



Oregon
Theodore R. Kulungoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/18/2008

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 007-08

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: Wednesday, December 31, 2008

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

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

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

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

<paa> YA

FROM 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



Jurisdiction: **Hillsboro**

Local file number: **SOA 2-08**

Date of Adoption: **12/2/2008**

Date Mailed: **12/10/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/16/08

☐ 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 to multiple sections of the Subdivision Ordinance No. 2808 to amend the previously approved Density Design and Open space Amendment package approved in August 2007.

Does the Adoption differ from proposal? Please select one

No

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

to: **N/A**

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

to: **N/A**

Location:

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

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...

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 # 007-08 (17132) [15299]

DLCD file No. _____

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

City of Hillsboro, Oregon

Local Contact: **Dan Dias**

Phone: **(503) 681-6179** Extension:

Address: **150 E MAIN STREET**

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

City: **HILLSBORO**

Zip: **97123-**

E-mail Address: **dand@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.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 5894

SOA 2-08: DENSITY, DESIGN AND OPEN SPACE ONE YEAR AMENDMENTS (DDOS)

AN ORDINANCE APPROVING AMENDMENTS TO SUBDIVISION ORDINANCE NO. 2808 AS AMENDED, IN MULTIPLE SECTIONS, REGARDING ONE YEAR UPDATES TO PREVIOUSLY APPROVED DENSITY, DESIGN, AND OPEN SPACE (DDOS) AMENDMENTS.

WHEREAS, in July 2007 the City Council adopted an extensive package of amendments to the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance intended to address specific deficiencies regarding density, design, and open space (DDOS), and

WHEREAS, the Planning Commission directed the Planning Department staff to return 12 months after adoption with a review of the DDOS amendments and suggestions for changes as necessary in order to assess their effectiveness, and

WHEREAS, having previously reviewed the suggested changes at a Work Session on July 23, 2008, the Planning Commission passed Resolution No. 1677-P initiating the amendments to the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance on September 10, 2008, and

WHEREAS, the Planning Commission held a public hearing on these amendments on November 12, 2008 and received questions regarding and testimony in support of the proposed amendments.

WHEREAS, having considered the testimony received, the Planning Commission adopted Resolution No. 1684-P on November 12, 2008, recommending City Council approval of the amendments, and

WHEREAS, the City Council considered the Planning Commission's recommendation on December 2, 2008, and voted to adopt the findings attached as Exhibit "A" to this ordinance as its own in regard to the amendments.

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

Section 1. Subdivision Ordinance No. 2808 as amended, Article III Appeal, Section 1 subsection (C) 2 is further amended to read as follows:

2. The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted order and supporting findings.

Section 2. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 1 (E) is further amended with the insertion of a new subsection (9) to read as follows:

9. A Traffic Impact Report, prepared and certified by a registered traffic engineer, analyzing the impact of the project on City, County and State road and street systems within at least one (1) mile of the project, to such distance at which traffic impacts have dissipated to less than ten percent (10%) over current conditions. The Report shall comply with the following standards:

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

The Report shall include the following:

- a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.
- b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and
- c) Analysis of the 95th percentile queuing requirements at affected turn lanes.

Section 3. Subdivision Ordinance No. 2808 as amended, Article II Tentative Subdivision Application, Section 11, subsections (A) are further amended to read as follows:

- (A) Approval of the tentative plat shall be in effect for two years from the date of approval by the Planning Commission or the Planning Director. The Planning Director may extend the tentative plat approval for one year, upon receipt of a written request from the applicant. Failure of the applicant to prepare and submit a final plat application pursuant to Article III of this Ordinance within the two year period (with the additional one year extension if applicable) shall cause the tentative plat approval to become null and void.

If any phase of a subdivision submitted to the Planning Director for final approval is approved and recorded within the prescribed time periods, the tentative plat approval shall be extended for one additional year on the remaining portion of the subdivision. This extension may be renewable for a period of one year upon receipt of a written request and approval by the Planning Director.

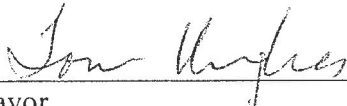
Section 4. Subdivision Ordinance No. 2808 as amended, Article III Final Plat Procedures, Section 5, is further amended to read as follows:

Section 5. Recordation of Final Plat. The applicant shall cause the final plat to be recorded at Washington County within the effective tentative plat approval period stated in Article II Section 11(A) of this Ordinance (either two years or as applicable three years with an approved extension).

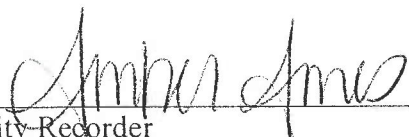
Section 5. Except as herein amended, Subdivision Ordinance No. 2808, as amended, shall remain in full force and effect.

Passed by the Council this 2nd day of December, 2008.

Approved by the Mayor this 2nd day of December, 2008.



Mayor

ATTEST: 

City Recorder

Exhibit A

FINDINGS AND CONCLUSIONS

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

Case File Numbers HCP 6-08; ZOA 3-08; and SOA 2-08
Density, Open Space and Design ("DDOS") One Year Amendments

I. INTRODUCTION

In March 2006, the Hillsboro City Council, Planning Commission, and Parks Commission conducted a joint work session concerning needed improvements in the City's Comprehensive Plan (HCP), Zoning Ordinance (ZO) and Subdivision Ordinance (SDO) and directed Planning Department staff to proceed with amendments to correct specific deficiencies in those regulations regarding density, open space, and design.

