



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

August 29, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment  
DLCD File Number 009-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 15, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Jennifer Wells, City of Hillsboro

<paa> ya

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

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF  
AUG 26 2008  
LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Hillsboro**

Local file number: **ZOA 5-07**

Date of Adoption: **9/19/2008**

Date Mailed: **8/25/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/12/2007

☐ 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".

Adopted amendments are to Section 48A. Mixed Use Districts of the Zoning Ordinance. The amendments are intended to simplify and improve development flexibility and better satisfy the purpose of the MU-C Mixed Use Commercial District by using development and design standards addressing residential density, building and site design, such as floor area ratio(FAR), street level uses, environmentally-friendly construction and landscaping techniques, open space, off-street parking, visitability, etc.

Does the Adoption differ from proposal? Yes, Please explain below:

It expanded the scope from just addressing allowing increases in the maximum residential densities and maximum building footprint for the MU-C District to incorporate more design/development tools that require mixed use development projects to provide amenities in exchange for greater flexibility in the MU-C development and design standards.

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

to: **N/A**

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

to: **N/A**

Location:

Acres Involved:

Specify Density: Previous: **24 dus/net acre**

New: **Use of FAR**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19  
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD # 009-07 (16465)



45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro and Washington County

Local Contact: **Jennifer K. Wells**

Phone: (503) 681-6214 Extension:

Address: **150 East Main Street**

Fax Number: **503-681-6245**

City: **Hillsboro**

Zip: **97123-**

E-mail Address: **jenniferw@ci.hillsboro.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

# CITY OF HILLSBORO

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August 25, 2008

TO: Interested Parties

FROM: Planning Department

**RE: NOTICE OF DECISION – City Council Action  
Case File No. ZOA 5-07: MU-C Densities**

At their regular meeting on August 19, 2008, the Hillsboro City Council adopted Ordinance No. 5877 which amends Zoning Ordinance No. 1945, Section 48A. Mixed Use Districts. The adopted amendments are intended to simplify and improve development flexibility and better satisfy the purpose of the MU-C zone by using development and design standards such as floor area ratio for determining minimum and maximum mixed use or residential densities; requiring street level uses to create vibrant pedestrian environments; allowing increases in the maximum building footprint and increases in the maximum building height to accommodate integrated structured parking; establishing minimum and maximum parking standards and encouraging shared parking; establishing specific open space standards for residential developments; requiring use of environmentally-friendly construction and landscaping techniques in all development projects; requiring visitable dwelling units in residential and mixed use developments; and, requiring provision of “third places” within all development projects, etc.

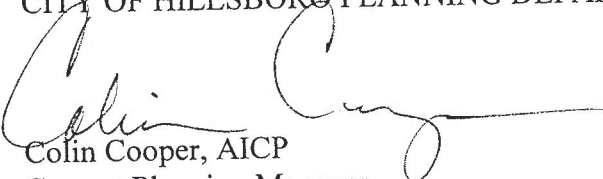
The Ordinance is attached for your review. This action confirms the action of the Planning Commission (Resolution No. 1675-P).

Persons who participated either orally or in writing in the Planning Commission or City Council proceedings on this matter may appeal the decision to the Land Use Board of Appeals under the provisions of ORS 197.830 to 197.845.

If you have any questions please call the Planning Department at (503) 681-6153.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT



Colin Cooper, AICP  
Current Planning Manager

Attachment: Ordinance No. 5877





## ORDINANCE NO. 5877

### ZOA 5-07: MAXIMUM RESIDENTIAL DENSITIES IN THE MU-C MIXED USE COMMERCIAL ZONE

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1945, AS AMENDED, SECTION 48A. MIXED USE DISTRICTS, REGARDING THE PURPOSE OF THE MIXED USE – COMMERCIAL DISTRICT (MU-C), PERMITTED USES, MINIMUM AND MAXIMUM RESIDENTIAL DENSITIES, STREET-LEVEL USES, MAXIMUM BUILDING FOOTPRINT, BUILDING HEIGHT, OFF-STREET PARKING AND LOADING, LOCATION AND DESIGN OF OFF-STREET PARKING, INCREASES IN MIXED USE AND RESIDENTIAL FLOOR AREA RATIO (FAR) IN THE MU-C DISTRICT, AND OPEN SPACE FOR RESIDENTIAL DEVELOPMENTS AND DEFINITIONS APPLICABLE TO MIXED USE DISTRICTS.

WHEREAS, the Planning Commission recognized that the current permitted residential densities in the MU-C Mixed Use – Commercial District limit the construction of vertical mixed use buildings to the maximum building height of five (5) stories permitted as substantially higher residential densities could be accommodated within taller buildings, and

WHEREAS, the Planning Commission recognized that the current maximum building footprint for buildings in the MU-C Mixed Use – Commercial District limits the construction of taller buildings which incorporate structured parking in a manner that is efficient and cost-effective, and

WHEREAS, on October 10, 2007, the Planning Commission adopted Resolution No. 1634-P, initiating amendments to Zoning Ordinance No. 1945 Section 48A regarding maximum residential densities and building footprints in the MU-C Mixed Use – Commercial District, and

WHEREAS, the Planning Commission held a public hearing on November 28 and December 12, 2007, and January 23, February 27, April 9, June 11 and June 25, 2008 on the amendments, and heard testimony on the amendments, and

WHEREAS, the Planning Commission held work sessions on December 12, 2007, February 19, March 25, May 14, May 28 and June 25, 2008, on the amendments to Section 48A. Mixed Use Districts, and

WHEREAS, over the time period from December 2007 to May 2008, in the work sessions listed above, the Planning Commission made policy choices that expanded the scope of the amendments to Section 48A. Mixed Use Districts, and

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1675-P on July 9, 2008, recommending City Council approval of the amendments, together with the findings attached hereto as "Exhibit A" in support of their recommendation, and

WHEREAS, the City Council considered the Planning Commission's recommendation on August 19, 2008, and voted to adopt the findings of the Planning Commission as their own with regard to the Zoning Ordinance amendments.



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

Section 1. Zoning Ordinance No. 1945 as amended, Section 48A.I.A Mixed Use – Commercial District (MU-C) is hereby amended to add three new development objectives, as follows:

- Use environmentally-friendly building materials, construction and landscaping techniques in all development projects that reduce energy and water usage, improve indoor air quality and more effectively manage storm water in order to provide healthier places to live, work, shop and recreate.
- Within residential and mixed use development projects provide a mix of types of dwelling units including units with age- or disability-friendly features that allow “visitability”.
- Provide “third places”, which are gathering spaces for social interaction among residents, employees and visitors which are neither “home” nor “work” within all development projects.

