



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 22, 2015

Jurisdiction: City of Hillsboro

Local file no.: CDCA 003-15

DLCD file no.: 015-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/21/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 015-15 {24069}
Received: 12/21/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Hillsboro

Local file no.: **CDCA 003-15**

Date of adoption: 12/15/15 Date sent: 12/21/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/16/2015
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
 If yes, describe how the adoption differs from the proposal:

See Attached List of Changes Between Initiation and Adoption

Local contact (name and title): Debbie Raber, Senior Project Manager

Phone: 503 681-6155 E-mail: planningtechs@hillsboro-oregon.gov

Street address: 150 East Main Street, 4th Floor City: Hillsboro Zip: 97123-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NA

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to . acres. A goal exception was required for this change.
 Change from to . acres. A goal exception was required for this change.
 Change from to . acres. A goal exception was required for this change.
 Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Amend multiple sections of the Community Development Code: 12.01; 12.21; 12.22; 12.23; 12.24; 12.25; 12.26; 12.27; 12.50; 12.64; 12.65; 12.70; and 12.80. Amendments are legislative and not site-specific.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to . Acres:
Change from to . Acres:
Change from to . Acres:
Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Amendments are an "omnibus" package of non-substantive, policy neutral changes after adoption of the Community Development Code (CDC). Changes are needed to clarify CDC language and intent regarding implementation.

Attachments to this form include: List of Changes between Initiation and Adoption and Ordinance No. 6149 with Exhibits

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable



December 21, 2015

TO: Plan Amendment Specialist
State of Oregon Department of Land Conservation and Development

FROM: Lisa Califf, Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption
Hillsboro Case File No. Community Development Code Amendment 003-15

I, Lisa Califf, submitted on this date, December 21, 2015, the DLCD Form 2, a list of changes between initiation and adoption, and attached Ordinance No. 6149 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on December 15, 2015.

If you have any questions regarding this transmittal, please contact me at 503-681-5257. For questions regarding the amendments, please contact Debbie Raber, at 503-681-6155.

CDCA 003-15 Omnibus 2: List of Changes between Initiation and Adoption

Excerpts from October 21, 2015 Staff Report:

... The Planning Commission received earlier drafts of both these documents when the amendments were initiated on September 23rd, but several additional amendments are included in these second drafts:

1. Table 12.50.320-2 regarding parking requirements for customer service centers
2. Section 12.50.360.C.6 regarding wheel stop lengths
3. Section 12.64.650 regarding correction of an earlier formatting error

In addition, the language in Section 12.27.210.B.2.b (pages 25 and 26 of Attachment B) has been slightly revised from that shown in the Exhibit to the earlier initiating Order.

Excerpts from November 4, 2015 Staff Report:

During the October 28th public hearing, Staff identified several recommended revisions and additions to the package of proposed amendments, as summarized below:

1. In the Use Tables in multiple zones, revising to the earlier recommendation to exempt minor assembly facilities from the Special Use standards in Section 12.40.210: these standards should apply to both major and minor assembly facilities.
2. In the Amberglen Plan District street sections, replacing the existing Figure 12.65.940-J "*C-3*" *City 3-Lane Collector with 12-Foot Sidewalks* with a new section based on updated plans, and adding a third explanatory bullet to Figure 12.65.940-N "*A-1*" *County 7-Lane Arterial*, bullet prohibiting parking on Cornelius Pass Road.
3. In Section 12.70.180.H regarding appeals of Type III decisions, clarifying that appeals of Type III decision made by City Council are appealed to LUBA, not to the Council itself.
4. In Section 12.80.120.G Consolidated, Concurrent, and Sequential Applications, further revising new Table 12.80.120-1 to further clarify the steps used by the Development Services Division in processing the three types of applications.

One additional change was suggested by Commissioner Maguire in this Table, to clarify that the procedure types for the ***implementing*** applications may be Type II or Type III.

Additional Recommendations from the City Attorney:

As mentioned by Staff on October 28th, although City Attorney Chris Crean at Beery Elsner Hammond agreed that most of the changes were clarifications and insertions of cross-references, he did recommend a few small changes as listed below:

1. Regarding the depth requirements in Tables 12.21.650-1, 12.22.530-1 and 12.22.560-1, the language (No minimum required if created by land division, otherwise 85 feet) was unclear. Under ORS 92.010, lots and parcels can only be created by subdivision or partition, so the circumstances under which the 85 foot requirement would apply were unclear. Staff agreed, and this language has now been changed in the tables to read that the minimum depth requirement is “none” (meaning there is no minimum).
2. Regarding the inclusion of “accessory structure” with Accessory Uses in several base zones, the language should read “Accessory structures as defined in Section 12.01.500 are permitted, subject to the additional requirements in Section 12.40.100.” Also in these sections, the heading should consistently read “Accessory Uses and Structures Permitted by Right” so that “accessory” clearly modifies both “uses” and “structures.”
3. Correction of a grammatical error in Table 12.24.720-1.

ORDINANCE NO. 6149

**COMMUNITY DEVELOPMENT CODE AMENDMENT 003-15:
OMNIBUS 2 AMENDMENTS**

AN ORDINANCE AMENDING SEVERAL SECTIONS OF HILLSBORO COMMUNITY DEVELOPMENT CODE NO. 6094, AS AMENDED, FOR CLARIFICATION OF LANGUAGE AND IMPLEMENTATION.

WHEREAS, Community Development Code Ordinance No. 6094 was adopted by the City Council on August 5, 2014 and took effect on September 5, 2014; and

WHEREAS, during their lengthy consideration of the Community Development Code (CDC) prior to adoption, the Planning Commission repeatedly emphasized the need to amend these requirements on a regular basis to maintain them as current and to resolve issues as they arise; and

WHEREAS, the Planning Department shares the Planning Commission's concerns on this matter, and made a commitment on the Record to request initiation and processing of regular "omnibus" amendments to maintain the currency of the CDC; and

WHEREAS, the Development Services Division of the Planning Department, having worked with the new CDC since September 5, 2014, has identified a number of sections where the current CDC language ought to be clarified or amended to meet the intent of the regulation or to follow or improve current procedures; and

WHEREAS, Community Development Code Section 12.80.140 authorizes the Planning Commission to initiate Community Development Code text amendments, and

WHEREAS, the Planning Commission did initiate a second "omnibus" package of amendments through approval of Order No. 8160 on September 23, 2015, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on October 28 and November 10, 2015, and received no public testimony regarding the amendments, and

WHEREAS, the Planning Commission subsequently found that the proposed amendments are "desirable, appropriate and proper" based on the supporting findings attached hereto as Exhibit B, and therefore adopted Order No. 8164 recommending City Council approval of the amendments, and

WHEREAS, the City Council received the Planning Commission's recommendation on this matter on December 1, 2015, and accepts the Planning Commission's recommendation; and

WHEREAS, the City Council further determines that it will adopt the Planning Commission's findings of fact for the proposed Community Development Code amendments.

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

Section 1. Community Development Code Ordinance No. 6094 as amended, is further amended with the changes shown in Exhibit A attached to this Ordinance.

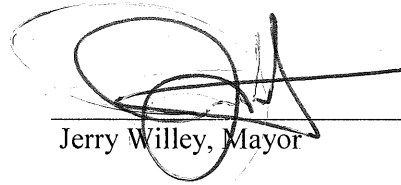
Section 2. The City Council's adoption includes the Planning Commission findings attached as Exhibit B.

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 1st day of December 2015.

Second approval and adoption by the Council on this 15th day of December 2015.

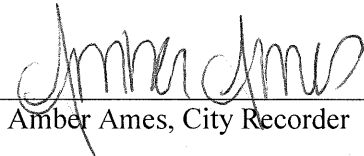
Approved by the Mayor this 15th day of December 2015.



A handwritten signature in black ink, appearing to read 'Jerry Willey', is written over a horizontal line.

Jerry Willey, Mayor

ATTEST:



A handwritten signature in black ink, appearing to read 'Amber Ames', is written over a horizontal line.

Amber Ames, City Recorder

1 **EXHIBIT A**

2
3 COMMUNITY DEVELOPMENT CODE AMENDMENT 003-15:
4 OMNIBUS 2 AMENDMENT LANGUAGE
5

6 Language proposed to be added shown in ***bold italic*** typeface;
7 Language proposed to be deleted shown in ~~overstrike~~ typeface.
8 Explanatory comments not included in amendments
9 Shown in *[bracketed italic gray highlight]*;

10 Unchanged language omitted for brevity except where necessary for context.
11

12 **Section 12.01.500 Definitions**

13 **Medical Marijuana Dispensary** (also known as **medical marijuana facility**). A retail facility,
14 registered by the Oregon Health Authority, that is allowed to receive marijuana, immature
15 marijuana plants, or usable marijuana products (such as edible products, ointments, concentrates
16 or tinctures) and to transfer ***or sell*** that marijuana, immature plants, or usable products to a
17 person with a valid Oregon Medical Marijuana Program card (a patient or the patient’s caregiver)
18 ***or to persons over the age of 21 as described in Enrolled Senate Bill 460, Oregon Legislative***
19 ***Assembly 2015 Regular Session***). A medical marijuana dispensary is categorized as a Retail
20 Products and Services Use. *[ORS citation to be filled in when HB460 is codified]*.

21 **Transit Route**. Any public or private *right-of-way* where *transit* service is currently provided or
22 a location planned for future *transit* service as identified on the Transit Master Plan in the
23 ***Transportation System Plan or other adopted City plans***.