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

During their review before adoption in 2007, the Planning Commission directed staff to prepare for a one year update of the amendments. Shortly after the adoption of the DDOS amendments by the City Council, Current Planning staff began applying the amendments during discussions and pre-application meetings with citizens and developers, and a significant number of possible changes were identified. These changes were compiled and presented to the Planning Commission at a work session on July 23, 2008. The Planning Commission initiated the proposed amendments on September 10, 2008 and approved Resolution No. 1684-P on November 12, 2008, recommending to the City Council approval of the proposed one year amendments to the Hillsboro Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945, and Subdivision Ordinance No. 2808 related to DDOS.

II. OVERVIEW OF AMENDMENTS

The final amendments are included in Planning Commission Resolution 1684-P which is incorporated into these findings by reference. The amendments were originally included in a series of "Attachments" and were revised during the course of the public hearings. The amendments were identified as Attachments 1 through 5, are attached to the staff report addressed to City Council dated November 25, 2008, and can be summarized as follows:

Attachment 1

Straightforward minor language changes – only slightly more erroneous than scrivener's errors, for which correction is a readily apparent minor revision.

Attachment 2

Minor changes adding language found elsewhere in the Zoning Ordinance or Subdivision Ordinance – are also fairly straightforward changes, generally widening use of DDOS policies and practices by “cutting and pasting” existing language into other sections.

Attachment 3

Changes requiring preparation of new language – are again relatively straightforward changes, which in these circumstances require insertion of new language as discreet revisions to specific sections.

Attachment 4

Changes requiring a Planning Commission policy decision – (only one example to date) involves an adopted DDOS amendment allowing administrative approval of a Detailed Development Plan and the possible broadening of that language to give an applicant the option of pursuing the previous process of simultaneous Concept Development Plan / Detailed Development Plan review by the Planning Commission.

Attachment 5

Consists of a table summarizing the proposed changes, sections and ordinances effected, and reason for the amendment.

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as “Minor Amendments”

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

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

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental,

energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610.

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

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated October 15th, November 6th, and November 12th, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1677-P on September 10, 2008.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

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

Findings: The Planning Commission initiated these amendments and conducted one public work sessions and one public hearing over the course of its review of these updates. No public testimony was received prior to or during the public hearings. Notice of the public hearing was published in the September 26th, October 3rd and 7th, 2008 editions of the Hillsboro Argus.

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

Section 2. Urbanization.

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

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

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

Section 3. Housing.

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

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to these amendments in that they: identify the need to maintain buildable land supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community can provide for the housing needs of Hillsboro's citizens.

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

Section 4. Agricultural Lands.

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

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to

include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

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

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

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

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

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan.

Section 7. Air, Water and Land Resource Quality.

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

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

Section 8. Natural Disasters and Hazards.

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

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

Section 9. Recreation.

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

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

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

Section 10. Economy.

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

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

Section 11. Energy.

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

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

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and

utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

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

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

Section 13. Transportation.

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

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

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

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

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

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

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

The Planning Commission held two public hearings on the amendments, in October through November 2008, and conducted additional work sessions detailed above.

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

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.
 - i) The original and updated DDOS amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the original amendments. A significant amount of information was offered by staff and the Planning Commission in regards to the one year amendments.
 - ii) As these findings demonstrate, the amendments are consistent with the Goals.
 - iii) Prior to adopting the original amendments, the City coordinated with potentially affected governmental units, including Metro, DLCDC and Washington County.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:
 - (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
 - (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
 - (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

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

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.
9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.
 - i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
 - ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
 - iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needed housing types in the City.
11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.
12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.

13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

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

IV. CONCLUSION

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

RESOLUTION NO. 1684-P

DENSITY, DESIGN, AND OPEN SPACE ONE YEAR AMENDMENTS

A RESOLUTION AMENDING THE HILLSBORO ZONING ORDINANCE NO. 1945 VOLUMES 1 AND 2, COMPREHENSIVE PLAN ORDINANCE NO. 2793, AND SUBDIVISION ORDINANCE NO 2808, REGARDING ONE YEAR UPDATES TO PREVIOUSLY APPROVED DENSITY, DESIGN, AND OPEN SPACE (DDOS) AMENDMENTS.

WHEREAS, in July 2007 the City Council adopted an extensive package of amendments to the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance intended to address specific deficiencies regarding density, design, and open space (DDOS), and

WHEREAS, the Planning Commission directed the Planning Department staff to return 12 months after adoption, with a review of the DDOS amendments and suggestions for changes as necessary in order to assess their effectiveness, and

WHEREAS, having reviewed the suggested changes at a Work Session on July 23, 2008, the Planning Commission directed Planning Department staff to prepare a resolution to initiate the changes, for consideration at a future meeting, and

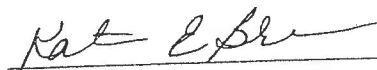
WHEREAS, the Planning Commission passed Resolution No. 1677-P initiating the amendments to the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance on September 10, 2008, and

WHEREAS, The Planning Commission held a public hearing on these amendments on November 12, 2008 and received questions regarding and testimony in support of the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City of Hillsboro Planning Commission that the Commission recommends the amendments shown in bold italic typeface and overstrike typeface, listed in Attachments 1, 2, 3, 4 and 5 to Comprehensive Plan Ordinance 2793, Zoning Ordinance No. 1945, Volumes 1 and 2, and Subdivision Ordinance No. 2808.

