still be required to comply with adopted City plans and regulations related to transportation facilities.

The *remaining Sections of the Plan* do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of extensive public review, and has provided ample opportunities for public input. As such, the amendment complies with Goal 1.

The Planning Commission held six public hearings on the amendment, in February through June, 2007, and conducted additional work sessions detailed above.

The City's process complied fully with its Plan requirements for citizen involvement and the amendments include increased public notice of development applications. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.

- i) The amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the amendments.
- ii) Prior to adopting the amendment, the City considered alternatives to the amendments, and believes that the policies of the Plan are met by the amendments.
- iii) As these findings demonstrate, the amendments are consistent with the Goals.

- iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including Metro, DLCD and Washington County.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
 4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
 5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:
 - (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
 - (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
 - (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Because the amendments do not implicate either (a), (b) or (c) above, Goal 5 does not apply to this legislative enactment by the City. The City further notes that the Land Use Board of Appeals (LUBA) has most recently held that Goal 5 does not impose decisional criteria that are independent of the criteria set out in OAR 660, Division 23. Therefore, the Goal 5 rule specifies that Goal 5 applies only in the circumstances set out in OAR 660-023-0250(3).

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the

proposed amendments based on improved development standards for open space, setbacks and street trees.

9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.
 - i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
 - ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
 - iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needed housing types in the City.
11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.
12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.
13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

The remaining Statewide Planning Goals do not apply to these amendments.

IV. CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and Statewide Goals.

ORDINANCE NO. 5779

ZOA 5-06: DENSITY, DESIGN AND OPEN SPACE (DDOS)
ZONING ORDINANCE VOLUME 2

AN ORDINANCE APPROVING AMENDMENTS TO ZONING ORDINANCE NO. 1945 AS AMENDED, IN MULTIPLE SECTIONS OF VOLUME 2, REGARDING DENSITY, DESIGN, AND OPEN SPACE.

WHEREAS, the City Council, Planning Commission, and Parks Commission expressed strong concern with specific deficiencies in the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding density, design, and open space, and

WHEREAS, on December 13, 2006, the Planning Commission adopted Resolution No. 1590-P, initiating amendments to the Zoning Ordinance to correct and address these deficiencies, and

WHEREAS, the Planning Commission held a public hearing on the amendments on February 15, March 14, April 12, May 23, and June 13, 2007 and heard testimony regarding the amendments, and

WHEREAS, the Planning Commission also held a work session on January 29, 2007 and a joint work session with the City Council on May 1, 2007, to consider the proposed amendments, and

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1619-P on June 27, 2007, recommending City Council approval of the amendments, together with the findings attached hereto as "Attachment A" in support of their recommendation, and

WHEREAS, the City Council considered the Planning Commission's recommendation on July 17, 2007, and voted to adopt the findings of the Planning Commission as its own in regard to the amendments.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Zoning Ordinance No. 1945 as amended, Section 136 (III) Definitions, subsections II and KKK are further amended to read as follows:

- II. Net Acre. One acre of developable land. Net acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of "undeveloped" land. Net acreage equals the gross square footage of a site minus undeveloped land divided by 43,560. Undeveloped land is defined as, and limited to, that which is:
 1. Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;

2. Areas necessary to accommodate truck loading docks, along with the minimum amount of maneuvering area necessary to safely utilize such a loading dock;
3. Required stormwater treatment and detention facilities;
4. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or commons areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;
5. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;
6. Delineated wetlands and vegetated corridors as required by Clean Water Services;
7. Any area or facility where occupancy is prohibited for safety reasons, such as electrical transformer platforms, industrial chemical and/or gas storage areas, or other similar hazardous facility or area; and
8. Any land with slopes of twenty-five percent (25%) or greater or within the mapped 100-year floodplain, unless used for building or parking purposes.

KKK. Usable Open Space. Planned and improved open space or outdoor facilities, required as part of new development, that provide active or passive recreational or relaxation opportunities, or community interaction. Such areas may include, but not limited to, any one or more of the following: parks; play areas; improved playing fields; publicly accessible natural or wildlife viewing areas, arboretums and gardens, ponds and water features; maintained and landscaped lawn with trees and seating areas; natural or landscaped walking paths and running trails; public and private pedestrian spaces; and other similar environments.