24 **Transit Route, Major**. A transit route which serves areas planned and zoned for higher
25 population and employment densities such as *Metro 2040*-designated regional centers, town
26 centers, employment centers, main *streets*, station communities, and corridors. As used in this
27 definition, “major transit routes” are limited to the following *streets* as shown on Figure
28 12.01.500-G:

- 29 • ~~Evergreen Parkway~~
- 30 • ~~1st Avenue / Glencoe Road~~
- 31 • ~~Cornell Road~~
- 32 • ~~Main Street~~
- 33 • ~~Baseline Street / Road~~
- 34 • ~~Oak Street~~
- 35 • ~~229th / 231st Avenue / Century Boulevard~~
- 36 • ~~Washington Street~~
- 37 • ~~185th Avenue~~
- 38 • ~~Tualatin Valley Highway~~
- 39 • ~~Existing and planned High Capacity Transit rights-of-way shown in adopted City plans~~

40 *[Existing Figure 12.01.500-G: Major Transit Routes to be retained]*

41
42
43 **Transit Stop**. Any area posted as a transit stop where transit passengers board or exit.

1 **Transit Stop, Major.** An existing *transit stop*, or one shown in an adopted city plan, located
 2 on a *major transit route*.

3 **Transit Stop, Minor.** An existing *transit stop* not located on a *major transit route*.

4 **12.21.130 SFR-10 Single Family Residential – Uses.**

5 **Table 12.21.130-1:**
 6 **Use Categories in the SFR-10 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

7
 8 **12.21.230 SFR-8.5 Single Family Residential - Uses.**

9 **Table 12.21.230-1:**
 10 **Use Categories in the SFR-8.5 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to Special Use standards in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

1 **12.21.330 SFR-7 Single Family Residential – Uses.**

2 **Table 12.21.330-1:**
 3 **Use Categories in the SFR-7 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

4
 5 **12.21.430 SFR-6 Single Family Residential - Uses.**

6 **Table 12.21.430-1:**
 7 **Use Categories in the SFR-6 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

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1 **12.21.530 SFR-4.5 Single Family Residential - Uses.**

2 **Table 12.21.530-1:**
 3 **Use Categories in the SFR-4.5 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

4
 5 **12.21.630 SCR-LD Station Community Residential – Low Density - Uses.**

6 **Table 12.21.630-1:**
 7 **Use Categories in the SCR-LD Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

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1 **12.21.650 Development Standards in the SCR-LD zone.**

2 **Table 12.21.650-1:**
 3 **Development Standards in the SCR-LD Zone**

Standard	Requirement	Clarifications
Minimum Lot Dimensions* <ul style="list-style-type: none"> • Width (at front building plane) • Depth • Frontage 	30 feet <i>None</i> 85-feet 30 feet	Exceptions to lot dimensions permitted for townhouse partitions permitted under Table 12.21.620-1. <i>No minimum lot depth required for lots or parcels created by subdivision or partition</i>

4
 5 **12.21.730 SCR-OTC Station Community Residential – Orenco Townsite Conservation.**

6 **Table 12.21.730-1:**
 7 **Use Categories in the SCR-OTC Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/L/N	Small-scale retail products and services uses permitted on lots abutting NW Alder Street between NW 228th and NW 231st Avenues. Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210.</i> All other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

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1 **12.21.830 SCR-DNC Station Community Residential – Downtown Neighborhood**
 2 **Conservation.**

3 **Table 12.21.830-1:**
 4 **Use Categories in the SCR-DNC Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	L / C	Permitted in Mixed-Use buildings in the Arterial Exception Area on NE First Avenue; see special provisions in Subsection 12.61.700.H. <i>Minor Assembly Facilities permitted with Conditional Use approval, and subject to public assembly regulations in Section 12.40.210</i>
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

5
 6 **12.22.130 MFR-1 Multi-Family Residential - Uses.**

7 **Table 12.22.130-1:**
 8 **Use Categories in the MFR-1 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupaney in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

1 **12.22.230 MFR-2 Multi-Family Residential - Uses.**

2 **Table 12.22.230-1:**
 3 **Use Categories in the MFR-2 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

4
 5 **12.22.330 MFR-3 Multi-Family Residential - Uses.**

6 **Table 12.22.330-1:**
 7 **Use Categories in the MFR-3 Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Retail Products and Services	C/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> ; all other uses Not Permitted.
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

8
 9

1 **12.22.430 SCR-MD Multi-Family Residential - Uses.**

2 **Table 12.22.430-1:**
 3 **Use Categories in the SCR-MD Zone**

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Eating and Drinking Establishments	L	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons and subject to public assembly regulations in Section 12.40.210. See Section 12.22.450 for all other commercial uses.
Office	L	
Retail Products and Services	L/C	
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

4
 5 **12.22.450 Special Provisions Regarding Commercial Uses [in SCR-MD].**

- 6 A. Commercial Building Footprint Limitation. Single story commercial buildings, with a
 7 footprint less than 10,000 sq. ft. are permitted outright at the intersection of 2 Arterial
 8 streets, or of an Arterial and a Collector street. Larger multi-story commercial buildings or
 9 Mixed-Use commercial/residential buildings with a footprint up to 20,000 sq. ft. are
 10 permitted with Conditional Use approval.
- 11 B. Animal Service Facilities. Overnight pet boarding permitted outright at veterinary clinics;
 12 elsewhere only with conditional use approval. Outdoor exercise areas not permitted. See
 13 Section 12.40.110 for additional regulations on this use.
- 14 C. Day Care Facilities. *See Section 12.40.150 for additional regulations on this use.*

12.22.460 Development Standards in the SCR-MD zone.

Table 12.22.460-1:
Development Standards in the SCR-MD Zone

Standard	Requirement	Clarifications
Minimum Lot Dimensions* <ul style="list-style-type: none"> • Width (at front building plane) <ul style="list-style-type: none"> Residential with front-yard garage access Residential with rear-yard garage access Commercial • Depth 	<ul style="list-style-type: none"> 22 feet 18 feet none <i>None 85-feet</i> 	Exceptions to lot dimensions permitted for townhouse partitions permitted under Table 12.22.420-1. <i>No minimum lot depth required for lots or parcels created by subdivision or partition.</i>

12.22.530 SCR-HD Multi-Family Residential - Uses.

Table 12.22.530-1:
Use Categories in the SCR-HD Zone

Use	Status	Clarifications
Commercial Use Categories - Only Categories Listed Below Permitted		
Eating and Drinking Establishments	L	Minor Assembly Facilities permitted with Conditional Use approval if maximum IBC occupancy in the primary assembly area < 250 persons <i>and subject to public assembly regulations in Section 12.40.210</i> . See Section 12.22.550 for other commercial uses.
Office	L	
Retail Products and Services	L/C	
Infrastructure and Utilities Use Categories		
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

12.22.550 Special Provisions Regarding Commercial Uses [in SCR-HD].

- A. Commercial Building Footprint Limitation. Single story commercial buildings, with a footprint less than 10,000 sq. ft. are permitted outright at the intersection of 2 Arterial streets, or of an Arterial and a Collector street. Larger multi-story commercial buildings or Mixed-Use commercial/residential buildings with a footprint up to 20,000 sq. ft. are permitted with Conditional Use approval.

B. Animal Service Facilities. Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with conditional use approval. Outdoor exercise areas not permitted. See Section 12.40.110 for additional regulations on this use.

C. Day Care Facilities. See Section 12.40.150 for additional regulations on this use.

12.22.560 Development Standards in the SCR-HD zone.

**Table 12.22.560-1:
Development Standards in the SCR-HD Zone**

Standard	Requirement	Clarifications
Minimum Lot Dimensions* <ul style="list-style-type: none"> • Width (at front building plane) <ul style="list-style-type: none"> ○ Residential with front-yard garage access ○ Residential with rear-yard garage access ○ Commercial • Depth 	22 feet 18 feet none None 85 feet	Exceptions to lot dimensions permitted for townhouse partitions permitted under Table 12.22.520-1. <i>No minimum lot depth required for lots or parcels created by subdivision or partition.</i>

12.23.130 C-N Commercial - Neighborhood - Uses.

**Table 12.23.130-1:
Use Categories in the C-N Zone**

Use	Status	Clarifications
Retail Products and Services	L/C	See Section 12.23.150. <i>Day care facilities subject to additional regulations in Section 12.40.150; Repair uses permitted with Conditional Use approval; Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. ft., and subject to public assembly regulations in Section 12.40.210. or maximum IBC occupancy in primary assembly area < 250 persons.</i>
Parks and Open Space	C	<i>Cemeteries subject to additional standards in Section 12.40.140.</i>

12.23.140 Accessory Uses and Structures Permitted by Right. Accessory Uses vary based on the applicable Use category, as described in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary commercial Use on the site and are subject to the same regulations as the primary commercial Use unless stated otherwise in the Code. *Accessory structures as defined in Section 12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

1 **12.23.150 Special Provisions Regarding Uses [in the C-N zone].**

2 B. Eating and Drinking Establishments Permitted—Outright. Eating and drinking
3 establishments are permitted outright if in compliance with the limitations in subsection A
4 above and the following additional standards:

- 5 1. Maximum floor area of the establishment does not exceed 1,500 square feet;
- 6 2. Carry-out service and limited seating are available; ~~and~~
- 7 3. Drive-thru service is not available; *and*
- 8 4. *Alcoholic beverages are not served.*

9 C. Eating and Drinking Establishments Permitted with Conditional Use Approval. Eating and
10 drinking establishments larger than those described in subsection B.*I* above are permitted
11 with Conditional Use approval if in compliance with the limitations of subsection A above
12 and the following additional standards:

- 13 1. Maximum seating capacity of the establishment is 50 or fewer patrons;
- 14 2. Drive-through service is not available; and
- 15 3. Distilled liquors are not served. *Beer, wine and cider may be served.*

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1 **12.23.230 C-G Commercial – General - Uses.**