BE IT FURTHER RESOLVED pursuant to Comprehensive Plan Ordinance Section 1(IV), Zoning Ordinance Section 97, and Subdivision Ordinance Article IX that the Planning Commission's recommendation be forwarded to City Council for a public hearing on the proposed amendments, at a time the Council deems appropriate.

Introduced and passed this 12th day of November, 2008.


Vice President

ATTEST: 
Secretary

ATTACHMENT 1
DDOS UPDATES: STRAIGHTFORWARD MINOR LANGUAGE CHANGES

Comprehensive Plan Section 1 (IV)(A) Minor Plan Amendment: Plan Text:

- A. On its own volition, the City Council or Planning Commission may initiate a minor plan amendment to the text of the Comprehensive Plan by ~~resolution~~ **order** whenever a need for such a revision is documented. A minor plan amendment, proposing a change to the text of the Comprehensive Plan, shall be processed pursuant to legislative notice and procedures.

Comprehensive Plan Section 2 Urbanization IV 1:

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

Zoning Ordinance Section 3 72 (1):

- (1) Net Residential Acre. A net residential acre is equal to one acre of developable residential land. Net residential acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of "undeveloped" land. Net residential acreage equals the gross square footage of a site minus the undeveloped land divided by 43,560. Undeveloped land is defined as, and limited to, that which is:

- I. Required for dedications of public **and private** rights-of-way and **access** easements, and for internal streets required for fire access; [*remainder of section unchanged*]

Zoning Ordinance Section 20 G 1:

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

- (1) The front yard shall be a minimum of 20 feet, except as provided in Subsections 5 **and** 7 of this Section.

Zoning Ordinance Section 20 P 1:

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

- (1) The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be *a minimum* 20 feet, except as provided in Subsections 5 and 6 of this Section.

Zoning Ordinance Section 25 1:

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

- (1) The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet, except as provided in Subsections (5), (7) and (8) of this Section.

Zoning Ordinance Section 114 (2):

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

- (2) Before the *City Council or* Hearings Board grants a zone change, they shall require that the applicant demonstrate compliance with the following criteria:
 - a. That the request must conform with the Hillsboro Comprehensive Plan and this Ordinance;
 - b. That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Zoning Ordinance Section 127, IV:

- G. Decision. The granting or denial of a preliminary application by the Planning Commission shall be in the form of a written ~~resolution~~ *order* which shall include findings of fact, reasons for the approval or denial, and, in the case of approval, conditions found to be necessary to fulfill the purpose and provisions of this Ordinance. *An resolution order* approving a preliminary plan shall be forwarded to the City Council who may approve an ordinance effecting the approval without further hearing. The Council may initiate their own public hearing to further consider the matter after reviewing the decision of the Planning Commission.

Appeals may be made in accordance with Section 118, and shall specifically state the findings of the Planning Commission which are alleged to be in error, and the nature of the alleged error.

Zoning Ordinance Section 133 III 1:

- III. When required. Development review shall be required for all construction and development on real property as follows:
1. Construction and development in the A-1, A-2, A-3, A-4, C-1, C-4, *MU-N*, *MU-C*, M-P and M-2 zones, excluding the construction or development of single family dwellings within any of these zones;

Zoning Ordinance Section 133 VI B 15:

15. Internal sidewalks should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, and planter walls which define circulation and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. Design of these features and outdoor spaces together should (i) ~~enhance~~ tie site features together, (ii) relate to a common use area, and (iii) complement the surrounding streetscape.

Zoning Ordinance Section 136 III (II):

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

Zoning Ordinance Section 136 VII A 1:

1. Section 133, Development Review, or any amendment thereof, and the provisions of this subsection shall apply to all uses permitted in a Station Community Planning Area except construction of detached single family, ~~duplex and ancillary~~ dwellings built on single lots in any district other than the SCR-OTC and SCR-DNC Districts. All development within the SCR-OTC and SCR-DNC Districts is subject to Development Review. Provisions of Ordinance No. 2808, Subdivisions, applies to all project proposals involving the subdivision or partitioning of existing properties.

Zoning Ordinance Section 137 II, Table 1e:

Table 1.e: Development Criteria, Station Community Residential - High Density (SCR-HD)
This District is not applicable to properties more than 2600 feet from an LRT Station.

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	5 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.	
9b.	MINIMUM SETBACK, ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 5 feet or less, or 19 feet or more, measured to the garage door.	

Zoning Ordinance Section 137 II, Table 1f:

Table 1.f: Development Criteria, Station Community Residential - Medium Density (SCR-MD)

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
8.	MINIMUM SETBACK FROM STREETS AND ALLEYS (SEE ALSO SECTION 139)	5 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 5 feet or less, or 19 feet or more, measured to the garage door.		