Section 2. Zoning Ordinance No. 1945 as amended, Section 48A.II.A Table 48A-1 Land Uses, is hereby amended to change garden apartments from a non-permitted use to a use permitted outright in the MU-C District, as follows:

| Table 48A-1<br>Land Uses            |                                                                     |                      |
|-------------------------------------|---------------------------------------------------------------------|----------------------|
| Use                                 | P: Use Permitted Outright<br>C: Conditional Use<br>N: Not permitted |                      |
|                                     | Mixed Use Districts                                                 |                      |
|                                     | MU-C<br>Commercial                                                  | MU-N<br>Neighborhood |
| <i>Residential Uses<sup>1</sup></i> |                                                                     |                      |
| Garden Apartment                    | P                                                                   | N                    |

Section 3. Zoning Ordinance No. 1945 as amended, Section 48A.II.A Table 48A-1 Land Uses, footnote 3 for Neighborhood Commercial and Cottage Industry is hereby amended to correct the reference to the subsection where the definition of Neighborhood Commercial and Cottage Industry is contained, as follows:

<sup>3</sup> Subject to Definition in 48A.VI.Y.

Section 4. Zoning Ordinance No. 1945 as amended, Section 48A.III.A Table 48A-2 Development Standards, is hereby amended as follows:

| <b>Table 48A-2<br/>Development Standards</b>                |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development Standard</b>                                 | <b>Mixed Use District</b>                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                             | <b>MU-C<br/>Commercial</b>                                                                                                                                                                                                                                                                                                                                                          | <b>MU-N<br/>Neighborhood</b>                                                                                                                                                                                                                                                                                                                                                              |
| <b>Minimum Mixed Use or Residential Development Density</b> | 0.75 Floor Area Ratio (FAR)                                                                                                                                                                                                                                                                                                                                                         | If housing is a part of a mixed use development, dwellings are permitted on and above the second floor of commercial uses with no minimum density<br><br>Freestanding residential buildings are allowed at a minimum density of 8 dwelling units per net residential acre on lots fronting local or collector streets or 12 dwelling units per net acre on lots fronting arterial streets |
| <b>Maximum Mixed Use or Residential Development Density</b> | Increases in FAR above 0.75 may be permitted subject to the standards contained in Section 48A.III.B                                                                                                                                                                                                                                                                                | 11 dwelling units per net residential acre on lots fronting local or collector streets or<br>24 dwelling units per net residential acre on lots fronting arterial streets, either in free-standing residential buildings or in mixed use buildings on and above the second floor                                                                                                          |
| <b>Street Level Uses</b>                                    | A minimum of 60% of each street frontage at street level of residential development projects with street frontage on arterial or collector streets shall be occupied by street-level uses subject to the standards contained in Section 48A.III.C, with the remaining 40% of the street frontage at street level containing residential uses and/or pedestrian or vehicular entries | N/A                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Lot size</b>                                             | No lot size restrictions                                                                                                                                                                                                                                                                                                                                                            | No lot size restrictions                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Minimum Lot Frontage</b>                                 | 18 feet                                                                                                                                                                                                                                                                                                                                                                             | 18 feet                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Maximum Building Footprint</b>                           | 30,000 square feet<br><br>Up to 40,000 square feet may be permitted for buildings where structured parking is integrated into the building envelope subject to the standards contained in Section 48A.III.E                                                                                                                                                                         | 12,000 square feet                                                                                                                                                                                                                                                                                                                                                                        |



| <b>Table 48A-2<br/>Development Standards</b> |                            |                              |
|----------------------------------------------|----------------------------|------------------------------|
| <b>Development Standard</b>                  | <b>Mixed Use District</b>  |                              |
|                                              | <b>MU-C<br/>Commercial</b> | <b>MU-N<br/>Neighborhood</b> |
| <b>Maximum Occupant on First Floor</b>       | 20,000 square feet         | 6,000 square feet            |

| <b>Setbacks</b>                                           |                                                                                                                                                                                                              |                                                                                        |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Minimum (front) based on type of development <sup>†</sup> | Residential – 5 feet<br>Mixed Use – 0 feet<br>Commercial/Other – 0 feet                                                                                                                                      | Residential – 10 feet<br>Mixed Use – 0 feet<br>Commercial/Other – 0 feet               |
| Maximum (front)                                           | 10 feet<br><br>Additional maximum setback widths may be permitted subject to the standards contained in Section 48A.III.F.4.b                                                                                | 20 feet                                                                                |
| Minimum (side and rear)                                   | 5 feet<br><br>0 feet on common wall for attached residential or commercial development                                                                                                                       | 5 feet<br><br>0 feet on common wall for attached residential or commercial development |
| <b>Building Height</b>                                    |                                                                                                                                                                                                              |                                                                                        |
| Minimum                                                   | 22 feet                                                                                                                                                                                                      | 1 story                                                                                |
| Maximum                                                   | 5 stories<br><br>Increases in the building height may be permitted for buildings where structured parking is integrated into the building envelope subject to the standards contained in Section 48A.III.G.1 | 3 stories                                                                              |
| <b>Off Street Parking and Loading</b>                     |                                                                                                                                                                                                              |                                                                                        |
| Minimum                                                   | Per Section 48A.III.I.3                                                                                                                                                                                      | Per Sections 84 to 86                                                                  |
| Maximum                                                   | Per Section 48A.III.I.4                                                                                                                                                                                      | Per Sections 84 to 86                                                                  |
| <b>Useable Open Space</b>                                 | 100 square feet per dwelling unit                                                                                                                                                                            | 100 square feet per dwelling unit                                                      |

Section 5. Zoning Ordinance No. 1945 as amended, Section 48A.III.B. Setbacks, III.C. Lot Size, III.D. Building Height, III.E Building Height Transition, III.F. Off Street Parking and Loading, and III.G. Open Space for Residential Developments, are hereby amended, to add a new Subsection III.B. Minimum and Maximum Residential Density and a new Subsection III.C. Street Level Uses, move existing Subsection III.B Setbacks to become new Subsection III.F, re-alphabetize Subsection III.C Lot Size to become III.D, move existing Subsection III.D Building Height to become new Subsection III.G, add a new Subsection III.E. Maximum Building Footprint, move existing Subsection III.E Building Height Transition to become new Subsection III.H, move existing Subsection III.F Off Street Parking and Loading to become new Subsection III.I, and move existing Subsection III.G Open Space for Residential Developments to become new Subsection III.J, as follows:

#### **B. Minimum and Maximum Residential Density**

The minimum and maximum residential densities for the Mixed Use Districts are shown in Table 48A-2. The minimum and maximum densities for the MU-N District are expressed as dwelling units per net acre, and the minimum and maximum densities for the MU-C District are expressed as floor area ratio (FAR) per net acre. The minimum FAR for the MU-C District is 0.75.

Increases in FAR above 0.75 in the MU-C District may be granted by the Planning Commission subject to the review requirements contained in Section 48A.V.E, provided that the standards contained in Table 48A-3 are met, in addition to the development and design standards contained in Sections 48A.III and 48A.IV. Two review tiers have been established for requests for increased FAR. Tier 1 has a FAR range from 0.75 to 1.49, and Tier 2 covers 1.50 FAR and greater. There is no maximum FAR for Tier 2 development projects.

