



Oregon  
Theodore R. Kulongoski, 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

08/26/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment  
DLCD File Number 006-13

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: Tuesday, September 10, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Karla Antonini, City of Hillsboro  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> N



OF  
2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	AUG 22 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Hillsboro**

Local file number: **ZOA 2-13**

Date of Adoption: **8/6/2013**

Date Mailed: **8/20/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☐ 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".

MODIFICATION TO HILLSBORO ZONING ORDINANCE, VOLUME II, SECTION 139 V.C.7. ,  
MAKING PEDESTRIAN WEATHER PROTECTION OPTIONAL RATHER THAN MANDATORY IN  
THE SCC-DT STATION COMMUNITY COMMERCIAL DOWNTOWN ZONE.

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

PROPOSAL DELETED THE OPTION OF EXTERIOR GRADE FABRIC AWNINGS; ADOPTED  
LANGUAGE REVERSED THE DELETION AND RETAINED THE OPTION OF EXTERIOR GRADE  
FABRIC AWNINGS.

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

to: **N/A**

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

to: **N/A**

Location: **N/A**

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
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 006-13 (19830) [17584]



---

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

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

WASHINGTON COUNTY, METRO

---

Local Contact: **KARLA ANTONINI**

Phone: **(503) 681-6181** Extension:

Address: **150 E MAIN ST**

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

City: **HILLSBORO**

Zip: **97123-**

E-mail Address: **karla.antonini@hillsboro-**

**oregon.gov**

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



August 9, 2013

TO: Interested Parties

FROM: Planning Department

RE: **NOTICE OF DECISION – Request for Approval of a Zoning Ordinance Text Amendment - Case File No.: Zoning Ordinance Amendment 2-13 Weather Protection Standards in the Downtown Station Community Planning Area**

At their regular meeting on August 6, 2013, the Hillsboro City Council adopted Ordinance No. 6058, which approves text amendments to Zoning Ordinance Section 139 V.C.7, regarding pedestrian weather protection standards on active use streets in the downtown. A copy of Ordinance No. 6058, without Exhibits, is enclosed for your information. The Ordinance with the exhibits may be viewed at the Planning Department offices in the Hillsboro Civic Center located at 150 E Main Street.

You are provided this notice as an interested party. This Ordinance affirms, with minor modifications, the action of the Planning Commission, Order No. 8090, adopted on June 12, 2013.

Pursuant to ORS 197.620, persons who participated either orally or in writing in the Planning Commission or City Council proceedings on this amendment to the City's Zoning Ordinance may appeal the decision by filing a notice of intent to appeal the City Council's approval of this Ordinance with the State Land use Board of Appeals within 21 days of the date of Decision and by complying with all other applicable provisions in ORS 197.830 to 197.845.

If you have any questions regarding this matter please contact me at (503) 681-6179 or Debbie Raber at (503) 681-6155.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink, appearing to read 'Daniel L. Dias'.

Daniel L. Dias  
Current Planning Supervisor

Attachment: Ordinance No. 6058 without Exhibits

cc: File

**ORDINANCE NO. 6058**

**ZONING ORDINANCE AMENDMENT 2-13: WEATHER PROTECTION STANDARDS  
IN THE DOWNTOWN STATION COMMUNITY PLANNING AREA**

AN ORDINANCE AMENDING HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, SECTION 139 V C 7, REGARDING PEDESTRIAN WEATHER PROTECTION STANDARDS ON ACTIVE USE STREETS.

WHEREAS, Zoning Ordinance Section 139 V C was amended in 2011 to add a requirement on Active Use Streets (as mapped on Figure 139-2) that 50 percent of the building façade must be provided with weather protection for pedestrians, said protection to include either recessed entries or projections at least five feet from the face of the building, and

WHEREAS, more recent studies conclude that requiring weather protection may be deleterious to downtown revitalization in that such measures can obscure the historic architecture and display windows which are the unique attractions of historic downtowns such as Hillsboro's, and

WHEREAS, on April 10, 2013, the Planning Commission received testimony from a downtown merchant and property owner, and from Economic Development staff in support of making the provision of weather protection optional, rather than mandatory, and

WHEREAS, the Planning Commission therefore initiated amendments to Zoning Ordinance Section 139 V C 7 to make the mandatory weather protection elements optional, through adoption of Order No. 8085 on May 8, 2013, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on June 12, 2013, and received testimony in support of the proposed amendments with no testimony in opposition, and