Zoning Ordinance Section 137 II, Table 1g:

Table 1.g: Development Criteria, Station Community Residential - Low Density (SCR-LD)

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

Zoning Ordinance Section 137 II, Table 1h:

Table 1.h: Development Criteria, Station Community Residential – Village (SCR-V)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
8.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 5 feet or less, or 19 feet or more, measured to the garage door.		

Zoning Ordinance Section 137, Table 1i:

Table 1.i: Development Criteria, Station Community Residential – Orenco Townsite Conservation (SCR-OTC)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
9a.	MINIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 III D See also Section 140 IV J 3 for garage setbacks. Commercial: Same as for SCC-SC District
9b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; sum of 2 side yards minimum 15 feet 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 5 feet or less, or 19 feet or more, measured to the garage door.
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 III D for Residential Commercial: Same as for SCC-SC District
20.	MINIMUM LOT FRONTAGE	None. Flag lots not allowed in District. All lots to be served by public street or public or private alley. Equivalent to minimum lot width. All lots to have frontage on public or private street or alley.

Zoning Ordinance Section 137 XI B, Table 2 Heading :Table 2: Maximum Non-Residential Parking Standards Ratios in Station Community Districts¹
[Minimum ratios equal to fifty percent (50%) of specified maximum ratios]Zoning Ordinance Section 137 XIII B 3, insert omitted footnotes:

3. Projects, subdivisions and all of their elements in any SCPA district shall be planned, sited and constructed so as to avoid to the maximum practicable extent, the alteration of existing natural resource areas and the destruction or damage of mature, healthy trees on the site. No single Douglas Fir tree greater than twenty-four inch (24") diameter¹, or any type of deciduous tree greater than twenty inches (20") in diameter, or a single Grand Fir,

¹ Tree diameters are to be measured at a point four feet (4') above grade

Ponderosa Pine, Western Red Cedar, or hardwood tree with a diameter greater than twelve inches (12"), or a stand of three (3) trees or more trees exceeding twelve inch (12") diameter (or smaller if the species is at full maturity with less than 12") shall be cut, mutilated, destroyed, or damaged², nor shall a natural resource area be altered as the result of a project or subdivision unless the impact is identified and specifically approved based on the criteria cited in paragraph 4, below, along with any appropriate mitigation measures, as part of the Development Review process. Such a study shall identify all areas where the potential of windthrow may occur as a result of the proposed development and shall include a determination of the risk and measures recommended by a certified arborist to prevent windthrow as a result of cutting clusters of trees.²

Zoning Ordinance Section 140 III K 3 c :

3. For purposes of this section, "mature street trees" are defined as trees in the public right-of-way at or greater than the following diameters four feet above grade:
- a) Fir, Pine, Cedar, or other evergreen conifer: 24 inches;
 - b) Elm, Maple, Walnut, Birch, or other deciduous: 20 inches;
 - c) Apple, Pear, Peach, Prune, **Plum**, or other fruit: 12 inches; or
 - d) Ornamental or other species not included above: 12 inches.

Subdivision Ordinance Article VIII Appeal 1.C.2 :

The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted **Resolution order** and supporting findings.

² "damaged" includes "ringing" or bark removal, "topping" or other generally rejected pruning techniques, and injury to the roots of a tree, either due to cutting of roots or compaction of soil over the root area; where such activity is carried out to the extent that the tree is, in the opinion of a Certified Arborist, likely to die within five years as a result of the inflicted damage.

ATTACHMENT 2
DDOS UPDATES: MINOR CHANGES ADDING LANGUAGE
FOUND ELSEWHERE IN THE ORDINANCES

Zoning Ordinance Section 79:

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

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

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

The Report shall include the following:

- a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.*
- b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and*
- c) Analysis of the 95th percentile queuing requirements at affected turn lanes.*

[new language based on Zoning Ordinance Section 137 XVI C 1, edited for brevity]

Zoning Ordinance Section 127 IV B 14:

14. *A Traffic Impact Report, prepared and certified by a registered traffic engineer, analyzing the impact of the project on City, County and State road and street systems within at least one (1) mile of the project, to such distance at which traffic impacts have dissipated to less than ten percent (10%) over current conditions. The Report shall comply with the following standards:*

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

The Report shall include the following:

- a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.*
- b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and*
- c) Analysis of the 95th percentile queuing requirements at affected turn lanes.*

[new language based on Zoning Ordinance Section 137 XVI C 1, edited for brevity]

Zoning Ordinance Section 136 VII B 3 a:

- a. Initiation of Concept Development Review. An application for Concept Development Plan review may be initiated only upon application by the record owner of the property, a contract or earnest money purchaser, or an agent authorized by the property owner in writing. Where there is more than one owner, the application shall be filed and signed by all owners having a record interest in the property within which the project is proposed. Submittal of an application for Concept Development Plan review shall be accompanied by payment of a fee equal to that fee established in Section 129 for a Planned Unit Development application. Submittal of an application for Concept Development Plan review shall also be accompanied by documentation that a*

neighborhood meeting has been held, in accordance with and as specified in Section 129A. If the development involves the subdivision or partitioning of land, the applicant may request review of its subdivision or partitioning application concurrent with Concept Development Plan review or defer such review until the time of Detailed Development Plan review.