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

**Table 48A-3  
Development Standards in the MU-C District**

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



**Table 48A-3  
Development Standards in the MU-C District**

| Public Benefit                                                                      | Development Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Tier 1                                           | Tier 2                                      |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------|
|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | FAR 0.75 – 1.49                                  | FAR 1.50 – Maximum Building Envelope        |
|                                                                                     | <ul style="list-style-type: none"> <li>Use longer life cycle materials (durable and recyclable roofing and siding)</li> <li>Limit use of carpet to one-third of unit's square footage, use low pile or less allergen-attracting carpet, and install carpet by tacking (no glue)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                  |                                             |
| <b>Noise and Privacy:</b><br>Reduce external and interior noise and enhance privacy | <ul style="list-style-type: none"> <li>Use enhanced landscaping to buffer sound</li> <li>Use water features to mask sound</li> <li>Provide intervening internal streets and sidewalks to buffer activity and noise</li> <li>Locate bedrooms and/or quiet rooms away from noise sources</li> <li>Insulate activity rooms</li> <li>Provide sound-rated walls, floors and sound-absorbing materials on the building exterior</li> <li>Locate shared community and/or commercial spaces on the first floor</li> <li>Define and screen the edges of the development through the location of buildings, vegetation, building elevations, or materials changes, fencing, porches, stoops, etc.</li> </ul>                                                 | Use at least 4 techniques throughout the project | Use all 8 techniques throughout the project |
| <b>Housing with age- or disability-friendly features that allow "Visitability"</b>  | <p>Provide the specified percentage within dwelling units:</p> <ul style="list-style-type: none"> <li><u>An entrance without a step or threshold (zero-step):</u> that is from an accessible path of travel from the street, sidewalk or driveway. An accessible path of travel has no steps, is at least 36-inches wide and is not steeper than 1:20 (5% grade) for walkways or 1:12 for ramps.</li> <li><u>Through the ground floor of the unit provide:</u> 32-inch clear opening doorways and hallways that have at least 36-inches of clear width.</li> <li><u>Provide at least a half bath on the ground floor of the unit:</u> of sufficient depth within the bathroom for a person in a wheelchair to enter and close the door.</li> </ul> | 20% of all dwelling units                        | 40% of all dwelling units                   |
| <b>Third Places:</b><br>Provide gathering places for social                         | The following forms can be used individually or in combination, if it can be demonstrated that a Community                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Establish 2 different types of                   | Establish 3 different types of              |

| <p align="center"><b>Table 48A-3</b><br/><b>Development Standards in the MU-C District</b></p>                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        |                                             |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------|
| <b>Public Benefit</b>                                                                                                     | <b>Development Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Tier 1</b>          | <b>Tier 2</b>                               |
|                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>FAR 0.75 – 1.49</b> | <b>FAR 1.50 – Maximum Building Envelope</b> |
| interaction among residents, employees, and visitors which are neither “home” nor “work”, within the development project. | <p>need(s) is being met:</p> <ul style="list-style-type: none"> <li>▪ <u>Multi-purpose space (consisting of interior community rooms/spaces or outdoor spaces):</u><br/>Interior community rooms /spaces consist of rooms/spaces where a variety of uses such as computer use, dance, exercise, martial arts, yoga, continuing education, arts and crafts classes, and community meeting space could be accommodated.<br/>Outdoor spaces consist of plazas, paved areas or courtyards, etc., where a variety of activities could be accommodated.</li> <li>▪ <u>Shared open space:</u> community gardens, walking trails and viewpoints if located next to a natural area.</li> </ul> | Third Places           | Third Places                                |

### C. Street Level Uses

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

1. The following uses qualify as required street level uses:

- a) Commercial uses, such as personal, business and consumer services, daycare for children and elderly, entertainment, art galleries, product repair or services for consumer and business goods, small scale physical fitness studios/gyms (that serve the neighborhood), and medical (medical, dental and veterinarian clinics);
- b) Eating and drinking establishments;
- c) Community service uses, such as libraries, senior centers, community centers, museums and indoor public recreation facilities;
- d) Public open space areas, such as Third Places and transit stops with shelters.

2. In order to allow for the provision of required street level uses within buildings with frontage on arterial or collector streets, when market factors are not conducive to mixed use development projects, the ground floor level of buildings shall be constructed to allow for the future accommodation of commercial uses, and may be occupied by residential uses. The property owner or leasing agent or property manager shall provide the Planning Director with annual market reports that provide documentation of the status of the market, where it can be determined when these spaces should be actively advertised for sale or lease, so that conversion to these uses can occur.
3. The space occupied by the required street level uses must have a minimum floor to floor height of thirteen (13) feet and extend at least thirty (30 feet) in depth at street level from the street front façade.
4. Required street level uses must be located within ten (10) feet of the street property line or abut a public open space permitted in subsection 1(d), unless an increase in the maximum front setback is granted by the Planning Director subject to the requirements in Section 48A.III.F.4.b.
5. Pedestrian access to the required street level uses shall be provided directly from the street or permitted public open space. Pedestrian entrances must be located no more than three (3) feet above or below sidewalk grade or at the same elevation as the abutting permitted public open space.

#### **D. Lot Size**

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

#### **E. Maximum Building Footprint**

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

1. The design of the building with integrated structured parking complies with the development standards contained in Section 48A.III.I for off-street parking and the design standards contained in Section 48A.IV.5, for location and design of off-street parking including structured parking.
2. The design of the building complies with the design standards contained in Section 48A.IV, that address building facade, building step-back and architectural design requirements.

#### **F. Setbacks**

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

##### **1. Front Yard Setbacks.**

- a) Minimum Setback. The minimum front setbacks are shown in Table 48A-2.



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

2. **Rear Yard Setbacks.**

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

3. **Side Yard Setbacks.**

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

4. **Setback Exceptions.**

- a) Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, balconies, stoops, and similar architectural features may encroach into setbacks by no more than 4 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Second story bay windows, balconies, awnings, and canopies may extend up to two feet into public right-of-way upon approval by the City Engineer and Building Official.
- b) Maximum front setbacks may be exceeded up to ten additional feet for mixed use or non-residential developments upon determination by the Planning Director that 100 percent of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.
- c) Where a public utility easement is wider than the maximum setback of the applicable district, the structure may be set back to accommodate the easement.
- d) Where a residential garage or carport is directly accessible from a public or private street or alley, the setback to the opening of the garage or carport shall be either five feet or nineteen feet except:
  - i. Where the setback of the dwelling unit is greater than nineteen feet, then the setback to the garage/carport shall be equal to or greater than the dwelling unit; or
  - ii. Where the garage door or carport entrance is oriented perpendicular or nearly perpendicular to the front property line, and there is sufficient distance to park in

front of the garage/carport entrance without extending over the property line or the sidewalk, then the setback shall be equal to or greater than the dwelling.

- e) Where loading areas or drive through lanes are permitted between a public or private street and the associated structure, the maximum setback requirement may be exceeded to accommodate the loading area or drive through lanes. The building shall be placed as close to the street as practicable in order to accommodate the loading area and drive through lanes.
- f) Cantilevered awnings and canopies may extend into the public or private street right-of-way, upon approval of the jurisdiction having authority over the right-of-way, the City Engineer, and the Building Department.