WHEREAS, the Planning Commission therefore approved Order No. 8090 on June 12, 2013, recommending City Council approval of the proposed amendment and adopting as supporting findings the Economic Development and Planning Department staff reports dated May 1 and June 4, 2013 and attached as Exhibits A and B, respectively, as findings in support of this matter, and

WHEREAS, the City Council reviewed the Planning Commission's recommendation and concurs with the findings of the Planning Commission in regard to this matter, and

WHEREAS, based on those findings, the City Council hereby determines that the Zoning Ordinance amendment conforms to the Hillsboro Comprehensive Plan and all other applicable criteria.

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

Section 1. Zoning Ordinance No. 1945, as amended, is further amended in Section 139 C 7 as follows, with language to be added in ***bold italic*** typeface; language to be deleted in ~~overstruck~~ typeface):

7. For building facades facing an Active Use Street (1 and 2) designated on Figure 139-2, weather protection for pedestrians ~~shall~~ ***may*** be provided along a ~~minimum of 50% of the~~ facade. This weather protection shall ***may*** take the form of an awning, canopy, arcade, colonnade, or recessed entry (or some combination of these elements). ***Where provided*** and there shall be a minimum 10' clearance from the bottom of such an element to the sidewalk. ***Where provided***, awnings and/or canopies shall ~~project a minimum of 5' from the building facade; shall match the width of storefronts or window openings; and~~ shall not obscure transom windows where such windows are present, ***and*** shall be constructed of glass ***or*** metal or exterior-grade fabric (or some combination of these materials.)

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

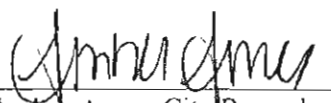
Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 16<sup>th</sup> day of July 2013.

Second approval and adoption by the Council on this 6<sup>th</sup> day of August 2013.

Approved by the Mayor on this 6<sup>th</sup> day of August 2013.

  
Jerry Willey, Mayor

ATTEST:   
Amber Ames, City Recorder



May 1, 2013

STAFF REPORT

TO: Planning Commission

FROM: Economic Development and Planning Department

RE: Proposed Initiation of Zoning Ordinance text amendments – Case File: Zoning Ordinance Amendment (ZOA) 2-13: Downtown Pedestrian Weather Protection Standards

---

REQUEST

Economic Development and Planning Department staff request that the Planning Commission adopt the attached draft order initiating a text amendment to Hillsboro Zoning Ordinance Section 139 V C 7 regarding weather protection for pedestrians in the downtown area.

BACKGROUND

In 2009, the City recognized that the existing zoning provisions for the downtown hindered redevelopment with unrealistic standards for maximum densities, minimum parking, and building setbacks, among others. The City then retained SERA Architects and Angelo Planning Group to amend the standards for the downtown area. SERA Architects introduced the concept of “active use streets” throughout the downtown, on which design standards were revised to encourage pedestrian activity. Part of the “active use streets” concept included a requirement for weather protection for pedestrians, to improve the overall design requirements for downtown. The revised standards included a new subsection 139 V C 7 reading as follows (bolded italics added for emphasis):

For building facades facing an Active Use Street (1 and 2) designated on Figure 139-2, weather protection for pedestrians ***shall be*** provided along a minimum of 50% of the facade. This weather protection shall take the form of an awning, canopy, arcade, colonnade, or recessed entry (or some combination of these elements) and there shall be a minimum 10' clearance from the bottom of such an element to the sidewalk. Awnings and/or canopies shall project a minimum of 5' from the building facade; shall match the width of storefronts or window openings; and shall not obscure transom windows where such windows are present. Awnings and/or canopies shall be constructed of glass, metal, or exterior-grade fabric (or some combination of these materials).

The revised standards for downtown were adopted in July 2011, and are now in effect.

At the April 10<sup>th</sup> Planning Commission public hearing on the proposed Community Development Code, Economic Development staff and a downtown property owner and merchant testified in favor of removing the mandate for weather protection in the Downtown Plan District, in Section 17.61.400 F 6. This language carries forward the requirement now in Section 139 V C 7. The Commissioners at that time indicated they were amenable to considering this matter further.