Zoning Ordinance Section 136 VII B 7:

7. *Concept Development Plan Modification*

Applications for substantial modifications to an approved Concept Development Plan shall require a public hearing before and shall be reviewed by the Planning Commission pursuant to the procedures and standards specified in Sections 137.VII B 3, 4, 5, and 6 of this Ordinance. The Planning Commission may approve a proposed modified Concept Plan of an approved concept development plan only upon finding that the proposed Concept Development Plan as modified equally or better complies with the concept development plan approval criteria listed in Section 137 VII B 6 (b). The Commission may impose approval conditions on the Concept Development Plan as modified as necessary to assure compliance with those criteria. The Commission may deny the proposed modification upon finding that the Concept Plan as modified does not equally or better comply with the criteria in Section 137.VII.B.6 (b). The applicant must pay a fee as established by the City Council to defray costs to the City of a public hearing held for this purpose.

[new language based on Zoning Ordinance Section 127 V C and Subdivision Ordinance Article II Section 12; existing subsections 7-15 to be renumbered.]

Subdivision Ordinance Article II, E 9:

9. *A Traffic Impact Report, prepared and certified by a registered traffic engineer, analyzing the impact of the project on City, County and State road and street systems within at least one (1) mile of the project, to such distance at which traffic impacts have dissipated to less than ten percent (10%) over current conditions. The Report shall comply with the following standards:*
- a) Methodology generally in accord with the standards and procedures set forth in Washington County Resolution and Order 86-95 and related code provisions;*
 - b) Differentiation between traffic safety improvements necessary due to impacts of the project, and roadway capacity improvements necessary due to traffic volume generated by the project;*
 - c) Utilization of Level of Service (LOS) standards for both intersection and roadway segments as specified in Table 137.4, determined by the methodology*

in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

The Report shall include the following:

- a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.*
- b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and*
- c) Analysis of the 95th percentile queuing requirements at affected turn lanes.*

ATTACHMENT 3
DDOS UPDATES: CHANGES REQUIRING
PREPARATION OF NEW LANGUAGE

Zoning Ordinance Section 3 Definitions

(53) Lot, Flag. A lot so shaped that the building area (the "flag") is not adjacent to the street or alley on which the lot fronts, and which includes an access strip (the "pole") connecting the building area to the street or alley.

[new language inserted and subsequent subsections to be renumbered as necessary]

Lot line, front. Unless otherwise specified elsewhere in this Ordinance, in the case of an interior or corner lots, the front lot line(s) is or are the property line(s) separating the lot from the a street other than an or alley. and in the case of a corner lot, the shortest lot line along a street other than an alley. In the case of a flag lot, the front lot line shall be measured not from the street, but from the closest edge of the "pole" access extended parallel along the dwelling.

In the case of flag lots, the front lot line is the edge of the improved area of the common driveway, or the extension of the access property line closest to the building area, to which the garage or parking area shall be oriented. If the flag lot is the farthest flag lot from the street or alley, with no possibility of future extension of the access to adjacent property, at the option of the applicant the front lot line may be the property line closest to the street or alley, and the garage or parking area may be oriented toward that line.

Subdivision Ordinance Article II, Section 11 (A):

~~(A) — Approval of the tentative plat shall be in effect for one year from the date of approval by the Planning Commission. During this time a final plat shall be prepared and submitted to the City. If the final plat application is not submitted in this period, the Planning Director may extend the approval period for one year. Requests for extension of approval time shall be submitted in writing prior to the one year expiration date. Failure of the applicant to prepare and submit a final plat within the prescribed time period shall cause the plat to become null and void.~~

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

- (A) *Approval of the tentative plat shall be in effect for two years from the date of approval by the Planning Commission or the Planning Director. The Planning Director may extend the tentative plat approval for one year, upon receipt of a written request from the applicant. Failure of the applicant to prepare and submit a final plat application pursuant to Article III of this Ordinance within the two year period (with the additional one year extension if applicable) shall cause the tentative plat approval to become null and void.*

If any phase of a subdivision submitted to the Planning Director for final approval is approved and recorded within the prescribed time periods, the tentative plat approval shall be extended for one additional year on the remaining portion of the subdivision. This extension may be renewable for a period of one year upon receipt of a written request and approval by the Planning Director.

Subdivision Ordinance Article III, Section 5:

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

Section 5. Recordation of Final Plat. The applicant shall cause the final plat to be recorded at Washington County within the effective tentative plat approval period stated in Article II Section 11(A) of this Ordinance (either two years or as applicable three years with an approved extension).

ATTACHMENT 4
DDOS UPDATES: CHANGE REQUIRING
PLANNING COMMISSION POLICY DECISION

Zoning Ordinance Section 136 VII B 4 d

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

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

At the option of the applicant, submittal of detailed plans may be reviewed either administratively or by the Planning Commission.