#### **G. Building Height**

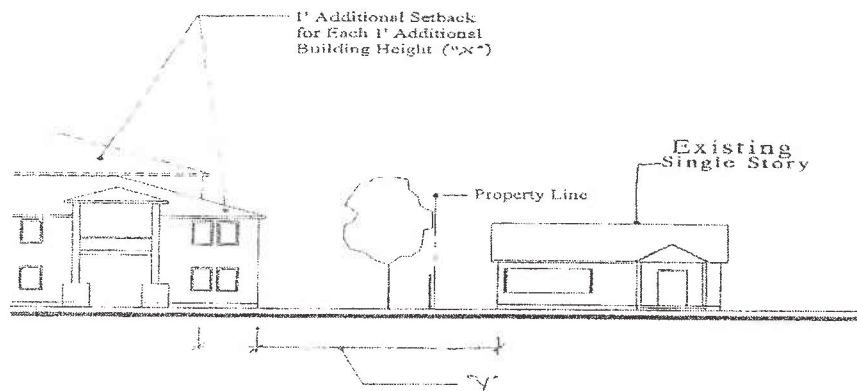
1. Maximum height standards. Maximum height standards for the Mixed Use Districts are shown in Table 48A-2. For buildings where structured parking is integrated into the building envelope, the floors occupied by parking shall not be counted toward the maximum building height, provided that:
  - a) The design of the building with integrated structured parking complies with the development standards contained in Section 48A.III.I for off-street parking and the design standards contained in Section 48A.IV.5, for location and design of off-street parking including structured parking.
  - b) The design of the building complies with the design standards contained in Section 48A.IV, that address building facade, building step-back and architectural design requirements.
2. Minimum height standards. Minimum height standards for the MU Districts are shown in Table 48A-2.
3. Within Mixed Use Districts building height is measured from native grade, four feet outside the foundation of the structure. For purposes of calculating minimum and maximum height as cited in Table 48A-2 and notwithstanding the provisions of the Oregon Building Code, a residential use "story" shall be considered to be not greater than 10 feet. For all non-residential or mixed use buildings and parking structures, a "story" shall be considered to be not greater than fifteen feet. The maximum height shall not include the roof structure above the ceiling of the top floor of the residential living space or the commercial occupancy, provided the roof pitch does not exceed 12:12. Where construction of grade level floors includes placement of earth berms above the native grade, such grade level floors are considered stories within this standard. However, a basement is not a story if the finished floor of the basement is at least six feet below native grade.

#### **H. Building Height Transition**

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

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

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



#### **I. Off-Street Parking and Loading**

1. Off-Street Parking and Loading Standards. Off-street parking and loading for development in the MU-N District shall be developed in accordance with Sections 84 to 86 of this ordinance, except as modified in this Section. In the event of conflict, the parking standards contained in this Section shall control. For development located within the MU-C District, off-street parking and loading shall be developed in accordance with the parking standards contained in this Section.
2. Minimum Required Off-Street Parking for Non-Residential Development Projects Including the Non-Residential Component of Mixed Use Development Projects in the MU-C District. The minimum required parking for the permitted commercial, cottage industry, public and semi-public uses in the MU-C District shall average 2 spaces per 1,000 square feet of leasable gross floor area throughout the project. Shared parking shall be required when the development project is under the control of a single owner/developer and contains commercial, cottage industry, public and semi-public uses with staggered peak parking demands. A reduction in the minimum required parking may be granted by the Planning Director, provided that the following criteria have been met:
  - a) The amount of off-street parking to be provided will be sufficient to serve the uses for which it is intended.
  - b) The decrease in required off-street parking shall be based on a parking demand study prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting a reduced number of



parking spaces. The parking demand study shall include, at a minimum, the following:

- i. Size and type of uses or activities on site;
  - ii. Composition of tenancy on site;
  - iii. Rate of parking turnover;
  - iv. Peak traffic and parking loads to be encountered;
  - v. Local parking habits including proximity and convenience factors;
  - vi. Availability of public transportation.
- c) Use of shared parking for the development project and transportation demand management techniques such as employee carpooling or vanpooling, dedicated valet parking, increased bicycle parking facilities, provision of subsidized or discounted transit passes to employees, and rideshare promotions.
- d) A transit stop is located within 800 feet of the development project.

3. Minimum Required Off-Street Parking for Residential Development Projects Including the Residential Component of Mixed Use Development Projects in the MU-C District. The minimum required off-street parking spaces for residential uses is as follows:

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

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

- a) The need for increased off-street parking is based on a parking demand study prepared by a qualified parking or traffic consultant, civil engineer, licensed architect or urban planner, which substantiates the basis for granting the increased number of parking spaces. The parking demand study shall include, at a minimum, the following:
- i. Size and type of uses or activities on site;
  - ii. Composition of tenancy on site;
  - iii. Rate of parking turnover;
  - iv. Peak traffic and parking loads to be encountered;
  - v. Local parking habits including proximity and convenience factors;

vi. Availability of public transportation.

- b) Use of shared parking for the development project. Required off-street parking may be accommodated within shared parking facilities located on-site or off-site if the shared parking facilities are located within 800 feet from the development and are for non-residential uses. Shared parking located within off-site shared parking facilities shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.
  - c) Use of transportation demand management techniques such as employee carpooling or vanpooling, dedicated valet parking, provision of alternative vehicles for shared use by residents, increased bicycle parking facilities, provision of subsidized or discounted transit passes to employees or residents, rideshare promotions.
  - d) Reduction in surface parking through provision of on-site structured parking which is integrated into the building envelope to accommodate the increased off-street parking.
5. Shared Parking. Shared parking is encouraged within the MU-C Use District. Shared parking can be provided on-site or off-site if the shared parking facilities are located within 800 feet of the development project and are for non-residential uses. Shared parking located within off-site shared parking facilities shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.

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

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

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

6. On-Street Parking Credit. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. The following constitutes an on-street parking space:
- a) Parallel parking, each 24 feet of uninterrupted curb;
  - b) Curb space must be connected to the lot which contains the use;



- c) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- d) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

#### **J. Open Space for Residential Developments**

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

1. Common open space areas shall be convenient to the majority of dwellings and shall contain amenities appropriate to the development project's size. Potential amenities could include art, sculpture, fountains or water features, benches, seat walls, raised planting beds, etc.
2. Private usable open space shall be contiguous to the unit served and should be screened from public view for privacy. All balconies and patios that front a public street should be substantially enclosed for screening and privacy. Balconies are encouraged to be oriented so as not to have a direct line-of-sight into adjacent units within the development.
3. Private usable open space in the form of balconies or porches shall have a minimum average depth and width of six (6) feet in order to accommodate a small table and chairs.
4. Patios shall have a minimum depth of six (6) feet and width of ten (10) feet. Patio depths and widths greater than ten (10) feet are preferable.
5. Use of rooftop spaces for courtyards, gardens and terraces may be used as common open space for the development, when directly accessible to the units it serves.
6. Use of decorative pavers and pervious pavement treatment for hardscape areas such as plazas and courtyards is encouraged. Changes in paving color, pattern and texture also help to define public and private open space and add visual interest.
7. Within usable open space areas, incorporation of ample landscaping in beds or planters which provide year-round greenery is encouraged.