In residential developments and mixed use residential/commercial buildings, easily accessible decks, patios, courtyards and roof surfaces open and available to the public or for the common use of building tenants that contain seating areas and/or recreation facilities, and provide appropriate landscaping, qualify under this definition unless such areas are within or exclusively associated with the operation of a commercial establishment.

Usable open space shall not include: landscape strips or inconsequential enlargements or enhancements of landscaping adjacent to the sidewalk even if equipped with a bench; shrubs, flowers and other low profile landscaping around buildings, sidewalks and parking areas; required minimum building setback areas; yards associated with private dwellings; or open, unimproved fields or vacant land unless part of a publicly accessible natural or wildlife viewing area.

Usable open space also shall not include wetlands, natural areas, wildlife habitat, streams or stream banks, and riparian and wetland upland areas where access or improvements are prohibited under Federal or State law or regulation (including OAR 660-23, DLCD Goal 5 regulations as they may from time-to-time be amended), under provisions of the City of Hillsboro Municipal Code or Zoning Ordinance, or under applicable regulations of the Washington County Clean Water Services. However, if such Significant Natural Resource Area Resource Levels 1, 2, or 3 areas are publicly accessible; if covered viewing areas and improvements are allowed and made at the periphery of the area to enhance

access to and viewing of the wildlife and/or natural areas; and if the area is enhanced pursuant to applicable standards; then all of the improvements, including pathways to the viewing areas, and that portion of the natural area within sight of the improvements may count as usable open space, provided the same restricted area has not already been counted as usable open space in a previously approved project or development. However, such improvements and viewable natural areas may not be counted as more than 25 percent of the required usable open space area. A viewing area that would otherwise qualify under this provision that is located on private property within a secured area but that is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this exception.

Section 2. Zoning Ordinance No. 1945 as amended, Section 136 III Definitions, is further amended with the insertion of one new subsection to read as follows, and with the re-alphabetizing of the existing subsections in alphabetical order:

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.

Section 3. Zoning Ordinance No. 1945 as amended, Section 136 VII B. 4. Concept Development Plan Submittal: Development Information subsection d. is recommended to be amended to read as follows:

- d. Conceptual drawings, illustrations and building elevations for all proposed attached single family and multi-family dwellings and all non-residential and mixed use buildings; typical multi-family and attached single family residential floor plans; and proposed exterior building materials and color boards typifying each of the listed housing products and typical non-residential and mixed use buildings to be constructed within the development.

At the option of the applicant, submittal of detailed plans may be deferred to the Detailed Development Plan application. However, in that case the Concept Development Plan application must include sufficiently detailed building locations, dimensions, elevations, and building and landscaping materials palettes to clearly establish the standards by which the Detailed Development Plan will be reviewed administratively under Sections 7, 8 and 9. The Planning Commission may impose conditions on approval of the Concept Development Plan regarding changes in the detailed site plans or elevations as necessary to insure compliance with Sections 137 and 138.

Section 4. Zoning Ordinance No. 1945 as amended, Section 136 X Variances, subsections 1, 2, 3, and the first paragraph of subsection 4, are recommended to be amended to read as follows:

A. Purpose

The development and design standards in Sections 137 through 142 are intended to achieve the purposes of Section 136 and 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. Due to the heightened impacts of development and design in the higher intensity Station Community Planning Areas, requests for Variances from the provisions of Section 137 through 142 shall be reviewed by the Planning Commission, rather than by the Planning and Zoning Hearings Board.

B. Standards

1. Variances to the requirements of Sections 137 through 142 need not comply with the criteria in Sections 106 and 107 of this Code, but shall follow the procedure of Sections 108 through 111. Variances to the provisions of Sections 137 through 142 shall be subject to the criteria listed below. The Planning Commission may authorize Variances from the requirements of Sections 137 through 142 and may attach conditions which it finds necessary in order to carry out the purpose and intention of those Code sections.
2. Variance requests by an applicant that has an approved Concept Development Plan as provided in Section 136.VII.B., shall be subject to the provisions of Sections 136.VII.B.2.e. and B.7.b.
3. A Variance may be granted to any development regulation or design standard contained in Sections 137 through 142, excluding those regulations listed in paragraph 5. below, provided the Planning Commission finds that by granting the Variance:
 - a. The adjustment will equally or better meet the purposes of the Station Community Planning Area and of the regulation to be modified;
 - b. The Variance or cumulative Variance adjustments results in a project which is still consistent with the overall purpose and intent of the district; and
 - c. The Variance will not result in significant detrimental impacts to the environment or the natural, historic, cultural or scenic resources of the City.
4. The Planning Commission may approve a Variance from the standards listed below if, in addition to the criteria listed in subsection (B) (3), the proposal meets the following criteria:

Section 5. Zoning Ordinance No. 1945 as amended, Section 137 II Table 1e Development Criteria, SCR-HD, lines 2, 9b, and 20 are further amended to read as follows:

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION
2.	MINIMUM LOT WIDTH	18 feet for rear-loaded lots; 22 feet for front loaded lots	
9b.	MINIMUM SETBACK, ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.	
20.	MINIMUM LOT FRONTAGE	equivalent to minimum lot width	

Section 6. Zoning Ordinance No. 1945 as amended, Section 137 II Table 1f Development Criteria, SCR-MD, lines 2, 8b, and 19 are further amended to read as follows:

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
2.	MINIMUM LOT WIDTH	18 feet for rear-loaded lots; 22 feet for front loaded lots		
8b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.		
19.	MINIMUM LOT FRONTAGE	equivalent to minimum lot width		

Section 7. Zoning Ordinance No. 1945 as amended, Section 137 II Table 1g Development Criteria, SCR-LD, lines 2, 8b, and 19 are further amended to read as follows:

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
2.	MINIMUM LOT WIDTH	30 feet		
8b.	MINIMUM SETBACK, ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.		
19	MINIMUM LOT FRONTAGE	equivalent to minimum lot width		

Section 8. Zoning Ordinance No. 1945 as amended, Section 137 II Table 1h Development Criteria, SCR-V, is further amended with the insertion of a new line 8b to read as follows:

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
8b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.		

Section 9. Zoning Ordinance No. 1945 as amended, Section 137 II Table 1i Development Criteria, SCR-OTC, is further amended with the insertion of a new line 9b to read as follows:

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
9b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.

Section 10. Zoning Ordinance No. 1945 as amended, Section 137 II Table 1j Development Criteria, SCR-DNC, lines 2, 10, and 21 are further amended to read as follows:

Table 1.j: Development Criteria, Station Community Residential – Downtown Neighborhood Conservation (SCR-DNC)

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
2.	MINIMUM LOT WIDTH	18 feet for rear-loaded lots; 22 feet for front loaded lots
10.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door Additional setbacks possibly required in Arterial Exception Areas: see Section 139 III.
21.	MINIMUM LOT FRONTAGE	Equivalent to minimum lot width. All lots to have frontage on public or private street alley.

Section 11. Zoning Ordinance No. 1945 as amended, Section 137 III Minimum Lot Size subsection B (2) is further amended to read as follows:

2. Applications for residential subdivisions and minor land partitions within Station Community districts with flexible lot sizes shall include site plans showing how development in the subdivision or partition will comply with applicable standards for building footprints and setbacks, frontage, access and parking for all lots, and Usable Open Space.

Section 12. Zoning Ordinance No. 1945 as amended, Section 137 III Minimum Lot Size subsection B is further amended with the addition of new Subsections 3 and 4 to read as follows:

3. Pursuant to the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI, and to ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II, tentative plats for detached residential subdivisions of eight lots or more in Station Community Planning Areas shall include a variety of lot areas. At a minimum, the variation in area shall be a minimum of 20% from the smallest to the largest lot.
4. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for smaller detached residential subdivisions of four lots or more, or two or more adjacent partitions developed by the same applicant, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall comply with the lot area variation standards in Subsection 3.

Section 13 Zoning Ordinance No. 1945 as amended, Section 137 IV Minimum Lot Width and Depth subsection B is further amended to read as follows:

2. Applications for detached residential subdivisions and minor land partitions within Station Community Districts with flexible lot sizes shall include site plans showing how development in the subdivision or partition will comply with applicable standards for building footprints and setbacks, frontage, access and parking for all lots, and Usable Open Space.

Section 14 Zoning Ordinance No. 1945 as amended, Section 137 IV Minimum Lot Width and Depth subsection B is further amended with the addition of new Subsections 3 and 4 to read as follows:

3. Pursuant to the Lot Dimension Variation Requirements adopted under Subdivision Ordinance Article VI, and to ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II, tentative plats for detached residential subdivisions of eight lots or more in Station Community Planning Areas shall include a variety of lot widths. At a minimum, the variation in width shall be a minimum of 20% from the narrowest lot to the widest lot.
4. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for smaller detached residential subdivisions of four lots or more, or two or more adjacent partitions developed by the same applicant, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall comply with the lot width variation standard in Subsection 3.