- 1. If the applicant chooses administrative Detailed Development Plan review, the Concept Development Plan application must include sufficiently detailed building locations, dimensions, elevations, and building and landscaping materials palettes to clearly establish the standards by which the Detailed Development Plan will be reviewed administratively under Sections 7, 8 and 9. The Planning Commission may impose conditions on approval of the Concept Development Plan regarding changes in the detailed site plans or elevations as necessary to insure compliance with Sections 137 and 138.*
- 2. If the applicant chooses Detailed Development Plan review by the Planning Commission, either concurrent with or subsequent to Planning Commission review of the Concept Development Plan, the Planning Commission shall give public notice of and shall hold a public hearing on the Detailed Development Plan submittal.*

Attachment 5

DENSITY, DESIGN AND OPEN SPACE (DDOS): ONE-YEAR REVIEW AND REVISION

Category 1: Straightforward minor language changes				
Item No.	Code Section	Reason for Change	Existing Language	Proposed Revised Language
1	HZO 133 VI B(15)	Eliminate duplication of the term "enhance"	"enhance tie site features together"	"Design of these features and outdoor spaces together should (i) enhance tie site features together, (ii) relate to a common use area, and (iii) complement the surrounding streetscape."
2	HZO 3 72(1)	Add phrases "and private" and "access easements]" for clarity	"Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;"	"Required for dedications of public <i>and private</i> rights-of-way and <i>access</i> easements, and for internal streets required for fire access;"
3	HZO 136 III (I I)	Add phrases "and private" and "access easements]" for clarity	"Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;"	"Required for dedications of public <i>and private</i> rights-of-way and <i>access</i> easements, and for internal streets required for fire access;"
4	HZO 140 K 3c	Revise reference to "Prune" trees.	"Apple, Pear, Peach, Prune, or other fruit: 12 inches; or"	"Apple, Pear, Peach, Prune <i>Plum</i> , or other fruit: 12 inches; or"
5	HZO 137 II Table 1.i	Revise SCR-OTC minimum and maximum setbacks to match HZO 140 IIIF	Table to be provided at July 23 rd Work Session.	
6	HZO 137 II Tables	Adjust alley-loaded garage setbacks from 4' to 5' consistent with HZO Vol. I	Table to be provided at July 23 rd Work Session.	
7	HZO 136 VII A1	Delete "duplex and ancillary dwellings" as exempt from Development Review	"Section 133, Development Review, or any amendment thereof, and the provisions of this subsection shall apply to all uses permitted in a Station Community Planning Area except construction of detached single family, duplex and ancillary dwellings built on single lots in any district other than the SCR-OTC and SCR-DNC Districts."	"Section 133, Development Review, or any amendment thereof, and the provisions of this subsection shall apply to all uses permitted in a Station Community Planning Area except construction of detached single family, duplex and ancillary dwellings built on single lots in any district other than the SCR-OTC and SCR-DNC Districts."
8	HZO 138 IIIA	Delete "duplex and ancillary dwellings" as exempt from Development Review	"However, construction of an individual single family detached dwelling, duplex, or ancillary dwelling unit outside the boundaries of a Conservation District is exempt from the Development Review process and shall demonstrate compliance with the applicable design standards during the permitting process."	"However, construction of an individual single family detached dwelling, duplex, or ancillary dwelling unit outside the boundaries of a Conservation District is exempt from the Development Review process and shall demonstrate compliance with the applicable design standards during the permitting process."
9	HZO 20 P 1	For the new R-4.5 zone, insert omitted language regarding minimum front yard setback for garage and front yard setbacks on corner lots.	"The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet, except as provided in Subsection 6 of this Section."	"The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be <i>a minimum of</i> 20 feet, except as provided in Subsections <i>5 and 6</i> of this Section."
10	HZO 20 G 1	For existing R-6 zone, insert omitted language regarding front yard setback on corner lots	"The front yard of the house shall be a minimum of 20 feet, except as provided in Subsection 7 of this Section."	"The front yard of the house shall be a minimum of 20 feet, except as provided in Subsections <i>5 and 7</i> of this Section."
11	HZO 25 I	For existing A-1 zone, insert omitted language regarding front yard setback on corner lots	"The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet except as provided in Subsections 7 and 8 of this Section."	"The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet except as provided in Subsections <i>5, 7 and 8</i> of this Section."

Category 1: Straightforward minor language changes (continued)

Item No.	Code Section	Reason for Change	Existing Language	Proposed Revised Language
19	HZO 127 IV	Reflect new mandates from amended City Charter	The granting or denial of a preliminary application by the Planning Commission shall be in the form of a written resolution which shall include findings of fact, reasons for the approval or denial, and, in the case of approval, conditions found to be necessary to fulfill the purpose and provisions of this Ordinance. A resolution approving a preliminary plan shall be forwarded to the City Council who may approve an ordinance effecting the approval without further hearing. The Council may initiate their own public hearing to further consider the matter after reviewing the decision of the Planning Commission. Appeals may be made in accordance with Section 118, and shall specifically state the findings of the Planning Commission which are alleged to be in error, and the nature of the alleged error.	The granting or denial of a preliminary application by the Planning Commission shall be in the form of a written resolution order which shall include findings of fact, reasons for the approval or denial, and, in the case of approval, conditions found to be necessary to fulfill the purpose and provisions of this Ordinance. An resolution order approving a preliminary plan shall be forwarded to the City Council who may approve an ordinance effecting the approval without further hearing. The Council may initiate their own public hearing to further consider the matter after reviewing the decision of the Planning Commission. Appeals may be made in accordance with Section 118, and shall specifically state the findings of the Planning Commission which are alleged to be in error, and the nature of the alleged error.
20	HSO VIII 1 (C) 2	Reflect new mandates from amended City Charter	The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted Resolution and supporting findings.	The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted Resolution order and supporting findings.