2 **Table 12.23.230-1:**
 3 **Use Categories in the C-G Zone**

Use	Status	Clarifications
Commercial Lodging	P	<i>Bed and Breakfast Inns subject to additional regulations in Section 12.40.130.</i>
Retail Products and Services	L/C	<i>See Section 12.23.250 regarding additional regulations on certain uses. Major retail uses (60,000+ sq. ft. NLA) limited in certain locations: see Section 12.23.250. Medical marijuana dispensaries permitted, subject to additional regulations in Section 12.40.194. Child care facilities permitted with Conditional Use approval. Minor Assembly Facilities permitted with Conditional Use approval. if maximum IBC occupancy in primary assembly area < 250 persons; subject to additional public assembly regulations in Section 12.40.210.</i>
Vehicle Service and Repair	P/C	<i>Fueling Automobile service stations and car washes permitted with Conditional Use approval; Automobile Service Stations subject to additional regulations in Section 12.40.120.</i>
Vehicle Storage	L/N	<i>Incidental RV storage permitted with self-service storage only and subject to additional regulations in Section 12.40.220; all other uses Not Permitted.</i>
Parks and Open Space	C	<i>Cemeteries subject to additional regulations in Section 12.40.140.</i>

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 5 **12.23.240 Accessory Uses and Structures Permitted by Right.** Accessory Uses vary based
 6 on the applicable Use category, as described in Subchapter 12.10. Accessory Uses are permitted
 7 in conjunction with the primary commercial Use on the site and are subject to the same
 8 regulations as the primary commercial Use unless stated otherwise in the Code. *Accessory*
 9 *structures as defined in Section 12.01.500 are permitted subject to the additional requirements*
 10 *in Section 12.40.100.*

11 **12.23.250 Special Provisions Regarding Uses.**

- 12 A. Abutting a Residential Zone. All business activity on property abutting a residential zone
- 13 shall occur within an enclosed building, unless screening from the residential zone is
- 14 provided by a sight-obscuring fence at least 6 feet high.
- 15 B. Adjacent to or Across the Street from a Residential Zone. Openings in commercial
- 16 structures adjacent or across the street from a residential zone shall be designed to prevent
- 17 glare, excessive noise or other adverse impacts upon nearby residences.

1 C. Motor Vehicle, Boat or Trailer Rental or Sales Lots. Vehicle rental or sales lots shall be
2 drained and surfaced with crushed rock or paved with asphalt except where required
3 landscaping is installed pursuant to Sections 12.50.220 and 12.50.360.

4 D. Major Retail Uses Restrictions Based on Metro Title 4. Figure 12.23.250-A illustrates the
5 application of Metro Urban Growth Management Functional Plan Title 4 Retail in
6 Employment and Industrial Areas. Within the employment areas shown on Figure
7 12.23.250-A, a new *Major Retail Use (as defined in Section 12.01.500)* may be permitted
8 in a C-G zone only with Conditional Use approval pursuant to Section 12.80.020. In
9 addition to the Conditional Use approval criteria, the Conditional Use application shall
10 demonstrate compliance with the following approval criteria: *[no change in criteria]*

11 E. *Additional Regulations for Special Uses: The following Retail Products and Services*
12 *Uses are subject to additional regulations in Section 12.40 as noted:*

13 1. *Animal Service Facilities: see section 12.40.110;*

14 2. *Day Care Facilities: see Section 12.40.150; and*

15 3. *Medical Marijuana Dispensaries: see Section 12.40.194.*

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1 **12.23.330 SCC-DT - Uses.**

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**Table 12.23.330-1:
Use Categories in the SCC-DT Zone**

Use	Status	Clarifications
Eating and Drinking Establishments	<i>P / L</i>	Drive-through facilities subject to additional limitations in Section 12.23.350.
Retail Products and Services	<i>P/€/ L/N</i>	<p>Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons subject to public assembly regulations in Section 12.40.210.</p> <p>Animal service facilities subject to additional limitations in Section 12.40.110.</p> <p>Day Care Facilities subject to additional regulations in Section 12.40.150.</p> <p>New drive-through facilities not permitted; existing facilities subject to limitations in Section 12.61.400.</p> <p>Expansions of certain existing Uses Not Permitted: see Section 12.30.900.</p>
Vehicle Service and Repair	<i>C / N</i>	Expansion of existing uses permitted with Conditional Use approval; new Uses Not Permitted; see Section 12.30.900.

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12.23.340 Accessory Uses and Structures Permitted by Right. Accessory Uses vary based on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on the site and subject to the same regulations as the primary Use unless stated otherwise in the Code. **Accessory structures as defined in Section 12.01.500 are permitted subject to the additional requirements in Section 12.40.100.**

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12.23.430 SCC- SC Uses.

**Table 12.23.430-1:
Use Categories in the SCC-SC Zone**

Use	Status	Clarifications
Retail Products and Services	P/C L/N	Minor Assembly Facilities permitted with Conditional Use approval if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; subject to additional regulations in Section 12.40.210 <i>subject to public assembly regulations in Section 12.40.210.</i> <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i> Medical marijuana dispensaries permitted, subject to additional regulations in Section 12.40.194. Animal service facilities and drive-through facilities subject to additional limitations in Section 12.23.450. Expansions of certain existing Uses Not Permitted: see Section 12.30.900.
Vehicle Service and Repair	L	See Section 12.30.900. <i>Automobile service stations where permitted subject to additional regulations in Section 12.40.120.</i>

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12.23.440 Accessory Uses and Structures Permitted by Right. Accessory Uses vary based on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary Use on the site and subject to the same regulations as the primary Use unless stated otherwise in the Code. *Accessory structures as defined in Section 12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

1 12.23.530 SCC-MM - Uses.

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Table 12.23.530-1:
Use Categories in the SCC-MM Zone

Use	Status	Clarifications
Retail Products and Services	P/L	<i>Day Care Facilities permitted subject to additional regulations in Section 12.40.150.</i> Medical marijuana dispensaries permitted, subject to additional regulations in Section 12.40.194. <i>Minor Assembly Facilities permitted subject to public assembly regulations in Section 12.40.210.</i> Some other uses restricted: see Sections 12.23.550 and 12.30.900.
Vehicle Service and Repair	P/C / L	Fuel <i>Automobile service</i> stations permitted subject to Conditional Use approval; <i>subject to additional regulations in Section 12.40.120.</i>

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5 12.23.540 **Accessory Uses and Structures Permitted by Right.** Accessory Uses vary based
6 on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in
7 conjunction with the primary Use on the site and subject to the same regulations as the primary
8 Use unless stated otherwise in the Code. *Accessory structures as defined in Section 12.01.500*
9 *are permitted subject to the additional requirements in Section 12.40.100.*

10 12.24.130 MU-N - Uses.

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Table 12.24.130-1:
Use Categories in the MU-N Zone

Use	Status	Clarifications
Retail Products and Services	L/C	See limitations in Section 12.24.150. Minor Assembly Facilities permitted with Conditional Use approval. if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; subject to Special Use provisions <i>public assembly regulations</i> in Section 12.40.210. <i>Day Care Facilities subject to additional regulations in Section 12.24.150.</i>
Major Event Facilities	N	

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1 12.24.230 MU-C Uses.

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**Table 12.24.230-1:
Use Categories in the MU-C Zone**

Use	Status	Clarifications
Retail Products and Services	L/C	Subject to minimum FAR and limitations in Section 12.24.250. Minor Assembly Facilities permitted with Conditional Use approval. if maximum primary floor areas < 3000 sq. ft., or maximum IBC occupancy in primary assembly area < 250 persons; subject to additional public assembly regulations in Section 12.40.210. Day Care Facilities subject to additional regulations in Section 12.24.150.
Major Event Facilities	N	

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12.24.330 MU-VTC Uses.

**Table 12.24.330-1:
Use Categories in the MU-VTC Zone**

Use	Status	Clarifications
Major Event Facilities	C	Subject to the use limitation in 12.24.350.A. and the size limitations in Subsection 12.24.350.C.
Retail Products and Services	L	Subject to the use limitations in 12.24.350.B and size limitations in Subsection 12.24.350.C; drive-through facilities are subject to 12.24.350.D. Animal Service Facilities subject to additional regulations in Section 12.24.110. Day Care Facilities subject to additional regulations in Section 12.40.150. Minor assembly facilities subject to public assembly regulations in Section 12.40.210.
Vehicle Service and Repair	L	No outdoor storage, display or sales; uses subject to the use limitation in 12.24.350.A. and the size limitations in Subsection 12.24.350.C. Automobile service stations where permitted subject to additional regulations in Section 12.40.120.

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1 12.24.430 SCR-V - Uses.

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**Table 12.24.430-1:
Use Categories in the SCR-V Zone**

Major Event Facilities	C/N	Conference centers permitted with Conditional Use approval; all other uses Not Permitted.
Retail Products and Services	L/C/N	See limitations in Section 12.24.450. <i>Indoor Minor Assembly Facilities permitted with Conditional Use approval, and subject to public assembly regulations in Section 12.40.210.</i> <i>Animal Service Facilities subject to additional regulations in Section 12.24.110.</i> <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>

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12.24.630 UC-MU - Uses.

**Table 12.24.630-1:
Use Categories in the UC-MU Zone**

Use	Status	Clarifications
Retail Products and Services	L	Uses to be located only on the first or second floors. <i>Animal Service Facilities subject to additional regulations in Section 12.24.110.</i> <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>

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12.24.720 UC-AC Housing Types.