At the April 24<sup>th</sup> work session, Planning staff requested the Commissioners' acquiescence to prepare a separate Zoning Ordinance amendment to revise the weather protection standard. The reason for the special amendment, outside the CDC process, is that Economic Development staff is working right now with several downtown merchants on storefront improvements that will highlight the historic buildings on Main Street by removing large fabric awnings. However, the proposed plans for the improvements prepared by the architects do not meet the mandatory 50% weather protection requirement. Staff feels that the proposed storefront improvements will enhance Main Street as a whole, and the storefronts in particular, adding to the pedestrian experience even if the building would not meet the 50% mandate. Staff has attached two of the renderings as Attachment 1 and 2 to this staff report for the Commissioners' review.

At the beginning of the work session, the Commissioners agreed to allow the initiation of the amendment at the May 8<sup>th</sup> meeting.

#### **PROCEDURE FOR INITIATION AND PROCESSING OF A ZONING ORDINANCE TEXT AMENDMENT**

The procedures for initiating and processing a Zoning Ordinance text amendment are found in HZO Sections 112 and 116 as shown below. Sections not relevant are omitted for brevity.

**Section 112. Authorization to Initiate Amendments.** Amendment to the text of this Ordinance may be initiated by the City Council or Planning Commission. Consideration of amendments to the text of this Ordinance shall be by the Planning Commission.

**Section 116. Public Hearing on an Amendment.** Before taking action on a proposed [text] amendment to this Ordinance, the Planning Commission shall hold a public hearing thereon within 40 calendar days after receiving the application.

- (1) Notice of hearing. Notice of time, place, and purpose of the public hearing before the Planning Commission, on a proposed amendment shall be given by the City Recorder in the following manner:
  - a. If an amendment to the text of this Ordinance is proposed, notice shall be by three publications in a newspaper of general circulation in the City, the first to be not more than 30 calendar days and the last not more than 10 calendar days prior to the date of hearing.



- (2) Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed or other manner, such as written evidence, in which additional information will be considered.
- (3) Action of the Planning Commission. A decision by the Planning Commission to deny an amendment shall be final unless appealed to the City Council according to the provisions of this ordinance. An action favoring an amendment shall be in the form of a recommendation to the City Council. The City Council may, on its own initiative or upon appeal, hold such hearing as it deems appropriate upon proposed amendments. The City Council may pass an ordinance amending the Zoning Ordinance text based upon the recommendation of the Planning Commission or based on findings of the City Council.

#### RECOMMENDATION

Economic Development and Planning staff request that the Planning Commission authorize initiation of a Zoning Ordinance Amendment to Section 139 V C 7 by adopting the attached draft Order No. 8085. The Order schedules this matter for a public hearing on June 12, 2013.

Respectfully submitted,

CITY OF HILLSBORO ECONOMIC DEVELOPMENT DEPARTMENT



Karla Antonini, AICP  
Project Manager

Attachments: proposed Thai House storefront improvement rendering  
proposed Artfull Garden storefront improvement rendering  
Draft Order initiating ZOA 2-13

**STAFF REPORT**

**To:** Planning Commission

**From:** Economic Development Department and Planning Department

**Date:** June 4, 2013

**Subject:** Downtown Pedestrian Weather Protection Standards  
Case File No. Zoning Ordinance Amendment 2-13

---

**Requested Planning Commission Action:**

Economic Development Department and Planning Department staff request that the Planning Commission recommend City Council approval to amend Hillsboro Zoning Ordinance (HZO) Section 139 V C 7 regarding weather protection for pedestrians in the SCC-DT Station Community Commercial-Station Commercial zone.

The Planning Commission is scheduled to open the public hearing on the amendments on June 12<sup>th</sup>, 2013. On May 8<sup>th</sup>, 2013, the Planning Commission initiated the amendments through adoption of Order No. 8085. Notice of the hearing was published in the May 24<sup>th</sup>, May 31<sup>st</sup>, and June 7<sup>th</sup> issue of the Argus in accordance with Section 116 (1) of the HZO. The Planning Commission previously received staff reports dated April 10 and May 1<sup>st</sup>, 2013 on this matter.