Section 15. Zoning Ordinance No. 1945 as amended, Section 137 V Minimum and Maximum Residential Densities and Ancillary Dwelling Units subsection B. 13., first paragraph, is further amended to read as follows:

13. Ancillary dwelling units are permitted in the SCR-MD, SCR-LD, SCR-V, SCR-DNC, and SCR-OTC Districts, subject to the requirements of Section 133 Development Review / Approval of Plans, and upon compliance with the following standards:

Section 16. Zoning Ordinance No. 1945 as amended, Section 137 XII Minimum Usable Open Space Requirements subsection B, is further amended with the addition of two new Subsections 9 and 10 to read as follows:

9. Usable open space in residential 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.
 10. Higher density developments nearer light rail stations shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may
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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 17. Zoning Ordinance No. 1945 as amended, Section 137 XIII Minimum Landscaping, Natural Resource and Mature Tree Preservation Requirements, subsection B. 3. is further amended to read as follows:

3. Projects, subdivisions and all of their elements in any SCPA district shall be planned, sited and constructed so as to avoid to the maximum practicable extent, the alteration of existing natural resource areas and the destruction or damage of mature, healthy trees on the site. No single Douglas Fir tree greater than twenty-four inch (24") diameter¹, or any type of deciduous tree greater than twenty inches (20") in diameter, or a single Grand Fir, Ponderosa Pine, Western Red Cedar, or hardwood tree with a diameter greater than twelve inches (12"), or a stand of three (3) trees or more trees exceeding twelve inch (12") diameter (or smaller if the species is at full maturity with less than 12") shall be cut, mutilated, destroyed, or damaged², nor shall a natural resource area be altered as the result of a project or subdivision unless the impact is identified and specifically approved based on the criteria cited in paragraph 4, below, along with any appropriate mitigation measures, as part of the Development Review process. Such a study shall identify all areas where the potential of windthrow may occur as a result of the proposed development and shall include a determination of the risk and measures recommended by a certified arborist to prevent windthrow as a result of cutting clusters of trees.

Section 18. Zoning Ordinance No. 1945 as amended, Section 140 Orengo SCPA Development Requirements and Design Standards, subsection II. B. 2. is further amended to read as follows:

2. Preserving, restoring and enhancing the landscape features of the townsite as designed by the Oregon Nursery Company, particularly the original street trees;

Section 19. Zoning Ordinance No. 1945 as amended, Section 140 Orengo SCPA Development Requirements and Design Standards, subsection III. F.1. is further amended to read as follows:

1. In the SCR-OTC District the setback requirements shall be as follows:

Minimum Front	5 feet
Maximum Front	20 feet
Minimum Side	5 feet; sum of two side yards minimum 15 feet
Maximum Side	None

Setbacks for fences and other obstacles along alleys shall be four feet (4') from each side of the alley right-of-way so as to create a clear corridor of twenty-three feet (23') for emergency access. The minimum building setback from the edge of the alley right-of-way shall be sixteen feet (16').

Section 20. Zoning Ordinance No. 1945 as amended, Section 140 Orengo SCPA Development Requirements and Design Standards, subsection III. K. is further amended to read as follows:

K. Minimum Landscaping, natural Resource and Mature Tree Preservation Requirements

The Standards of Section 137 shall apply except that:

- 1) Within the Orengo Conservation District (SCR-OTC), all development shall replant missing or damaged street trees with species found on the block face as planted by or consistent with the Oregon Nursery Company planting plan and in accord with the OTC District Street Tree Plan (Figure 1) and shall install landscaping within the project consistent with the historic plantings within the community as listed on the recommended planting list (Figure 2). Replacement street trees shall be sized at a minimum 2 ½ -inch caliper, grade B or better. Replacement elm trees shall be disease-resistance species only.
- 2) Within the Orengo Conservation District (SCR-OTC), original mature street trees within the public right-of-way shall be retained unless irrevocably diseased or damaged. Mature street trees shall be removed only with prior permission from the Planning Department based on a report from a registered arborist. Tree removal shall be supervised by a registered arborist or professional tree service.
- 3) For purposes of this section, "mature street trees" are defined as trees in the public right-of-way at or greater than the following diameters four feet above grade:
 - a) Fir, Pine, Cedar, or other evergreen conifer: 24 inches;
 - b) Elm, Maple, Walnut, Birch, or other deciduous: 20 inches;
 - c) Apple, Pear, Peach, Prune, or other fruit: 12 inches; or
 - d) Ornamental or other species not included above: 12 inches.
- 4) Mature street trees may be necessarily pruned by the owner of the adjacent property or by the City of Hillsboro at any time, without permission or arborist supervision, for the following purposes:
 - a) to remove dead, diseased, or previously damaged branches;
 - b) To maintain adequate sight distance of traffic control devices. Such sight distance shall be determined by the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, and the latest edition of the Federal Highway Administrations Manual of Uniform Traffic Control Devices (MUTCD).
 - c) To comply with the requirements of Hillsboro Municipal Code Section 8.20.010 regarding trimming limbs projecting into or over streets or sidewalks which may obstruct vision or interfere with the use or maintenance of the street or sidewalk.

- 5) Mature street trees may be optionally pruned by the owner of the adjacent property, without permission or arborist supervision, subject to the following standards:
 - a) Deciduous trees may be optionally pruned to thin or raise the tree crown for purposes of safety or tree health. Optional pruning should not remove more than 10% of the existing crown in a year.
 - b) Optional pruning of deciduous and conifer evergreen trees should occur during the dormant season (late fall to early winter);
 - c) Optional pruning of fruit and ornamental trees should occur prior to the growing season (late winter to early spring);
 - d) Best management practices should be followed regarding equipment, cut angles, branch selection, and other standards.
- 6) Unhealthy pruning practices, such as crown height reduction, topping, tipping, pollarding, topiary pruning, bark ripping, flush cutting, and stub cuts, should be avoided.

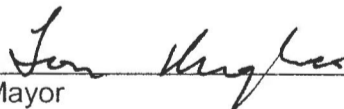
Section 21. Zoning Ordinance No. 1945 as amended, Section 140 Orengo SCPA Development Requirements and Design Standards, subsection IV. J. 3. c. is further amended to read as follows:

- c. Garages for the main residential dwelling shall be either:
 1. detached and located behind the dwelling, farther from the street than the primary plane of the rear elevation of the dwelling; or
 2. located within the mass of the dwelling, with the garage doors on the rear elevation.

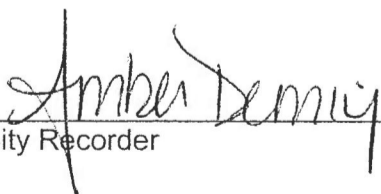
Section 22. Except as herein amended, Zoning Ordinance No. 1945, Volume 2, as amended, shall remain in full force and effect.

Passed by the Council this 17th day of July, 2007.

Approved by the Mayor this 17th day of July, 2007.



Mayor

ATTEST: 

City Recorder

Attachment A

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945,
Volumes 1 and 2, and Subdivision Ordinance No. 2808

Case File Numbers HCP 2-06; ZOA 5-06; and SOA 2-06
Density, Open Space and Design (“DDOS”) Amendments

I. INTRODUCTION

In March 2006, the Hillsboro City Council, Planning Commission, and Parks Commission conducted a joint work session concerning needed improvements in the City’s Comprehensive Plan (HCP), Zoning Ordinance (ZO) and Subdivision Ordinance (SDO) and directed Planning Department staff to proceed with amendments to correct specific deficiencies in those regulations regarding density, open space, and design. The proposed amendments are intended as interim measures to improve the City’s development regulations prior to a planned more comprehensive Major Code Update process. The interim amendments were divided into four areas:

- Reconcile different definitions of “net acre” or equivalent
- Reconcile inconsistent calculations of residential density
- Reconcile inconsistent definitions and enhance requirements for usable open space
- Create objective design standards for development

In order to address these identified deficiencies, the Planning staff presented proposed modifications that would make the following changes in the adopted regulations:

- Change definitions of net acreage (and density) to subtract only unbuildable lands
- Establish new minimum and maximum densities for each zone
- Create an administrative review process for preliminary subdivision plat review
- Create an administrative review process for preliminary subdivision plat modification
- Codify and increase notification radii for certain land use applications

The Planning Commission initiated staff-recommended amendments by Resolution No. 1590-P on December 13, 2006. Pursuant to the procedures established in the HCP at Section 1(IV), Minor Plan Amendments, ZO Section 116, and SDO Article VII, the Planning Commission held a work session on January 29, 2007, and conducted public hearings on February 15, March 14, April 12, May 23 and June 13, 2007, and conducted a final joint work session with the City Council on May 1, 2007. Public testimony received throughout the process helped to shape the final amendments forwarded to the City Council for adoption.