**Table 12.24.720-1:
Housing Types Permitted in the UC-AC Zone**

Housing Type	Status	Clarifications
Multiple dwelling structure	P/L	<i>Multiple Dwelling Structures permitted outright; however, dwelling units are Not Permitted on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage Area illustrated in Figure 12.64.640-A.</i>

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1 **12.24.730 UC-AC - Uses.**

2 **Table 12.24.730-1:**
 3 **Use Categories in the UC-AC Zone**

Use	Status	Clarifications
Retail Products and Services	L	Uses to be located only on the first or second floors. <i>Animal Service Facilities subject to additional regulations in Section 12.24.110.</i> <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>
Major Assembly Facilities	L	Maximum facility size 25,000 sq. ft. GFA. <i>All Uses subject to additional regulations in Section 12.40.210.</i>

4
 5 **12.24.820 UC-NC Housing Types.**

6 **Table 12.24.820-1:**
 7 **Housing Types Permitted in the UC-NC Zone**

Housing Type	Status	Clarifications
Multiple dwelling structure	P / L	<i>Multiple Dwelling Structures permitted; however, dwelling units Not Permitted on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage Area illustrated in Figure 12.64.640-A.</i>

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 9 **12.24.830 UC-NC Uses.**

10 **Table 12.24.830-1:**
 11 **Use Categories in the UC-NC Zone**

Use	Status	Clarifications
Retail Products and Services	L	Uses to be located only on the first or second floors of the structure. <i>Animal Service Facilities subject to additional regulations in Section 12.24.110.</i> <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>
Vehicle Service and Repair	L	Maximum site size 25,000 sq. ft. including parking and circulation areas. <i>Automobile service stations subject to additional regulations in Section 12.40.120.</i>

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1 **12.24.920 UC-OR Housing Types.**

2 **Table 12.24.920-1:**
 3 **Housing Types Permitted in the UC-OR Zone**

Housing Type	Status	Clarifications
Multiple dwelling structure	P/L	<i>Multiple Dwelling Structures permitted; however, dwelling units Not Permitted on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage Area illustrated in Figure 12.64.640-A.</i>

4
 5 **12.24.930 UC-OR - Uses.**

6 **Table 12.24.930-1:**
 7 **Use Categories in the UC-OR Zone**

Use	Status	Clarifications
Retail Products and Services	C	<i>Animal Service Facilities subject to additional regulations in Section 12.24.110. Day Care Facilities subject to additional regulations in Section 12.40.150.</i>
Vehicle Service and Repair	L	Maximum site size 25,000 sq. ft. including parking and circulation areas. <i>Automobile service stations subject to additional regulations in Section 12.40.110.</i>

8
 9 **12.24.940 Accessory Uses and Structures Permitted by Right [in UC-OR].** Accessory
 10 Uses vary based on the use categories contained in Subchapter 12.10. Accessory Uses are
 11 permitted in conjunction with the primary Use on the site and subject to the same regulations as
 12 the primary Use unless stated otherwise in this Code. *Accessory structures as defined in*
 13 *Section 12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*
 14 In addition to the standards in Subchapter 12.50, non-residential accessory Uses *and structures*
 15 in the UC-OR zone are also subject to the AmberGlen Plan District requirements in Subchapter
 16 12.64.

17 **12.24.1040 Accessory Uses and Structures Permitted by Right [in UC-RP].** Accessory
 18 Uses vary based on the Use categories contained in Subchapter 12.10. Accessory Uses are
 19 permitted in conjunction with the primary Use on the site and subject to the same regulations as
 20 the primary Use unless stated otherwise in this Code. *Accessory structures as defined in*
 21 *Section 12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*
 22 In addition to the standards in Subchapter 12.50, non-residential accessory Uses *and structures*
 23 in the UC-RP zone are also subject to the AmberGlen Plan District requirements in Subchapter
 24 12.64.

1 12.25.130 I-G Uses.

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Table 12.25.130-1:
Use Categories in the I-G Zone

Use	Status	Clarifications
Vehicle Storage	P	<i>Recreational Vehicle and Boat Storage subject to additional regulations in Section 12.40.220.</i>
Utilities	P/L	<i>Subject to additional regulations in Section 12.40.260.</i>

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12.25.140 **Accessory Uses and Structures Permitted by Right.** Accessory Uses vary based on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction with the primary commercial or industrial Use on the site and subject to the same regulations as the primary commercial Use unless stated otherwise in the Code. *Accessory structures as defined in Section 12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

11 12.25.150 **Special Provisions Regarding Uses.**

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A. Retail Products and Services.

1. Child **Day** care facilities are permitted with Conditional Use approval, subject to the additional standards in Section 12.40.150.
2. Outdoor exercise areas for animal service facilities are permitted with Conditional Use approval, **and are** subject to the additional standards in Section 12.40.110.
3. Minor Assembly Facilities are permitted with Conditional Use approval; ~~if the maximum IBC occupancy in the primary assembly area is less than 250 persons. Minor assembly facilities~~ **and** are subject to additional regulations in Section 12.40.210.

1 **12.25.230 I-P Uses.**

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**Table 12.25.230-1:
Use Categories in the I-P Zone**

Use	Status	Clarifications
Retail Products and Services	P/L/C	See Section 12.25.250 regarding limitations. <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>
Vehicle Service and Repair	P/C/ N	<i>Vehicle Service and Repair permitted outright;</i> Card-lock fueling permitted with Conditional Use approval; all other uses in this category Not Permitted. <i>Automobile Service Stations</i> subject to additional standards in Section 12.40.120.
Vehicle Storage	P / L	<i>Recreational vehicle and boat storage subject to additional standards in Section 12.40.220.</i>
Utilities	P / L	<i>Subject to additional regulations in Section 12.40.260.</i>

4

5 **12.25.240 Accessory Uses and Structures Permitted by Right.** Accessory uses vary based
6 on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in
7 conjunction with the primary industrial or commercial Use on the site and are subject to the same
8 regulations as the primary Use unless stated otherwise in the Code. *Accessory structures as*
9 *defined in Section 12.01.500 are permitted subject to the additional requirements in Section*
10 *12.40.100.*

11 **12.25.250 Special Provisions Regarding Uses.**

12 C. Retail Products and Services.

13 3. Minor Assembly Facilities are permitted with Conditional Use approval, ~~if the~~
14 ~~maximum Oregon Structural Specialty Code occupancy in the primary assembly area~~
15 ~~is less than 250 persons.~~ *Minor assembly facilities and* are subject to additional
16 regulations in Section 12.40.210.

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1 12.25.330 I-S Uses.

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Table 12.25.330-1:
Use Categories in the I-S Zone

Use	Status	Clarifications
Retail Products and Services	L / C	See Section 12.25.350 regarding limitations. Minor assembly facilities permitted as a Conditional Use, and subject to additional regulations in Section 12.40.210. .
Vehicle Service and Repair	C/L/N	Automobile service stations permitted with conditional use approval, subject to limitations in Section 12.25.350; and Section 12.40.120; all other uses Not Permitted.
Utilities	P	Subject to additional regulations in Section 12.40.260.

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5 12.25.345 Accessory Structures. *Accessory structures as defined in Section 12.01.500 are*
6 *permitted subject to the additional requirements in Section 12.40.100.*

7 12.25.350 Special Provisions Regarding Uses.

8 A. Eating and Drinking Establishments, Office Uses, Retail Products and Services, and
9 Vehicle Service and Repair. Eating and drinking establishments, office Uses except as
10 described in subsection C below, retail products and services and vehicle service and repair
11 shall be limited in scale and location to serve primarily the needs of the businesses and
12 employees in the surrounding industrial area. Such Uses are subject to the following
13 limitations in location and size:

14 5. *Certain Retail Products and Services Uses and Vehicle Service and Repair Uses are*
15 *subject to additional regulations in Section 12.40 as follows:*

16 a. *Animal Service Facilities: see section 12.40.110;*

17 b. *Day Care Facilities: see Section 12.40.150; and*

18 d. *Automobile Service Stations: see Section 12.40.120.*

19 F. Institutional Uses and Infrastructure and Utilities Uses.

20 1. In the West Union and West Evergreen sub-areas, *minor and* major assembly facilities
21 Uses, schools, parks, and open space are permitted with Conditional Use approval.
22 **Minor and Major Assembly Facilities are subject to additional regulations in Section**
23 **12.40.210.**
24

1 **12.25.430** Uses [in SC-BP]

2 **Table 12.25.430-1:**
3 **Use Categories in the SC-BP Zone**

Use	Status	Clarifications
Commercial Lodging	C	<i>Bed and Breakfast Inns subject to additional regulations in Section 12.40.130.</i>
Retail Products and Services	L/C	See Section 12.25.450 regarding limitations. <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>
Major Assembly Facilities	C	<i>Subject to additional regulations in Section 12.40.210.</i>
Utilities	P	<i>Subject to additional regulations in Section 12.40.260.</i>

4
5 **12.25.440** **Accessory Uses and Structures Permitted by Right.** Accessory Uses vary based
6 on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in
7 conjunction with the primary industrial Use on the site and are subject to the same regulations as
8 the primary Use unless stated otherwise in the Code. *Accessory structures as defined in Section*
9 *12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

10 **12.25.450** **Special Provisions Regarding Uses.**

11 B. Animal Service Facilities. Animal services facilities, with or without outdoor exercise
12 areas and/or overnight boarding, are permitted with Conditional Use approval, *and*
13 *subject to additional regulations in Section 12.24.120.*

14 **12.25.530** Uses [in SCI].