**Background:**

In 2009, the City recognized that the existing zoning provisions for the downtown hindered redevelopment with unrealistic standards for maximum densities, minimum parking, and building stepbacks, among others. The City then retained SERA Architects and Angelo Planning Group to amend the standards for the downtown area and to improve the overall design requirements for downtown. SERA Architects introduced the concept of "active use streets" throughout the downtown, on which design standards were revised to encourage pedestrian activity. Part of the "active use streets" concept included a mandatory requirement for weather protection for pedestrians. That requirement is now in HZO subsection 139 V C 7: underline added for emphasis):

For building facades facing an Active Use Street (1 and 2) designated on Figure 139-2, weather protection for pedestrians shall be provided along a minimum of 50% of the facade. This weather protection shall take the form of an awning, canopy, arcade, colonnade, or recessed entry (or some combination of these

elements) and there shall be a minimum 10' clearance from the bottom of such an element to the sidewalk. Awnings and/or canopies shall project a minimum of 5' from the building façade; shall match the width of storefronts or window openings; and shall not obscure transom windows where such windows are present. Awnings and/or canopies shall be constructed of glass, metal, or exterior-grade fabric (or some combination of these materials).

Since this standard was adopted, the City commissioned a study on "Identity Building and Revitalization Recommendations" for downtown Hillsboro, done by Civilis Consultants: this study is attached for the Commissioners' review as Attachment 1. The study emphasizes that to maximize economic return for the downtown, the historic architecture must be emphasized and showcased for pedestrians in every way possible, including two specific methods: repainting in more vibrant, three-color schemes; and restricting awnings. The study concludes that downtown awnings currently obstruct the pedestrian view of the historic architecture, darken storefronts and eliminates the transom windows, and dominates and (literally) overshadows window displays. Where awnings are used, the study states that they should be part of the extension of the business onto the sidewalk, creating a "roof" for an "outdoor room".

The Civilis study has been well received by downtown merchants and store owners, several of whom are prepared to begin façade improvements consistent with the conclusions. However, the proposed improvements would not include the mandatory weather protection required under Section 139 V C 7. Renderings for two of the improvements are attached as Attachments 2 and 3.

**Text of Proposed Amendment:**

The proposed amendment to Section 139 V C 7 would make the weather protection optional, rather than mandatory, as follows:

For building facades facing an Active Use Street (1 and 2) designated on Figure 139-2, weather protection for pedestrians ~~shall~~ *may* be provided along a ~~minimum of 50% of the facade~~. This weather protection ~~shall~~ *may* take the form of an awning, canopy, arcade, colonnade, or recessed entry (or some combination of these elements). *Where provided* ~~and~~ there shall be a minimum 10' clearance from the bottom of such an element to the sidewalk. Awnings and/or canopies shall project a minimum of 5' from the building façade; shall match the width of storefronts or window openings; and shall not obscure transom windows where such windows are present. Awnings and/or canopies shall be constructed of glass, metal ~~or exterior-grade fabric~~ (or some combination of these materials).

Staff proposes to delete the option of fabric awnings due to their high maintenance and short life-span issues, which were discussed by the Planning Commission during consideration of the Community Development Code.

**Cost:**

Staff time only.

**Recommendation:**

At the June 12<sup>th</sup> hearing, Economic Development Department staff will provide a presentation to the Planning Commission in support of the proposed amendment. Staff also expects at least one downtown property owner / merchant to testify as well. Following receipt of public testimony, if any, if no outstanding issues are raised, the hearing could be closed. Should the Commission decide, based on testimony presented, to recommend approval of the proposed amendments to HZO Section 139 V C 7, staff has prepared a draft Order No. 8090 for your consideration.

Respectfully submitted,

CITY OF HILLSBORO ECONOMIC DEVELOPMENT DEPARTMENT

A handwritten signature in black ink, reading "K. Antonini". The signature is written in a cursive, flowing style.

Karla Antonini, AICP  
Project Manager

Attachments: Identity Building and Revitalization Recommendations  
Proposed Thai House storefront improvement rendering  
Proposed Artfull Garden storefront improvement rendering  
Draft Order No. 8090

# CITY OF HILLSBORO



150 E. Main Street, Hillsboro, OR 97123-4028

neopost<sup>®</sup>

08/20/2013

US POSTAGE

FIRST CLASS MAIL

\$00.66<sup>00</sup>



ZIP 97123  
04111236796

DEPT OF

AUG 22 2013

AND CONSERVATION  
SAND RECREATION

Attn: Plan Amendment Specialist  
Dept. of Land Conservation &  
Development  
635 Capitol Street NE, Suite 150  
Salem, Or 97301-2540

97301\$2540 0007