II. OVERVIEW OF AMENDMENTS

The final amendments are included in Planning Commission Resolutions 1617-P, 1618-P, 1619-P, 1620-P, and 1621-P. The amendments were originally included in a series of "Attachments" and were revised during the course of the public hearings. The amendments were identified as Attachments A through K, and can be summarized as follows:

Attachment A

- Revise definitions of Net Acreage in ZO Volumes I and II
- Revise definition of Net Buildable Acre in SDO

Attachment B

- Adopt maximum densities in standard zones
- Adjust the density range in the A-1 zone to implement the upper end of the RM Plan designation density range
- Create a new R-4.5 zone to implement the lower end of the RM Plan designation density range

Attachment C

- Revise density calculations to remove "automatic" density bonuses for Planned Unit Developments (PUDs)
- Establish new criteria for exceptions for increased density in PUDs
- Include references to minimum and maximum densities in subdivision and partition standards
- Amend HCP language to reflect current policy regarding project densities
- Amend HCP language for consistency with ZO and SDO amendments

Attachment D

- Add and revise definitions in ZO and SDO to reflect emphasis on "usable open space" (UOS)
- Establish new ZO and SDO definitions of "Third Place" as cited in new UOS standards
- Increase rear yard setbacks in selected zones to encourage provision of usable yards
- Amend PUD and subdivision criteria to provide additional standards for UOS
- Amend ZO Volume II to provide additional standards for UOS

Attachment E

- Provide for appeals of variances on design issues to be heard by Planning Commission
- Establish regulatory basis for variation in lot dimensions and setbacks
- Establish regulatory basis for application of stronger development standards and design guidelines

Attachment F

- Development Standards and Design Guidelines (to be adopted by Planning Commission and City Council)

Attachment G

- Increase notification radii for most land use applications
- Redefine flag lot setbacks to encourage more compatible infill development
- Reconcile minimum lot width and minimum lot frontage in residential light rail districts
- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment G.1

- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment H

- Establish new administrative processes for subdivision and major partition review

Attachment I

- Revise lot size threshold between subdivisions and minor land partitions
- Establish procedures and criteria for Property Line Adjustment applications
- Enhance protection for mature street trees in historic Orenco
- Revise setback requirements in historic Orenco for better consistency with historic architectural styles

Attachment J

- Increase setbacks and definition for accessory structures, consistent with building code
- Require Development Review for accessory dwellings to insure compatibility with primary structures
- Require Development Review for duplexes and two-unit townhouses
- Adjust lot dimension variation requirements in Significant Natural Resource Areas consistent with new Development Standards

Attachment K

- Clarify intent to preserve mature trees in light rail zones outside Significant Natural Resource Areas
- Establish administrative review process for Detailed Development Plans

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as “Minor Amendments”

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A “Minor Plan Amendment” is defined as “any change to the Comprehensive Plan which is not a major plan amendment.” A “Major Plan Amendment,” in turn, is defined as follows at Section 1(II)(G):

“Major Plan Amendment” includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A “significant change” is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental, energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610. Notice was also provided to Metro as part of the City’s coordination efforts. Metro responded that the changes were consistent with applicable requirements.

Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated January 23, February 9, April 6, May 16, June 8 and June 13, 2007, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1590-P on December 13, 2006.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV(A)(1).

Findings: The Planning Commission initiated these amendments and conducted three public work sessions and six public hearings over the course of its eighteen-month review of these revisions. Direct response to public input at these meetings is evidenced in the record by revisions to the proposed amendments and planning department staff responses to each issue raised in reports dated March 8 and 13, 2007, and May 16, 2007 and June 8, 2007.

The amendments also propose to increase the public notice requirements (Attachment G) to increase the likelihood that citizens will be aware of proposed land use actions and facilitate their participation.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Findings: The proposed amendments are consistent with the goal and policies of the Urbanization element of the Comprehensive Plan because the Plan envisions that as development occurs there is a need to accommodate all types of uses and the planned population densities through the planning period. Among the specific policies in the Urbanization section of the Plan are policies that require that regulations be designed to support needed expansions of public facilities, and that require coordination with other affected governmental entities. The proposed amendments facilitate certainty for the development community and insure maximization of infill and development by providing consistent standards and clarifying requirements for density, setbacks and lot dimensions.