15
16 **Table 12.25.530-1:**
17 **Use Categories in the SCI Zone**

Use	Status	Clarifications
Retail Products and Services	L/C	See Section 12.25.550 regarding limitations. <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>
Utilities	P	<i>Subject to additional regulations in Section 12.40.260.</i>

18
19 **12.25.540** **Accessory Uses and Structures Permitted by Right.** Accessory Uses vary based
20 on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction
21 with the primary industrial Use on the site and are subject to the same regulations as the primary
22 Use unless stated otherwise in the Code. *Accessory structures as defined in Section 12.01.500 are*
23 *permitted subject to additional requirements in Section 12.40.100.*

24

1 **12.25.550 Special Provisions Regarding Uses.**

2 B. Animal Service Facilities. Animal services facilities, with or without outdoor exercise areas
3 and/or overnight boarding, are permitted with Conditional Use approval *and subject to*
4 *additional regulations in Section 12.24.110.*

5 **12.25.640 Accessory Uses and Structures Permitted by Right [in SSID]**. Accessory Uses
6 vary based on the use categories contained in Subchapter 12.10. Accessory Uses are permitted in
7 conjunction with the primary industrial Use on the site and subject to the same regulations as the
8 primary Use unless stated otherwise in the Code. *Accessory structures as defined in Section*
9 *12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

10 **12.25.730 Uses [in ESID]**.

11
12 **Table 12.25.730-1:**
13 **Use Categories in the ESID Zone**

Use	Status	Clarifications
Retail Products and Services	L	See Section 12.25.750 regarding limitations. <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i> <i>Animal Service Care Facilities subject to additional regulations in Section 12.40.110.</i>
Utilities	P	<i>Subject to additional regulations in Section 12.40.260</i>

14
15 **12.25.740 Accessory Uses and Structures Permitted by Right**. Accessory Uses vary based
16 on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction
17 with the primary industrial or commercial Use on the site and subject to the same regulations as
18 the primary Use unless stated otherwise in the Code. *Accessory structures as defined in Section*
19 *12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

20 **12.25.830 Uses [in HSID]**.

21 **Table 12.25.830-1:**
22 **Use Categories in the HSID Zone**

Use	Status	Clarifications
Retail Products and Services	L	See Section 12.25.850 regarding limitations. <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i> <i>Animal Service Care Facilities subject to additional regulations in Section 12.40.110</i>
Utilities	P	<i>Subject to additional regulations in Section 12.40.260</i>

23
24 **12.25.840 Accessory Uses and Structures Permitted by Right**. Accessory Uses vary based
25 on the Use categories contained in Subchapter 12.10. Accessory Uses are permitted in conjunction
26 with the primary industrial or commercial Use on the site and subject to the same regulations as
27 the primary Use unless stated otherwise in the Code. *Accessory structures as defined in Section*
28 *12.01.500 are permitted subject to the additional requirements in Section 12.40.100.*

1 **12.26.130** Uses [in SCFI].

2 **Table 12.26.130-1:**
3 **Use Categories in the SCFI Zone**

Use	Status	Clarifications
Retail Products and Services	L/C	See limitations in Section 12.26.150. <i>Day Care Facilities subject to additional regulations in Section 12.40.150.</i>

4
5 **12.26.140** Accessory Uses and Structures Permitted by Right.

6 *C. Accessory structures as defined in Section 12.01.500 are permitted subject to the*
7 *additional requirements in Section 12.40.100.*

8 **12.27.120** Uses and Activities Permitted Outright.

9 B. Standards for Uses and Activities Permitted Outright. The Uses and activities in subsection
10 A are permitted only in compliance with the following standards:

- 11 1. The Uses or activities remain in compliance with applicable Federal, State, and local
12 requirements; *and*
- 13 2. ~~The Uses or activities do not include any topographic alterations or encroachments;~~
14 ~~and~~
- 15 3. A registered professional civil engineer has certified that the Use or activity satisfies a
16 no-rise analysis and will not reduce the site's capacity to carry the base flood or cause
17 any increase in the base flood level.

18 **12.27.210** Applicability, Exemptions, Boundary Interpretation and Modification.

19 B. Exemptions.

- 20 1. Limited Impact Development. On a lot of record existing as of May 31, 2003,
21 development up to 200 square feet within a 5-year period is exempt from these
22 requirements.
- 23 2. Infrastructure Construction.
 - 24 a. Public Streets on Adopted Plans. Construction of a public street at a location
25 specified in an adopted City plan is exempt from the standards and procedures in
26 Sections 12.27.200 and 12.80.130, with the exception that such construction shall
27 comply with Section 12.27.250 regarding compensatory mitigation.
 - 28 b. Public or Private Streets or Access not on Adopted Plans. Construction of a
29 public or private street or access not specified in an adopted City plan is exempt
30 from the standards and procedures in Sections 12.27.200 and 12.80.130, but is
31 subject to the following standards:
 - 32 i. The construction is intended primarily to access buildable areas of the
33 property;
 - 34 ii. The improvements are designed and constructed to minimize
35 encroachments and impacts to the SNR area to the fullest extent

1 *practicable while safely accommodating safe passage of vehicles, bicycles,*
2 *and/or pedestrians;*

3 *iii. The proposed access is the most practicable alternative based on two*
4 *factors:*

- 5 • *The number of crossings through the SNR area is minimized by use*
6 *of shared access easements, tracts, or dedication of public right-of-*
7 *way; and*
- 8 • *The location, design and construction would accommodate future*
9 *extension of the access to other potentially buildable areas;*

10 *iv. The applicant has demonstrated that needed crossings would be*
11 *constructed using habitat-friendly practices consistent with Section*
12 *12.50.930.A.2.; and*

13 *v. Any encroachment is mitigated pursuant to Section 12.27.250.*

14 *c. Public Utilities on Adopted Plans. Construction of a public utility at a location*
15 *specified in an adopted transportation plan is exempt from the standards and*
16 *procedures in Sections 12.27.200 and 12.80.130, with the exception that such*
17 *construction shall comply with Section 12.27.250 regarding compensatory*
18 *mitigation.*

19 *d. Public or Private Utilities not on Adopted Plans. Construction of a public or*
20 *private utility not specified in an adopted transportation plan is exempt from the*
21 *standards and procedures in Sections 12.27.200 and 12.80.130, but is subject to*
22 *the following standards:*

- 23 *i. The applicant has demonstrated that there is no other practicable method*
24 *of providing the utility, within the project boundaries or off-site through*
25 *the use of easements. which does not affect the SNRO; and*
- 26 *ii. Any encroachment is mitigated pursuant to Section 12.27.250.*

27 *e. Alternative Development Techniques. Street or utility construction within a SNR*
28 *area using methods other than specified in this subsection is permitted only if the*
29 *applicant can demonstrate the following:*

- 30 *1. There is a public need for the proposed construction; and*
- 31 *2. The public benefit from the development outweighs the adverse impacts*
32 *on the SNR area resulting from the construction.*

33

1 **12.40.194.C Medical Marijuana Dispensaries; Standards**

2 7. Where Proximity Restrictions Bisect Properties. In the circumstance where a
 3 proximity restriction distance bisects a property, that property’s eligibility as a
 4 location for a dispensary shall be determined by the Planning Director under the
 5 Type II Director’s Interpretation process pursuant to Section 12.80.050, based on
 6 the factors listed below.

- 7 a. Whether the majority of the lot area is within or outside the boundary; and
- 8 b. Whether *the proposed dispensary premises inside* the existing or proposed
 9 building is *are* within or outside the boundary.

10 **12.50.320 Number of Spaces Required.**

11 **Table 12.50.320-1:**
 12 **Required Vehicle Parking Spaces for Residential Uses**
 13 **(required spaces are per dwelling unit unless specified otherwise)**
 14 **(see Section 12.50.335 for exceptions in the SCC-DT zone)**

Use Type	Minimum	Maximum*	
		Zone A	Zone B
Household Living			
<i>Dwelling in a Mixed-Use Building or Live-Work Dwelling</i>	1.0	.9 per bedroom	None

15
 16 **Table 12.50.320-2:**
 17 **Required Vehicle Parking Spaces for Commercial Uses**
 18 **(Required spaces are per 1000 sq. ft. Net Floor Area (NFA) unless otherwise specified)**
 19 **(See Section 12.50.335 for exceptions in the SCC-DT zone)**

Use Type	Minimum	Maximum	
		Zone A	Zone B
Office			
General office	2	4	4
Medical office	4	5	6
<i>Customer Service Communications Center</i>	<i>4.1</i>	<i>6.75</i>	<i>8</i>

20
 21 **12.50.360 Vehicle Parking and Loading: Design and Improvements.**

22 C. Dimensional Requirements for Parking Spaces, Access Aisles and Maneuvering Areas.

23 6. Wheel Stop Requirements. To prevent vehicle overhang from angled or perpendicular
 24 parking onto adjacent landscaping or walkways, or across a property line, 1 or more of
 25 the following improvements shall be installed at the perimeter of a parking lot as shown
 26 on Figure 12.50.360-C:

- 1 a. Wheel stops within each parking space, at least 4 inches high and 8 6 feet long,
2 located 18 inches from the landscaped area or walkway and placed perpendicular
3 to the length of the space; or

4 **12.50.450 Connectivity and Design Standards at or Near Major Transit Stops.**

5 A. Purpose. The standards of this Section are intended to promote pedestrian and transit travel
6 to office, retail commercial or institutional facilities, and to create safe and convenient
7 pedestrian access to major transit stops from retail commercial, office or institutional
8 buildings. ~~In this Section, a Major Transit Stop is an existing transit stop, or one shown on~~
9 ~~an adopted city plan, located on 1 of the following streets: *defined in Section 12.01.500.*~~