Category 2: Minor Changes Adding Language Found Elsewhere in the HZO or HSO (continued)

Item No.	Code Section	Reason for Change	Existing Language	Proposed Revised Language
4	HZO 136 VII B 3 a	Add new subsection (2) requiring neighborhood meetings for CDP's	a) <u>Initiation of Concept Development Review.</u> An application for Concept Development Plan review may be initiated only upon application by the record owner of the property, a contract or earnest money purchaser, or an agent authorized by the property owner in writing. Where there is more than one owner, the application shall be filed and signed by all owners having a record interest in the property within which the project is proposed. Submittal of an application for Concept Development Plan review shall be accompanied by payment of a fee equal to that fee established in Section 129 for a Planned Unit Development application. If the development involves the subdivision or partitioning of land, the applicant may request review of its subdivision or partitioning application concurrent with Concept Development Plan review or defer such review until the time of Detailed Development Plan review.	a) <u>Initiation of Concept Development Review.</u> An application for Concept Development Plan review may be initiated only upon application by the record owner of the property, a contract or earnest money purchaser, or an agent authorized by the property owner in writing. Where there is more than one owner, the application shall be filed and signed by all owners having a record interest in the property within which the project is proposed. Submittal of an application for Concept Development Plan review shall be accompanied by payment of a fee equal to that fee established in Section 129 for a Planned Unit Development application. <i>Submittal of an application for Concept Development Plan review shall also be accompanied by documentation that a neighborhood meeting has been held, in accordance with and as specified in Section 129A.</i> If the development involves the subdivision or partitioning of land, the applicant may request review of its subdivision or partitioning application concurrent with Concept Development Plan review or defer such review until the time of Detailed Development Plan review.
5	HZO 136 VII B 7	Add specific subsection I for CDP MOD process, based on PUD MOD process and SUB MOD process	None	<i>Applications for substantial modifications to an approved Concept Development Plan shall require a public hearing before and be reviewed by the Planning Commission pursuant to the procedures specified in Section 137.VII.B of this Ordinance. The Planning Commission may approve a proposed modification of an approved concept development plan only upon finding that the Concept Plan as modified equally or better complies with the concept development plan approval criteria listed in Section 137 VII.B.6 (b). The Commission may impose approval conditions on the Concept Development Plan as modified as necessary to assure compliance with those criteria. The Commission may deny the proposed modification upon finding that the Concept Plan as modified does not equally or better comply with the criteria in Section 137.VII.B.6 (b). The applicant must pay a fee as established by the City Council to defray costs to the City of a public hearing held for this purpose.</i>
6	HZO 106	Clarify intent of variance section and criteria	Either the Hearings Board or the Planning Commission may authorize variances where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.	Either the Hearings Board or the Planning Commission may authorize variances where it can be shown that, owing to special and unusual circumstances related to a specific piece of property <i>or use</i> , the literal interpretation of this Ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.

Category 3: Changes Requiring Preparation of New Language (continued)

Item No.	Code Section	Reason for Change	Existing Language	Proposed Revised Language
2	HSO III 5	Revise and clarify deadline for recordation of final subdivision plats.	Section 5. Filing of Final Plat. Approval shall be effective for six months after the signature of the presiding officer of the Planning Commission is obtained. The Planning Director may extend the effective period, not to exceed six months, upon written request of the subdivider. If the final plat is not recorded by the subdivider within this time, the final plat shall be null and void. The subdivision may then be resubmitted to the City of Hillsboro for consideration subject to all tentative plat provisions of this ordinance.	<i>Section 5. Recordation of Final Plat. The applicant shall cause the final plat to be recorded at Washington County within the effective tentative plat approval period stated in Article II Section 11(A) of this Ordinance (either two years or as applicable three years with an approved extension).</i>

Category 5: Changes Recommended for Deferral to the Code Reorganization				
Item No.	Code Section	Reason for Change	Existing Language	Proposed Revised Language
1	HZO 88A	Reconcile different terms and standards for "accessory" and "ancillary" dwellings	Multiple sections throughout code	
2	HZO 127 III	Separate the PUD review criteria and standards	HZO 127 III A through L	
3	HZO 131	Add new subsection specifying expiration/timing of Floodplain Alteration approvals	None	
4	HZO 131A	Add new subsection specifying expiration/timing of Significant Natural Resource Permit approvals	None	
5	HZO 136 VII B 11 & 12	Re-evaluate effectiveness of Final Development Plan Process		
6	HZO 137V 13	Reconcile different terms and standards for "accessory" and "ancillary" dwellings	Multiple sections throughout code	
7	HZO Multiple Sections	Reconcile definitions and measurements of building height (stories or feet)	Multiple sections throughout Code	
8	HSO X	Add new language allowing PC "interpretation" provision similar to HZO	None.	