Section 6. Zoning Ordinance No. 1945 as amended, Section 48A.IV.C.5. Location and Design of Off-Street Parking, is hereby amended to add a new subsection c) and re-alphabetized the existing subsections that follow new subsection c), as follows:

- c) For development projects in the MU-C District that are required to provide integrated structured parking for increases in the maximum building footprint per Section 48A.E, and where the floors occupied by parking are not counted toward the maximum building height per Section 48A.G.1, the structured parking shall be wrapped at the ground level with street



level uses for projects with street frontage on arterial or collector streets. For projects proposing integrated structured parking with frontage on local or neighborhood route streets, the structured parking shall be wrapped at the ground level with residential or public open space areas, such as small plazas with seating areas.

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

- i. The size of the parking entrance shall be minimized and visually integrated into the overall architecture of the building by continuing a frieze, cornice, canopy, overhang, trellis, decorative grilles, or other devices from adjacent structures along the façade.
- d) Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle parking shall provide security and protection from the weather. Covered parking may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within a building or residential complex. Except in single-family detached and duplex dwelling units, allowance for required bicycle parking within an individual residence is not considered to be in compliance with this requirement.
- e) Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street other than a major pedestrian route which meets one of the following standards:
  - i. A five foot (5') wide planting strip between the right-of-way and the parking area shall be provided for streets designated Collector or Local on the City of Hillsboro Transportation System Plan. A ten foot (10') wide planting strip between the right-of-way and parking area shall be provided for streets designated Arterial. The planting strip may be pierced by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be no less than thirty (30") inches or more than forty-two (42") inches in height. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.

- ii. In lieu of hedges specified in subsection d.1, decorative walls or fences thirty (30") inches to forty-two (42") inches in height parallel to and not nearer than two feet (2') from the right-of-way line may be utilized. The area between the wall or fence and the back of the sidewalk shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.
- f) Surface parking areas shall provide interior landscaping which meets the following standards:
  - i. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.
  - ii. All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least four feet (4'). Perimeter landscaping shall not be required where two parking lots using a common driveway are joined by a common circulation aisle or other traffic area, and landscaping may be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two areas. Landscaping shall also be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways, or pedestrian movements would not be precluded by the landscaping. Except where requested by the applicant, if in following these standards, the amount of interior landscaping would exceed ten percent (10%) of the area devoted to outdoor auto parking facilities, the amount of required landscaping shall be limited to ten percent (10%). All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
  - iii. A minimum of one 2½" caliper street tree shall be provided in protected planting bays located within the surface parking area at the end of each parking row and at intervals not exceeding 100 feet within the parking rows. Planting bays shall have a minimum width of five feet (5') and a minimum area of 185 square feet for double loaded parking bays and 90 square feet for single loaded parking bays. The remainder of each bay shall be landscaped in a manner consistent with the provisions of this subsection.
  - iv. All parking lot construction, internal walkways, markings and access shall meet and fully comply with the requirements of the Americans with Disabilities Act.
- g) Except in residential areas, parking associated with new development shall be designed to the extent practicable to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the street for parallel movements.
- h) General Landscaping Standards for Off-Street Parking Areas.
  - i. The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least thirty-five feet (35') in height and spread at maturity.
  - ii. A minimum of seventy percent (70%) of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
  - iii. Evergreen shrubs shall be not less than two feet (2') higher than finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least thirty-six inches (36") higher than finished grade.



- i) All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, traffic flow, access points needed for the proper functioning of the development and the objectives of the Section. To meet these standards, consolidation of curb cuts may be a condition of development approval.

Section 7. Zoning Ordinance No. 1945 as amended, Section 48A.V. Review Procedures is hereby amended to add a new subsection E, as follows:

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

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

**1. Development Review by Planning Commission**

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

**2. Application and Fee**

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

**3. Public Hearing**

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

**4. Action of the Planning Commission**

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

Section 8. Zoning Ordinance No. 1945 as amended, Section 48A.VI. Definitions is hereby amended to add new definitions for "Cool Roof", "Certified Wood Products", "Eco Roof", "Floor Area Ratio (FAR)", "Gross Floor Area (GFA)", "Gross Leasable Area (GLA)", "Parking Structure", "Shared Parking", "Visitability" and "Volatile Organic Compounds (VOCs)", to delete O. Joint Use Parking and U. Parking Structure, to modify the definitions for "Mixed Use Building or Development",



“Neighborhood Commercial and Cottage Industry” and “Garden Apartment”, and re-alphabetize existing definitions that follow the new definitions added to Subsection VI, as follows:

- H. Cool Roof. A roof which reflects most solar radiation before it penetrates the interior of the building, and which maintains a temperature a few degrees above the ambient air temperature.
- I. Certified Wood Products. Certified wood products are those made from lumber harvested in a sustainable manner and certified by a reliable third party. The certifying groups most active at this time are the Forest Stewardship Council (FSC), Sustainable Forestry Initiative (SFI) and the Canadian Standards Association (CSA).
- J. Drive-Through Facilities. Facilities allowing transactions for goods or services without leaving a motor vehicle, but excluding car washes, and motor vehicle service, maintenance or repair facilities. Also known as “drive-in” facilities.
- K. Eco Roof. An eco roof is a vegetated roof system used in place of a conventional roof. Eco roofs are comprised of several layers that include a root barrier, waterproof membrane, drainage, soil system, and plants. Eco roofs are also referred to as green roofs.
- L. Emergency Service Facilities. Facilities housing police, fire or ambulance services; excluding jails.
- M. Establishment. A term used to describe business activity. For purposes of this code, businesses shall be defined and described at the four digit Standard Industrial Classification (“SIC”) level set forth in the most recent edition of the Standard Industrial Classification Manual, published by the U.S. Office of Management and Budget.
- N. Expansion. Enlargement of a land use increasing the overall density or intensity of the use. The expansion may be an addition attached to an existing structure or service facility, an additional structure or service facility on the same parcel, or additional structures or facilities constructed on land contiguous with the existing parcel. Construction of new facilities on parcels which are not contiguous are considered new uses, not expansions of an existing use. Except as applied to commercial parking facilities, the term is not applicable to enlargement of existing parking lots and structures.
- O. Flex Space. A building constructed to accommodate a variety of commercial, office and/or light industrial uses, including: administration, direct and telephone sales, back-office operations, product assembly, component and inventory warehousing, shipping, and related or similar activities.
- P. Floor Area Ratio (FAR). Floor area ratio is the ratio of the total amount of enclosed gross floor area (GFA) within a building or structure to the amount of net lot area. To calculate FAR, the total GFA is divided by the net lot area, and typically expressed as a decimal. For the purposes of calculation, both floor area and net lot area are expressed in square feet. For example, if the GFA for all buildings on a site totals 75,000 and the net lot area is 100,000, then the FAR equals 0.75, or if the total GFA equals 200,000 and the net lot area is 100,000, then the FAR equals 2.0.
- Q. Gross Floor Area (GFA). The sum of the horizontal areas of all floors of a building intended for occupancy or storage and not including interior parking or loading spaces, measured from

the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. GFA is also referred to as gross square feet or GSF.