10 1. ~~Evergreen Parkway~~

11 2. ~~1st Avenue / Glencoe Road~~

12 3. ~~Cornell Road~~

13 4. ~~Main Street~~

14 5. ~~Baseline Street / Road~~

15 6. ~~Oak Street~~

16 7. ~~229th / 231st Avenue / Century Boulevard~~

17 8. ~~Washington Street~~

18 9. ~~185th Avenue~~

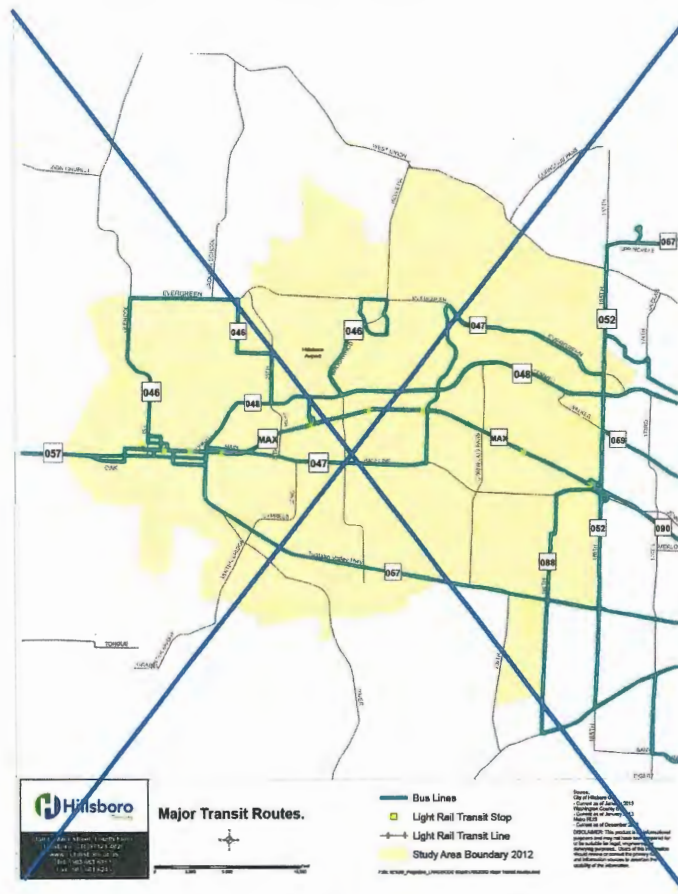
19 10. ~~Tualatin Valley Highway~~

20 11. ~~Existing and planned High Capacity Transit rights-of-way shown in adopted City plans~~

21

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**Figure 12.50.450-A:
Streets with Major Transit Stops**



4

[Existing Figure 12.50.450-A: Streets with Major Transit Stops to be deleted]

5

6

12.64.360 On-Site Parking and Loading: Location, Design and Improvements.

7

E. Electric Car Charging. In parking facilities larger than 100 vehicle parking spaces, at least 1 **publicly-accessible** electric car charging point within a rated capacity of at least 240 volts shall be provided per 100 spaces or portion thereof.

8

9

10

12.64.650 Streetscape Standards.

11

B. Residential Focus Streetscape Standards.

12

1. Streetscape requirements illustrated in Figure 12.64.650-B apply to all streets shown on Figure 12.64.640-A except:

13

14

a. Streets designated as Retail Focus Frontage areas on Figure 12.64.540-A.

15

b. Mixed-Use Commercial Streets identified in Figure 12.64.640-A.

16

2. Sidewalk dimensions may be reduced to 10 feet for Private streets based on the following minimum widths, as illustrated on Figure 12.64.650-B:

17

18

a. Building frontage zones shall be a minimum of 1 foot 6 inches in width;

- 1 b. Through pedestrian zones shall be a minimum of 4 feet in width;
- 2 c. Furnishing zones shall be a minimum of 4 feet in width; and
- 3 d. The curb shall be a minimum of 6 inches in width.
- 4 3. Where Residential Focus Streetscape Standards apply and retail Uses and services are
- 5 proposed on the adjacent street frontage, the Commercial Focus Streetscape Standard
- 6 may be applied through a Type II or a Type III approval process.
- 7 4C. Sidewalk design shall include paving in 3-foot modules and shall define a pedestrian
- 8 through zone and a sidewalk furnishing zone (located between the curb and pedestrian
- 9 through zone, except at curb extensions). A building frontage zone shall be defined for all
- 10 Mixed-Use Commercial Streets identified on Figure 12.64.640-A.
- 11 5D. Street trees, street lights, regulatory signs, bike racks, street furnishings, and landscape
- 12 plantings shall be located in the sidewalk furnishing zone.
- 13 6E. Vegetated stormwater planters may be used on Private streets and Green Access Lanes.
- 14 7 F. Bulb-outs or curb extensions are required at all full street intersections.
- 15 8G. ~~Street Trees. in Residential Focus Areas.~~ ~~In Residential Focus Areas~~ Numbers of street
- 16 trees per block shall be maximized by applying the following standards in addition to the
- 17 standards in Section 12.64.630. Where these standards conflict with Section 12.64.630,
- 18 these standards shall prevail.
- 19 1. Street tree spacing shall be consistent with the growth and spread of actual species and
- 20 based on a 3-foot module.
- 21 2. Street tree spacing shall be based on the street lighting layout. Street trees shall not be
- 22 planted within 20 feet of a street light.
- 23 3. Street trees shall not be planted within the sight distance / vision clearance triangle at
- 24 any street or driveway intersection.
- 25 4. Street tree well sizes shall meet the following dimensions:
- 26 a. 4 feet by 6 feet on retail and commercial frontages where Commercial Focus
- 27 Streetscape Standards are applied under Subsection 12.64.650.A; or
- 28 b. In all other locations, from 4 feet by 9 feet to 4 feet by 15 feet with landscape
- 29 plantings, with 4 foot by 6 foot concrete unit pavers provided at car door
- 30 locations.
- 31 9 H. Ornamental Street Lights. Ornamental street lights shall be installed wherever public or
- 32 Pprivate street improvements are required as part of a development. Light poles and
- 33 luminaries from Portland General Electric’s “Option B” materials shall be used as follows:
- 34 a1. Luminaire: Hadco Utility Westbrooke; flared; black.
- 35 b2. Pole: Hadco Techtra; Black; with Shepherd’s Hook Style Mast Arm.
- 36 10 I. Street Furniture. Benches, trash receptacles, drinking fountains, bollards and other street
- 37 furniture items shall be of the same general design and quality as those used at the Hillsboro
- 38 Civic Center. As an alternative, street furniture items of a complementary design may be

1 provided as identified on an adopted streetscape plan approved by the Transportation
2 Committee and the Planning Director.

3 **12.64.820 [Amberglen Building Design Standards] Applicability.**

4 **A. Unless otherwise specified, the provisions of Section 12.64.800 shall apply as follows:**

- 5 1. *In the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones; to all new*
6 *development; and*
- 7 2. *In the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones, to all redevelopment*
8 *or expansion of existing structures as of July 5, 2012 that increase the gross floor*
9 *area of the existing structure by more than 20%.*
- 10 3. *In all zones, pursuant to Subsection 12.64.020.B, expansions of gross floor area by*
11 *less than 20% shall comply with either of the following standards at the applicant's*
12 *discretion:*
 - 13 a. *The provisions of Section 12.64.800; or*
 - 14 b. *The development standards applicable to the structure prior to July 5, 2012.*
- 15 4. *In the UC-RP zone, the provisions of Section 12.64.800 do not apply*

16 **B. Pursuant to Section 12.50.020.C, the standards in Section 12.64.840 supersede the**
17 **standards in Section 12.50.800. However, the standards in Section 12.50.800 shall**
18 **prevail where Section 12.65.800 is silent.**

19 **12.64.840 Building Design and Character.** ~~In the AmberGlen Plan District, the standards in~~
20 ~~Section 12.64.840 supersede the standards in Section 12.50.800, except that the latter standards~~
21 ~~shall prevail where the former standards are silent.~~

22 **F. Materials.**

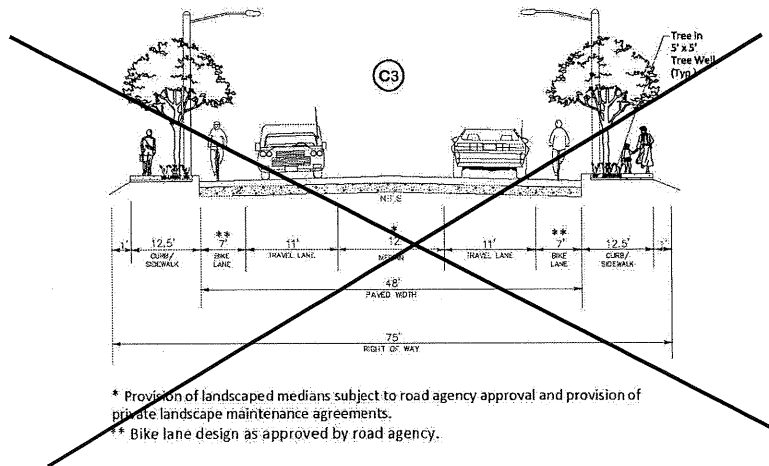
- 23 1. Primary building materials shall be used on at least 80% of the façade and may include
24 those listed in Subsections a through g, below, as approved by the Review Authority.
25 The remaining 20% of the façade may be non-primary materials:
 - 26 a. Brick, stone, or other natural masonry products;
 - 27 b. Cast concrete;
 - 28 c. Articulated architectural concrete masonry units (CMU);
 - 29 d. Traditional hard coat Stucco;
 - 30 e. Steel;
 - 31 f. Glass; or
 - 32 g. Comparable materials approved by the Review Authority.
- 33 2. ~~In the UC-MU zone, glass may be used as a primary building material on portions of~~
34 ~~buildings that exceed 6 stories in height.~~
35 *Smooth surface concrete panels and/or fiber cement panels may be used as a non-*
36 *primary material provided such materials are compliant with Subsection 12.64.840.D*
37 *regarding articulation and design.*

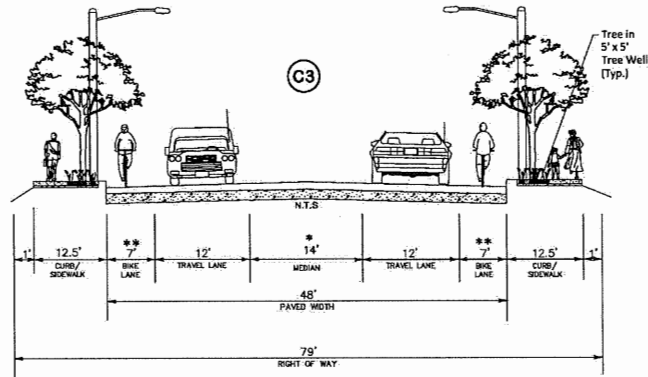
3. The following materials are Not Permitted on any façade:
 - a. T-111 siding;
 - b. Synthetic stucco (EIFS);
 - c. Untreated wood products; *or*
 - d. Cinder block.
 - e. Smooth surface concrete panels not compliant with Subsection 12.64.840.D; and
 - f. Fiber cement panels not compliant with Subsection 12.64.840.D.