DDOS Revisions: Category 1, Item 5

Table 1.i: Development Criteria, Station Community Residential –
Orenco Townsite Conservation (SCR-OTC)

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
1.	MINIMUM LOT SIZE	Residential: 7,500 square feet Commercial: None
2.	MINIMUM LOT WIDTH	Residential: 50 feet Commercial: None
3.	MINIMUM LOT DEPTH	Residential: 150 feet Commercial: None
4.	MINIMUM RESIDENTIAL DENSITY	6 dwelling units per net acre throughout the District
5.	MAXIMUM RESIDENTIAL DENSITY ¹	12 dwelling units per net acre throughout the District See Section 140
6.	ANCILLARY DWELLING UNITS	Allowed throughout the District. See Section 140
7.	MINIMUM FLOOR AREA RATIO	0.40 throughout the District
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 III F Commercial: Same as for SCC-SC District
9b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door. Residential: See Section 140 III F Commercial: Same as for SCC-SC District
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 for Residential Commercial: Same as for SCC-SC District
11.	VISION CLEARANCE	See Section 137.IX.B
12.	MINIMUM BUILDING HEIGHT	Residential: 1 story throughout the District Commercial: Same as for SCC-SC District
13.	MAXIMUM BUILDING HEIGHT	Residential: 2 stories throughout the District Commercial: Same as for SCC-SC District
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., And 138.VIII.C.2. and D.
18.	MIXED USE BUILDINGS	Same as for SCC-SC District
19.	SIDEWALKS	See Section 137.XV. and Section 140
20.	MINIMUM LOT FRONTAGE	None. Flag lots not allowed in District. All lots to be served by public street or public or private alley.
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	See Section 140

¹ Maximum may only be achieved through use of ancillary dwellings. No attached housing is allowed within the District, except as provided in Section 140.III.C.4.

DDOS Revisions: Category 1, Item 6

HZO Section 137 II Table 1.e: Development Criteria, Station Community Residential – High Density (SCR-HD)

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

HZO Section 137 II Table 1.f: Development Criteria, Station Community Residential – Medium Density (SCR-MD)

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
3b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 5 feet or less, or 19 feet or more, measured to the garage door.		

HZO Section 137 II Table 1.g: Development Criteria, Station Community Residential – Low Density (SCR-LD)

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

HZO Section 137 II Table 1.h: Development Criteria, Station Community Residential – Village (SCR-V)

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

**HZO Section 137 II Table 1.i: Development Criteria, Station Community Residential –
Orenco Townsite Conservation (SCR-OTC)**

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
9b.	MINIMUM SETBACK ELSEWHERE	Residential: See Section 140 III F Commercial: Same as for SCC-SC District.

**HZO Section 137 II Table 1.j: Development Criteria, Station Community Residential –
Downtown Neighborhood Conservation (SCR-DNC)**

DEVELOPMENT CRITERIA		REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
10.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 5 feet or less, or 19 feet or more, measured to the garage door. Additional setbacks possibly required in Arterial Exception Areas: see Section 139 III.

10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 for Residential Commercial: Same as for SCC-SC District See Section 137.IX.B
11.	VISION CLEARANCE	Residential: 1 story throughout the District Commercial: Same as for SCC-SC District
12.	MINIMUM BUILDING HEIGHT	Residential: 2 stories throughout the District Commercial: Same as for SCC-SC District
13.	MAXIMUM BUILDING HEIGHT	Commercial: See Table 2 Residential: See Table 3
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
15.	MAXIMUM OFF-STREET PARKING	See Section 137.XII.
16.	MINIMUM USABLE OPEN SPACE	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., And 138.VIII.C.2. and D.
17.	MINIMUM LANDSCAPING	Same as for SCC-SC District
18.	MIXED USE BUILDINGS	Not applicable
19.	SIDEWALKS	See Section 137.XV. and Section 140
20.	MINIMUM LOT FRONTAGE	None. Flag lots not allowed in District. All lots to be served by public street or public or private alley. See Section 140
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	

DDOS Revisions: Category 4, Item 1

HZO 137 VIII B 4 d – Changes during DDOS

4. Concept Development Plan Submittal: Development Information. The following information also shall be shown on the Concept Development Plan at a minimum scale of one inch equals one hundred feet (1"=100') and may include multiple sheets provided a single sheet depicting the entire plan area at greater scale is included with the submittal:

- d. Conceptual drawings, illustrations and building elevations for all proposed attached single family and multi-family dwellings and all non-residential and mixed use buildings; typical multi-family and attached single family residential floor plans; and proposed exterior building materials and color boards typifying each of the listed housing products and typical non-residential and mixed use buildings to be constructed within the development. ~~At the option of the applicant, this requirement may be delayed by the applicant until submittal of the Detailed Development Plan, but in that case the Planning Commission shall give public notice of and hold a hearing on this aspect of the development proposal.~~

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

Proposed Revision after One Year:

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

At the option of the applicant, this information may be submitted either to the Planning Commission for Detailed Development Plan review and approval by the Commission under the standards of Section 137 VII B 7; or either delayed by the applicant until submittal of the Detailed Development Plan, but in that case the Planning Commission shall give public notice of and hold a hearing on this aspect of the development proposal.

At the option of the applicant, submittal of detailed plans may be deferred to the Detailed Development Plan application. However, in that case the Concept Development Plan application must include sufficiently detailed

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