- R. Gross Leasable Area (GLA). The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less "common" areas that are not leased to tenants, including spaces for circulation to and from tenant spaces (lobbies, atriums elevator cores, stairs, corridors), restrooms, utility/mechanical spaces, and loading docks.
- S. Hardscape. Hard-surfaced areas improved in lieu of landscaping. Such areas include specially treated or textured concrete designed as a plaza, courtyard or building entrance and contain pedestrian-sensitive amenities such as benches, drinking fountains, planters, trees in grated wells, street furniture, lighting, public art, water features or other design features integrated into the overall design of a building or portion of the site.
- T. Hotel. A building with a common entrance consisting of individual sleeping quarters for rental to transients, and in which no provision is made for cooking in the lodging room. A "residential hotel" is a hotel typically providing for longer term stays and which may allow in-room cooking.
- U. Major Pedestrian Route. Any pedestrian route located along an arterial or collector street, a transit trunk route, or light rail transit route. A major pedestrian route also includes any local street or street segment within 1,300 feet of a light rail station or Transit Center where the street or street segment provides reasonably direct connection to the station or center.
- V. Master Plan. A development plan for a project to be built in two or more phases. A master plan may involve multiple blocks, provided the blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian ways or space, designated open space, park space or protected natural areas, or surface water treatment facilities. May provide the basis for a Concept Development Plan in Development Review.
- W. Mixed Use Building or Development. A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed use building is a structure at least two stories in height which includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed use development typically consists of multiple buildings, usually with multiple stories, designed to assure a diversity of compatible land uses which may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a district. A campus development is considered a mixed use development. However, within a mixed use development, a mix of residential and industrial uses is prohibited in a single building or on immediately adjoining land.
- X. Motor Vehicle Service, Maintenance or Repair Facilities. Facilities servicing motor vehicles, including gasoline stations, oil and lubrication services, tire and muffler installation and service, body shops, car washes, and other motor vehicle services.
- Y. Neighborhood Commercial and Cottage Industry. Neighborhood commercial includes "commercial uses" as defined in this subsection, provided they are small scale retail and service uses primarily serving nearby residential areas and neighborhood businesses and their employees. General office and other commercial uses which are not retail or service in nature are allowed on and above the second floor of a neighborhood commercial building. Cottage



Industry includes very light industrial or manufacturing uses that do not use hazardous materials, and have a low impact to adjacent properties related to noise, dust, odor or light glare. Outdoor storage for Cottage Industry uses must be screened.

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

- Z. Parking structure. Any building above grade, below grade, or both for parking motor vehicles. Also referred to as structured parking.
- AA. Pedestrian-Related Office or Service Use. Commercial uses, excluding the sale, lease or rental of new or used durable goods, whose primary business relies on face-to-face customer contact or walk-in trade.
- BB. Pedestrian Space. An area or plaza on public or private property which is directly accessible to pedestrians and which includes two or more of the following features covering the entire area or disbursed throughout the entire pedestrian space: Hardscaped areas; lawn areas with trees and seating; awnings or other weather protection; water features incorporating, or with nearby, seating areas, public art or kiosks; outdoor eating areas with seating, and street-side vendor carts or stands selling flowers, food or other small consumer goods. Interior corridors within a building, used primarily as access among rooms within the building, are not considered pedestrian space, but an atrium or interior court containing the above named features and is accessible from common hallways by the public shall qualify. A space otherwise meeting the definition of a pedestrian space which is located within a secured area on private property but is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this definition.
- CC. Pedestrian Way. Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes such as a bicycle/pedestrian accessway or intended solely for pedestrian use.
- DD. Permanent Open Space. A parcel, lot, or tract of land identified on a recorded plat or by deed designation as intended to provide natural area preserves or environmental, scenic or recreational benefits to an adjacent development. Such a parcel, lot, or tract may, at the discretion of the applicant, be considered a part of an abutting lot for purposes of lot setback, open space and similar requirements, provided that the open space is not double counted in the process.
- EE. Project. Sometimes referred to as a "development project" or "development." A residential, non-residential or mixed use development to be built in one or more phases. A project may involve single or multiple buildings and single or multiple blocks, provided the multiple blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian connections or spaces, designated open space, park spaces or protected natural areas, or stormwater treatment or detention facilities. The construction of one single family, duplex or ancillary dwelling built on or added to a single lot is not a project unless constructed as part of a larger residential development project of ten or more dwellings.



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

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

HH. Residential Structures.

1. Single Family Detached Dwelling. A detached dwelling unit, constructed on-site or elsewhere, situated on its own lot or parcel.
2. Single Family Attached Dwelling. A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units.
3. Attached Duplex. A duplex, located on its own lot, which shares one or more common or abutting walls with one other duplex, thereby totaling four dwelling units.
4. Multi-Family Dwelling. A structure on a single lot or parcel containing three or more units which share common walls or floor/ceilings with the adjacent unit(s). Multifamily dwellings include condominium and apartment units without regard to ownership status, and includes congregate (or independent) care and assisted care facilities for the elderly, but excludes all types of nursing home, convalescent care and institutional type living arrangements.
5. Garden Apartment. A multifamily dwelling with access to a large open space area(s) such as a courtyard, garden or plaza, where such access is typically provided at the ground floor level.
6. Mid-Rise Apartment. A three- to six-story multi-family dwelling with reduced landscaping, generally built at 25 or more units per acre.
7. Rowhouse. An attached dwelling of two or more stories that has the appearance of a townhouse but not located on individual lots.
8. Townhouse. A single family attached dwelling of two or more stories, in a building of two or more units, with each dwelling unit and its underlying lot platted to allow separate ownership.
9. Ancillary Dwelling Unit. An additional dwelling unit located on the same lot as a single family dwelling or duplex.

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

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

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

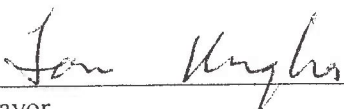
commercial vehicles, transit vehicles, bicycles, and pedestrians. Also known as "transit-oriented development," "transit-oriented use" and "TODs."

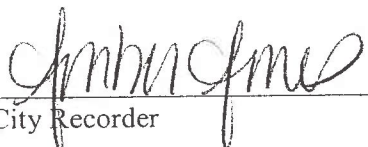
- LL. Visitability. Building designs which allow persons with mobility impairments to enter and stay, but not live, in a residence. The dwelling must include at least one zero-step entrance, 32-inch clear opening doorways and at least one half- bathroom on the main level that meets the minimum clear floor space for half-bathrooms as required by the Fair Housing Act.
- MM. Volatile Organic Compounds (VOCs). Volatile Organic Compounds are an entire class of carbon-based chemicals that give off vapors at normal room temperatures. Vapors may be harmful or trigger allergic reactions in people with environmental allergies. Products that emit VOCs include paints and lacquers, paint strippers, adhesives and sealants, carpets and carpet backing, cleaning supplies, pesticides, building materials and furnishings, office equipment (copiers and printers), graphics and craft materials, and permanent markers.

Section 8. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Passed by the Council this 19<sup>th</sup> day of August 2008.