12.65.940 Street Cross-Sections [in South Hillsboro Plan District]

Replace Figure 12.65.940-J "C3" - City 3-Lane Collector with updated cross-section.

Figure 12.65.940-J: "C3" – City 3-Lane Collector with 12-Foot Sidewalks

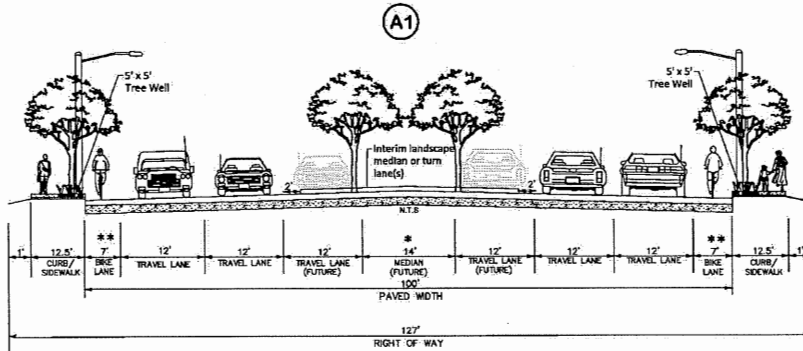




* Provision of landscaped medians subject to road agency approval and provision of private landscape maintenance agreements.
 ** Bike lane design as approved by road agency.

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2
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*Add third notation under Figure 12.65.940-N "A-1" County 7-Lane Arterial:
 *** No on-street parking allowed on Cornelius Pass Road.*



* Provision of landscaped medians subject to road agency approval and provision of private landscape maintenance agreements.
 ** Bike lane design as approved by road agency.
 *** No on-street parking allowed on Cornelius Pass Road.

4
5
6
7

12.70.020 Summary of Review Procedures.

**Table 12.70.020-1:
 Land Use Applications, Procedures, and Review Authorities**

Permit/Application	Procedure Type ¹	Neighborhood Meeting Required	Review Authority ²		Primary Code Sections
			Decision ³	Appeal	
Development Review					
• <i>Type II</i>	II		PD	PC	12.80.040

Permit/Application	Procedure Type ¹	Neighborhood Meeting Required	Review Authority ²		Primary Code Sections
			Decision ³	Appeal	
• <i>Type III</i>	<i>III</i>		<i>PC</i>	<i>CC</i>	<i>12.80.040</i>
Planned Unit Development	III	✓	PC <i>PC (R)</i> <i>CC (D)</i>	CC <i>LUBA</i>	12.80.120
Zone Change					
• City Initiated	III		PZHB (R) <i>PC (R)</i> <i>CC (D)</i>	LUBA	12.80.160

1
2 **12.70.140 Expiration of Decision.**

- 3 A. Unless a different period of time is established within the Decision, or under subsection D
4 below, land use actions and permits granted pursuant to this Subchapter shall expire and
5 become void automatically as provided under Table 12.70.140-1 unless 1 of the following
6 circumstances has occurred: *[paragraphs 1-4 remain unchanged]*

7 **Table 12.70.140-1:**
8 **Expiration and Extension of Decisions**

Procedure Type	Valid period before Expiration <i>without Extension</i>	Extension Allowed? <i>First Extension</i>	Maximum Valid Period with Extension(s), before Expiration <i>Additional or Longer Extension</i>
Type I	2 years	No <i>Extension Not Permitted</i>	Not applicable 3 years (with one 1-year extension)
Type II	2 years	Yes , <i>1 year</i> see Section 12.70.150.B	4 years (with one 2-year extension) Not applicable
Type III	2 years	Yes , <i>2 years</i> see Section 12.70.150.B	<i>See Section 12.70.150.C</i>
Type IV	No expiration date	<i>Extensions Not applicable</i>	

- 9 B. If multiple applications are processed concurrently, the Review Authority shall specify in
10 the Notice of Decision a uniform expiration period for the concurrent applications.
- 11 C. If a final local decision is on appeal, the effective date of the decision and corresponding
12 valid period before expiration shall begin when the final decision is issued on the appeal.
- 13 D. Zone changes processed under Section 12.80.160 are not subject to expiration or extension.
14

1 **12.70.150 Extension of Decision.**

2 D. Extensions for Multi-phase Projects. Phasing schedules are required as part of the initial
3 decision for multi-phase projects. Longer approval periods for multi-phase projects may
4 be authorized if approved by the ~~Planning and Zoning Hearing Board or the Planning~~
5 ~~Commission~~ **Review Authority.**

6 2. Phasing extensions shall be approved by the ~~Planning and Zoning Hearing Board or~~
7 ~~the Planning Commission~~ **Review Authority** through the Type III procedure. The
8 Review Authority may modify or add conditions of approval.

9 **12.70.180 Appeals.**

10 G. Specific Provisions for Appeal of a Type II Decision.

11 3. The appeal hearing shall be “de novo”, meaning new evidence and argument can be
12 introduced in writing and/or orally.

13 4. ~~The scope of the appeal hearing of a Type II decision shall be limited to the approval~~
14 ~~criteria, written comments provided under Subsection 12.70.040.F, and/or the~~
15 ~~conditions of approval, and reasons why a finding and/or condition of approval are or~~
16 ~~are not in error as a matter of fact and/or law. This limitation on the scope of Type II~~
17 ~~appeals is intended is to encourage persons with standing to submit their~~12.80.120.
18 ~~specific concerns in writing during the original 14-day comment period.~~

19 H. Specific Provisions for Appeal of a Type III Decision.

20 1. A Type III decision may be appealed by the applicant or any person who participated
21 by providing either oral or written evidence on the record leading to the decision by the
22 Review Authority. ~~All appeals of Type III decisions shall be heard by the City Council.~~
23 ***Appeals of Type III decisions may be heard by either the City Council or by the Land***
24 ***Use Board of Appeals: see Table 12.70.020-1.***

25 **12.80.040 Development Review.**

26 B. Applicability. Approval of a Development Review application is required in all of the
27 following circumstances:

28 1. ~~New development as defined in Section 12.01.500, excluding detached single-family~~
29 ~~dwelling and accessory structures in the SFR, MFR-1, SCR-LD, or SCR-MD zones;~~
30 ***in any zone excluding the exemptions listed in Subsection D below.***

31 2. Secondary dwelling units in all zones;

32 3. Alteration, expansion, or new construction of any structure in the SCR-DNC or SCR-
33 OTC zones;

34 4. Expansion of existing multi-family residential, commercial, or mixed-use buildings
35 which increases existing floor area by 10% or more and is visible from a public right-
36 of-way or an adjacent residential zone;

37 5. Expansion of existing industrial buildings which increases existing floor area by 15%
38 or more and is visible from a public right-of-way or an adjacent residential zone;

- 1 6. Alteration of more than 10% or **500 sq. ft., whichever is less**, of the façade of any
- 2 multi-family, commercial, mixed use, industrial or institutional building where the
- 3 façade is visible from the public right-of-way;
- 4 7. Manufactured dwelling parks;
- 5 8. Major site alterations on sites where construction is not anticipated for 30 days or more
- 6 following grading; and
- 7 9. Any other development project for which Development Review is required as a
- 8 condition of approval of another land use approval or permit.

9 D. Exemptions. The activities, development and construction projects listed below are exempt
 10 from Development Review approval, but are subject to all other applicable provisions of
 11 this Code:

- 12 1. Detached single family dwellings and accessory structures in the SFR, MFR-1, SCR-
- 13 LD, or SCR-MD zones;
- 14 2. ~~Agricultural~~ **Horticultural** uses *not involving buildings*;
- 15 3. **Minor site alterations as defined in Section 12.01.500**;
- 16 4. Manufactured dwellings on individual lots where allowed under Subchapters 12.21
- 17 through 12.26;
- 18 5. Interior remodeling of an existing building or structure (also called tenant
- 19 improvements) or building alterations required to meet ADA or Oregon Residential
- 20 Specialty Code or Oregon Structural Specialty Code requirements as applicable;
- 21 6. Certified or registered family child care or licensed residential senior care home;
- 22 7. Home Occupation Permits;
- 23 8. Maintenance of a building, structure, or site consistent with previous approvals;
- 24 9. Temporary structures associated with temporary uses;
- 25 10. Accessory structures not requiring a building permit but subject to other provisions of
- 26 this Code (such as accessory structures in the SCR-OTC or SCR-DNC zones); **and**
- 27 11. Construction, alteration, or maintenance of public infrastructure including streets,
- 28 traffic control devices, drainage ways, sanitary and storm sewers, stormwater quality
- 29 facilities, water lines, electrical power or gas distribution lines, or telephone or
- 30 television cable systems. ~~and~~
- 31 12. ~~Excavation and fill involving 50 cubic yards or less which does not adversely affect~~
- 32 ~~drainage patterns and is not located within a floodplain or significant natural resource~~
- 33 ~~area.~~

34 E. Procedure. Development Review applications are subject to the Type II procedure as
 35 described in Section 12.70.040, **unless any of the following circumstances apply**:

- 36 1. The applicant chooses to submit an ~~Development Review~~ application for Type III
- 37 procedure;

- 1 2. *The Development Review application is submitted concurrent with a Type III*
2 *primary application which includes a Type III Adjustment; or*
- 3 3. *The Type III process is required for Development Review by the Review Authority*
4 *as a condition of approval on a previous or related land use approval.*

5 **12.80.096 Partition.**

6 C. Lot Size Limitations for Partitions. In order to effectively implement density standards and
7 subdivision requirements, and except as provided in subsection D below, partitions for
8 single family residential development shall not be processed on single lots or aggregated
9 contiguous lots under the same ownership with sufficient net buildable area to allow
10 creation of 4 ~~or more~~ *more than 3* lots meeting the ~~minimum~~ *density range* requirements
11 of this Code.