As also noted above, these amendments were coordinated with Metro, which in its code establishes density requirements that must be achieved within the regional urban growth boundary of which Hillsboro is a part. The enhanced clarity in calculation of density will assure that the City can document its compliance with these requirements.

Conclusion: Applicable policies of the Urbanization section of the Plan are met.

Section 3. Housing.

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to this amendment in that they: identify the need to maintain buildable land

supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. Open space is better defined in the amendments in light of the new higher density environment, clarifying that it must be usable open space and recognizing a "third place" is needed when dwelling units are smaller and more densely situated. These provisions contribute to a safe, healthy and convenient environment. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community (whose representatives had direct input during the public process) can provide for the housing needs of Hillsboro's citizens.

Conclusion: The applicable policies of the Housing section of the Plan are met.

Section 4. Agricultural Lands.

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, the clarification of calculation of density and the ability to transfer density in planned unit developments as well as clarification of setbacks should facilitate preservation of significant trees in the planning area.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City.

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan, although as noted above the amendments should clarify and improve the need for and requirements applicable to establishment and maintaining of open space within the City.

Section 7. Air, Water and Land Resource Quality.

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Findings: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. The proposed amendments provide the opportunity to improve air quality and efficient use of land resources within the city based on clarity of calculation of density, establishment of minimum and maximum densities, and requirements for open space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Findings: The proposed amendments do not affect this Section of the Plan. Development proposals will remain subject to existing regulations and building code provisions which apply to any development designated natural hazard areas in the City.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Findings: The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting this Section of the Plan. Among the specific Policies in this Section are policies requiring dispersal of parks and recreation facilities in neighborhoods and the establishment of park-like improvements to developed properties. These policies will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.

Conclusion: The applicable policies of this Section of the Plan are met.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: This Section of the Plan is not implicated directly in these amendments. However, the increased clarity in the City's regulations will provide certainty to the development community and industry and can help promote the attraction of commercial and industrial development.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Findings: Among the policies in this Section of the Plan is a policy that states the City may use a variety of implementation methods to encourage achievement of the energy goal of the Plan, including density of use, particularly housing density, availability of light, wind and air, and compatibility among competing land use activities. By clarifying the calculation of density in residential zones, and requiring usable open space throughout the City, the City is directly complying with the identified policy.

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Findings: The proposed amendments implement Plan policies that include park and recreation facilities within the definition of this Section by assuring usable open space in developments. The uniform calculation of density will allow the City and other service providers to better predict the need for public facilities to serve development.

Conclusion: Applicable policies of this Section of the Plan are met.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: This Section of the Plan is not relevant to the proposed amendments as they do not relate to transportation facilities. All development will still be required to comply with adopted City plans and regulations related to transportation facilities.

The *remaining Sections of the Plan* do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of extensive public review, and has provided ample opportunities for public input. As such, the amendment complies with Goal 1.

The Planning Commission held six public hearings on the amendment, in February through June, 2007, and conducted additional work sessions detailed above.

The City's process complied fully with its Plan requirements for citizen involvement and the amendments include increased public notice of development applications. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.
 - i) The amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the amendments.
 - ii) Prior to adopting the amendment, the City considered alternatives to the amendments, and believes that the policies of the Plan are met by the amendments.
 - iii) As these findings demonstrate, the amendments are consistent with the Goals.

- iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including Metro, DLCD and Washington County.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
 4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
 5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:
 - (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
 - (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
 - (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Because the amendments do not implicate either (a), (b) or (c) above, Goal 5 does not apply to this legislative enactment by the City. The City further notes that the Land Use Board of Appeals (LUBA) has most recently held that Goal 5 does not impose decisional criteria that are independent of the criteria set out in OAR 660, Division 23. Therefore, the Goal 5 rule specifies that Goal 5 applies only in the circumstances set out in OAR 660-023-0250(3).

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the

proposed amendments based on improved development standards for open space, setbacks and street trees.

9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.
 - i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
 - ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
 - iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needed housing types in the City.
11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.
12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.
13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

The remaining Statewide Planning Goals do not apply to these amendments.

IV. CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and Statewide Goals.