Approved by the Mayor this 19<sup>th</sup> day of August 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Recorder



## **EXHIBIT A**

### **ZOA 5-07: INCREASED DENSITIES IN THE MU-C MIXED USE - COMMERCIAL ZONE**

#### **Findings in Support of Zoning Ordinance Amendments to Section 48A. Mixed Use Districts**

#### **I. INTRODUCTION**

In October 2007, the Hillsboro Planning Commission considered a request from the Hillsboro Planning Department to initiate amendments to Section 48A. Mixed Use Districts to increase allowable residential densities and allow larger building footprints in the MU-C Mixed Use - Commercial zone. Planning staff explained that a development project that is built to the maximum building height of five (5) stories in the MU-C zone would yield residential densities that are greater than the maximum residential density of 24 units per net acre. Also, staff indicated that the maximum building footprint of 30,000 square feet may be limiting as well, as it would be difficult to construct buildings that incorporate structured parking in a manner that is efficient and cost-effective. In order to encourage higher residential densities in the taller buildings allowed in this zone and allow larger building footprints for mixed use development projects incorporating structured parking, initiation of a Zoning Ordinance amendment that would allow up to 60 units per net acre and an increase in the maximum building footprint up to 40,000 square feet for mixed use buildings incorporating structured parking, with discretionary approval in the MU-C zone was requested.

The Planning Commission initiated amendments to Zoning Ordinance No. 1945 Section 48A regarding maximum residential densities and building footprints in the MU-C Mixed Use - Commercial District on October 10, 2007, through adoption of Resolution No. 1634-P.

#### **II. PUBLIC NOTICE OF PROPOSED AMENDMENTS**

Pursuant to State requirements, notice of the proposed amendments was sent to the Department of Land Conservation and Development (DLCD) on October 12, 2007. This Notice is required to be sent to DLCD a minimum of 45 days prior to the first evidentiary public hearing on the matter. Notice of the proposed amendments was also published in the Hillsboro Argus on November 9, 13 and 16, 2007, pursuant to State and City requirements. A copy of the Notice is included in the official public record.

#### **III. PUBLIC HEARINGS AND WORK SESSIONS**

The Planning Commission held a public hearing on November 28 and December 12, 2007, and January 23, February 27, April 9, June 11 and June 25, 2008 on the proposed amendments to Section 48A. Mixed Use Districts, and received testimony in support of the amendments from NCB Development, LLC, and no testimony in opposition.

The Planning Commission also held public work sessions on December 12, 2007, February 19, March 25, May 14, May 28 and June 25, 2008 on the proposed amendments to Section 48A. Mixed Use Districts. The following summarizes the topics discussed at the work sessions and the direction given to staff regarding policy choices for the revisions to Section 48A:

##### December 12, 2007:

- Treat requests for increased residential density and an increased building footprint as "adjustments" to the underlying development standards rather than "variances", which would be approved by the Commission under a Development Review process. The Commission agreed that this was appropriate.

- Provide amenities in order to be granted the density bonus or increase in maximum building footprint, or both. The Commission indicated their preferences for the amenities to be provided; these included: accommodating or allowances for vertical mixed use buildings; structured parking; adaptable design/visitability for dwelling units; green development/sustainable site design; increased usable private open space; multi-generational living environments; and giving back to the community.
- Add a new Section 48A.V.E that lists the performance standards or criteria. Staff suggested the concept of “tiered” density bonuses, with two review tiers: Tier 1 would cover density bonuses up to 44 dwelling units/net acre, with up to a 30,000 square foot building footprint, and Tier 2 would be from 45 to 60 dwelling units/net acre, with up to a 40,000 square foot building footprint. The Commission directed staff to develop a two-tier density bonus review system for their review on January 23<sup>rd</sup>.

February 19, 2008: After the December 12<sup>th</sup> work session, staff received comments from a developer questioning whether the current maximum density of 24 dwelling units/net acre with a 5-story maximum building height was financially feasible. The City hired Johnson Gardner, LLC, to conduct a financial feasibility analysis, and to determine if a change in policy direction was needed. The results of the financial feasibility analysis and the further refinement of the two-tier density bonus review system were discussed at the work session, as follows:

- Johnson Gardner’s financial feasibility analysis concluded that the 24 dwelling units/net acre maximum density limit would be the greatest constraint to realizing mixed use, mid-rise development in the MU-C District.
- A Floor Area Ratio (FAR) system would be a more effective tool to achieve financially feasible 4- to 5-story (mid-rise) mixed use or freestanding residential buildings. The Commission directed staff to develop a FAR density bonus system, with a Base FAR and two bonus tiers for requests for additional FAR that would offer the same menu of public benefits (amenities) previously discussed on December 12<sup>th</sup>, for their consideration.
- The Commission indicated that they would like an architect to “test-drive” the proposed FAR bonus system including any revised design standards to illustrate what the worse-case development scenario would look like based on the design standards and public benefits provided.

March 26, 2008:

- Five policy issues where direction was needed from the Commission, were identified: 1) Setting the “Base Case” (e.g. Base FAR); 2) Adjusting parking requirements; 3) Design standards for structured parking; 4) “Weighting” of public benefits (e.g. are some more important than others?); and 5) Adjusting the maximum building footprint.
- A draft of the proposed new Section 48A.V.E, with the two-tier FAR residential bonus system was presented to the Commission, with a proposed Base FAR of 0.75. Conceptual massing studies that illustrated what a 0.75 FAR development project and a Tier 1 development project could look like were provided by Commissioner Brian Roberts.
- The Commission expressed their preference for structured parking to be integrated into the building envelope (wrapped with retail or other non-residential uses, or other techniques of disguising structured parking) after discussion about the ways that structured parking could be provided. The Commission directed staff to develop a proposal for adjusting off-street parking requirements and some design standards for structured parking, and to schedule another work session to present these items for their consideration.



May 14, 2008:

- Structured parking. Examples of different types of integrated structured parking was provided by Commissioner Charles Fleisher, and an article titled “Explaining Residential Density” by John G. Ellis, was provided by Commissioner Brian Roberts to aid in the discussion of this issue. Commissioner Roberts also provided calculations of the FAR for the residential density matrix provided in the Ellis article. The Commission indicated that they were more comfortable with allowing structured parking to be provided and directed staff to ensure that an activated street frontage is achieved in the design of parking structures.
- Adjusting off-street parking requirements. A parking strategies memo was provided by staff that described recommended best practices for developing parking strategies in mixed use neighborhoods, the existing parking standards in Section 48A and Sections 84 to 86. Off-street Parking and Loading, and identified policy questions. The Commission directed staff to develop a flexible parking strategy that would reduce trip generation where possible by encouraging use of alternative modes of transportation (transit, car sharing, bicycles, etc, by offering incentives); reasonably accommodate parking for commercial/office uses; and reduce required parking for dwelling units to one space per unit.

May 28, 2008: At this work session, three of the policy issues identified at the March 26<sup>th</sup> work session (the Base Case (FAR)), adjusting the maximum building footprint and weighting of public benefits) were revisited. Staff identified a fourth policy issue which is if incentives should be provided to developers, and if so, what incentives. Interviews with developers experienced in developing mid-rise mixed use projects were conducted by staff, where the developers were asked to give their input on the draft Section 48A.V.E, and the outcome of these interviews was presented to the Commission.

- Base FAR of 0.75 and Maximum FAR for Tier 2 projects. The Commission agreed that a Base FAR of 0.75 was appropriate, and that the maximum FAR should be governed by the building envelope and design standards of the MU-C zone, and mixed use projects with a 0.75 FAR should provide Tier 1 public benefits.
- Initially, when considering the use of FAR for the MU-C zone, the Commission viewed the public benefits that would be provided such as use of green development/sustainable site design techniques and adaptable design/visitability for dwelling units, etc., as “earned incentives” that a developer would have to provide in order to receive a density bonus above the Base FAR, however after several work sessions discussing this topic, the Commission determined that the public benefits would take the form of standards which are clear and objective but also provide a menu of choices (e.g. some flexibility) to the developer regarding the ones that can be provided in order to receive the density bonus.
- Adjusting the maximum building footprint. The Commission agreed that the maximum building footprint permitted should be no greater than 40,000 square feet
- Parking levels within structured parking not counting toward maximum building height. The Commission agreed that the parking levels within structured parking should not be counted as part of the FAR, and that there did not need to be a cap on building height because the market would dictate how many floors of parking would be financially feasible within a development project. Additionally, the Commission felt that the development and design standards contained in Section 48A, including building step-back requirements would address the appearance of buildings with integrated structured parking.
- Possible incentives. Potential incentives as mentioned in the developer interviews that could be provided by the City were discussed, however no conclusions were drawn, as more information needs to be gathered by staff and the types of incentives that the developers were interested in do not entail revisions to the MU-C code.



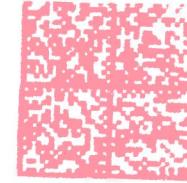
- Visual preference for the type of development in the MU-C zone. Commissioner Charles Fleisher provided images of various types of development to be used as a tool by the Commission in order to reach agreement on the right provisions for the MU-C zone, including the type of physical environments that are being targeted with revisions to the MU-C zone.

June 25, 2008: At this work session, staff presented the final draft revisions to Section 48A to the Commission. Some revisions were made to the final draft amendments in response to comments provided by Commissioner Charles Fleisher. These additional revisions were discussed by the Commission at the work session.

#### IV. FINDINGS

1. The factual information contained in the case file for these proposed amendments to Section 48A. Mixed Use Districts of the Hillsboro Zoning Ordinance, including all notices, communications, letters, staff reports, meeting agendas, documents, minutes of the hearings, recordings of the hearings and work sessions, and any other items included in the case file as part of the official record, are each adopted and incorporated herein by reference. Based on the factual information provided and discussion at the work sessions, the Planning Commission finds that:
  1. Zoning Ordinance Section 48A.I.A which specifies the purpose of the Mixed Use – Commercial District including development objectives does not address use of environmentally-friendly building materials, construction and landscaping techniques for all development projects, provision of dwelling units with age- or disability-friendly features within residential and mixed use development projects that allow “visitability”, and provision of “third places” for social interaction among residents, employees and visitors within all development projects.
  2. Zoning Ordinance Section 48A.II.A Table 48A-1 Land Uses, does not permit garden apartments as defined in Section 48A.VI.CC.5 within the MU-C District; and the definition of garden apartments contained in Section 48A.VI.CC.5, limits the building height to two- or three-stories for multifamily dwellings and the number of dwelling units that could be built to 15 to 24 units per acre, and does not allow for multifamily residential or mixed use development (including a residential component) projects with access to a large open space area(s) such as a courtyard, garden or plaza, that are more than three stories in height and more than 24 units per acre to be built.
  3. Zoning Ordinance Section 48A.III.A Table 48A-2 Development Standards, specifies the minimum and maximum residential densities for the MU-C District, as 17 and 24 dwelling units per net acre, respectively; and limiting the minimum and maximum residential densities for the MU-C District does not allow residential and mixed use development (including a residential component) projects to be built that are financially feasible and greater than three stories in height, as the maximum building height of five stories cannot be achieved without residential densities greater than 24 dwelling units per net acre.
4. The use of floor area ratio (FAR) as a development standard for minimum and maximum mixed use or residential densities in Section 48A.III.A Table 48A-2, combined with development standards contained in Section 48A.III which regulate the minimum and maximum residential densities, maximum building footprint and maximum building height within the MU-C District, would allow greater market flexibility for creating residential and mixed use development (including a residential component) projects that meet the purpose of the MU-C District, and are greater than three stories in height to be built in the MU-C District. The use of dwelling units per net acre does not achieve these objectives.

5. Zoning Ordinance Section 48A.III.A Table 48A-2 does not contain a development standard that requires establishing vertical mixed use developments, with commercial storefronts and creating a vibrant pedestrian environment with plazas, ground-level public open spaces, etc. in the MU-C District.
6. Zoning Ordinance Section 48A.III.A Table 48A-2 specifies a maximum building footprint of 30,000 square feet in the MU-C District, and the maximum building footprint of 30,000 square feet does not allow for construction of efficient, cost effective, structured parking which is integrated into the building envelope.
7. Zoning Ordinance Section 48A.III.A Table 48A-2 specifies a maximum building height of five stories within the MU-C District, and the maximum building height of five stories within the MU-C District does not allow increases in the maximum building height for buildings where structured parking is integrated into the building envelope, unless a variance to this standard is obtained.
8. Zoning Ordinance Section 48A.III.A Table 48A-2 specifies the minimum and maximum off street parking and loading standards as being contained in Sections 84 to 86 of the Zoning Ordinance; and the minimum off street parking standards contained in Sections 84 to 86 specify parking ratios for residential and commercial development that do not allow for provision of off street parking which is less than the minimum within the MU-C District, unless a variance to this standard is obtained.
9. A review of the literature including best practices for developing parking standards that allow successful, effective mixed use or transit-oriented developments indicates that lowering the parking requirements goes hand-in-hand with increasing residential density and creating a pedestrian-friendly environment.
10. Zoning Ordinance Section 48A.III.G. Open Space for Residential Developments specifies a minimum of 100 square feet of usable open space per unit that shall be provided and generally describes the type of usable open space can be provided, and the types of usable open space that can be provided does not include atriums, balconies, patios and gardens including rooftop gardens.
11. Development standards are not included in Section 48A.III.G that address what types of amenities shall be provided in common open space areas, how private usable open space should be provided, the minimum dimensions for balconies, porches and patios, use of rooftop spaces for courtyards, gardens and terraces as common open space, use of decorative pavers and pervious pavement treatment for hardscape areas, and use of ample landscaping in beds or planters which provide year-round greenery within usable open space areas.
12. The proposed amendments implement the City's Comprehensive Plan, Hillsboro 2020 Vision and Action Plan, Metro's Urban Growth Management Functional Plan and the Regional Urban Growth Goals and Objectives (RUGGO), as stated in the purpose statement for Section 48A. Mixed Use Districts, and also implement State Planning Goal 10: Housing, Goal 12: Transportation and Goal 13: Energy Efficiency.



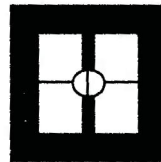
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Planning Department  
150 E. Main Street, Fourth Floor Hillsboro OR 97123

### CITY OF HILLSBORO



Attn: Plan Amendment Specialist  
Dept of Land Conservation &  
Development  
635 Capitol Street NE  
Suite 150  
Salem Oregon 97301