12 D. Homestead Exception. On the larger lots cited in subsection C above, a 2-lot partition
13 application may be accepted only to divide 1 smaller parcel for a single family house from
14 a larger parent parcel, provided the parcel for the single family house does not have
15 sufficient lot area to allow further division under the standards of the applicable base zone.
16 This exception may also include creation of tracts for natural resource preservation ~~or~~
17 ~~Private streets~~, and/or creation of public right-of-way.

18 **12.80.098 Subdivision.**

19 G. Concurrent Requests for Minor Adjustments. A request for a Minor Adjustment to any
20 standard shall be made in accordance with Section 12.80.154 and shall be reviewed as part
21 of the subdivision preliminary plat application. The Minor Adjustment process can be used
22 in conjunction with a Minor or a Major Subdivision application. The Minor Adjustment
23 process cannot be used to vary or take an exception from the standards listed in Subsection
24 12.80.150.C.

25 M. Subdivision Final Plat Submittal. Except as provided in paragraph 7 6 below, an application
26 for subdivision final plat shall be reviewed under the Type I procedure, as described in
27 Section 12.70.030. At a minimum, an application for a final plat shall include the
28 following:

- 29 5. Signed and notarized copies of all supplemental documents required by the preliminary
30 plat approval, such as Covenants, Conditions and Restrictions, Waivers of
31 Remonstrance, or easements; and
- 32 6. For residential subdivisions only, representative sample elevations demonstrating
33 compliance with Subsection 12.50.710.C or Subsection 12.50.720.C as applicable,
34 unless submitted with the preliminary subdivision plat. If representative sample
35 elevations are submitted with the final plat, the final plat application shall be reviewed
36 under the Type II procedure described in Section 12.70.040.

37 **12.80.100 Modification of Approved Plans and Permits.**

38 H. Approval Criteria. To approve a Minor or Major Modification application, the Review
39 Authority shall make findings of fact, based on evidence provided, that the following
40 criteria are satisfied:

- 1 1. The location, size, and functional characteristics of the modified development can be
2 made reasonably compatible with, and would have a minimal impact on, properties
3 surrounding the subject site; *and*
- 4 2. New elements are provided that functionally compensate for any negative effects
5 caused by the requested modification(s). New elements used to compensate for a
6 negative effect shall be of at least equal value to the elements proposed to be changed.
7 *and*
- 8 43. ~~For all Modifications;~~ The criteria in ~~this subsection~~ *Paragraphs 1 and 2 above* shall
9 be applied only to the area and/or lots within the development that are affected by the
10 proposed Modification.
- 11 34. In the case of a Major Modification, ~~that the modified~~ the entire development with the
12 proposed modification ~~remains in~~ *shall demonstrate* compliance with the approval
13 criteria of the original application.

14 **12.80.120 Planned Unit Development.**

15 G. Consolidated, Concurrent and Deferred *Sequential* Applications.

- 16 1. ~~A PUD application with a consolidated Land Division and/or Development Review~~
17 ~~application shall be reviewed for compliance with the approval criteria of each~~
18 ~~consolidated application type during the PUD review.~~
- 19 2. ~~A PUD application with a concurrent Development Review application shall have each~~
20 ~~application reviewed for compliance with the approval criteria of each application~~
21 ~~individually.~~
- 22 3. ~~A PUD application with a deferred Land Division and/or Development Review~~
23 ~~application shall have each application reviewed for compliance with the approval~~
24 ~~criteria of each application individually.~~
- 25 *1. Applications for PUDs and implementing Land Division and/or Development Review*
26 *applications may be submitted at the applicant's discretion as consolidated,*
27 *concurrent or sequential, and shall be processed as described in Table 12.80.120-1*
28 *below:*

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**Table 12.80.120-1:
Consolidated, Concurrent and Sequential PUD Applications**

	<i>Consolidated</i>	<i>Concurrent</i>	<i>Sequential</i>
Procedure Type	<i>All applications processed as Type III</i>	<i>Applications may be Type II or Type III as required in Table 12.70.020-1.</i>	
Submittal	<i>All applications submitted together</i>	<i>Applications submitted simultaneously or consecutively.</i>	<i>Applications submitted consecutively.</i>
Signature forms	<i>Separate signature forms submitted for each application.</i>		
Narrative	<i>Criteria and standards for all applications addressed in single narrative</i>	<i>Criteria and standards for each application addressed in separate narratives.</i>	
Plans	<i>Submitted in single package</i>	<i>Submitted in separate packages with applications.</i>	
Public Notices	<i>One public notice mailed for all applications; notice references applicable approval criteria and sections for all applications submitted in the consolidated packet.</i>	<i>Public notices mailed either simultaneously or consecutively, dependent on application submittal date and procedure type. Notices cross-reference related applications.</i>	<i>Public notices mailed consecutively. Notices cross-reference related previous applications.</i>
Staff Reports	<i>All applications and issues reviewed in a single staff report.</i>	<i>Applications and issues reviewed in separate staff reports.</i>	
Public Hearings	<i>All applications reviewed in a single hearing.</i>	<i>Applications reviewed separately under the applicable process(es) and Review Authority.</i>	
Notice of Decision	<i>Single decision issued: may have subsections for each application.</i>	<i>Multiple decisions issued: approvals may be cross-conditioned upon approval of related applications.</i>	

2. *If the applicant chooses to submit the implementing Development Review application sequentially, the PUD concept plan application must include sufficiently detailed building locations, dimensions, elevations, and building and landscaping materials palettes to clearly establish the standards by which the Development Review application will be reviewed administratively as a Type II application under Section 12.70.040.*

H. Planned Unit Development Submittal Requirements. Type III application submittal requirements are set forth in Section 12.70.050 and more specific submittal requirements are provided on application forms and checklists as authorized in Section 12.70.110. At a minimum, a PUD shall include the following:

1 4. Concept Plan sets including but not limited to the following:

2 c. **Conceptual** architectural Designs, including ~~conceptual~~ drawings, illustrations and
3 building elevations, with exterior materials board and color palette. This
4 requirement may be satisfied in a concurrent Type III Development Review
5 application);

6 I. ~~Deferred Development Review. If the applicant chooses to defer review of the~~
7 ~~implementing Development Review application, the PUD concept plan application must~~
8 ~~include sufficiently detailed building locations, dimensions, elevations, and building and~~
9 ~~landscaping materials palettes to clearly establish the standards by which the Development~~
10 ~~Review application will be reviewed administratively as a Type II application under~~
11 ~~Section 12.70.040.~~

12 [*Remaining subsections J-R renumbered as I-Q*]

13 ~~K.J.~~ Concept Plan Approval Criteria. To approve a PUD concept plan, the Planning
14 Commission shall make findings, based on evidence provided, that the following criteria
15 are satisfied:

16 1. The development concept demonstrates that the PUD has some significant advantages
17 over a standard development allowed under base zoning standards. “Significant
18 advantages” in this context may include, but are not limited to, one or more of the
19 following:

20 f. The PUD features outstanding sustainability in site design and construction; **such**
21 **as enhanced architectural design and materials;** best management practices for
22 on-site storm water management, green building materials, water and energy
23 efficiency, and/or ~~urban agriculture~~ **horticultural activities.**

24 **12.80.150 Variances and Adjustments.**

25 B. Applicability of Provisions; Exemptions.

- 26 1. The Variance application (VAR) shall be used if pre-existing conditions on an existing
27 lot create a hardship in developing the lot consistent with the standards of this Code.
- 28 2. The Minor Adjustment process shall be used only under the following circumstances:
- 29 a. As part of a Type II Development Review application for development on existing
30 lots;
- 31 b. As part of a Type II Partition or Minor Subdivision application for development on
32 proposed lots; or
- 33 c. As part of a Type III Planned Unit Development application.
- 34 3. The Major Adjustment process shall be used only as part of a Planned Unit
35 Development application or as part of a Type III Development Review application for
36 development on existing or proposed lots.
- 37 4. With the exception of the standards listed in subsection C below, Minor Adjustments,
38 and Major Adjustments may be submitted to request flexibility in the application of
39 standards as shown in Table 12.80.150-1.

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5. The lot dimension variations specified in Section 12.50.110 are permitted without the approval of a variance or adjustment, subject to compliance with the standards of that section.
6. *Applications for land divisions to divide duplexes or townhouses into separate lots are exempt from the variance and adjustment processes, provided that the parent parcel meets the minimum lot dimension standards of the applicable underlying zone.*

EXHIBIT B
(Findings)

COMMUNITY DEVELOPMENT CODE AMENDMENT 003-15
OMNIBUS 2 AMENDMENTS

Process:

The proposed amendments were initiated through approval of Planning Commission Order No. 8160 on September 23, 2015. A public hearing was held on October 28, 2015 and was continued to November 10, 2015. Notice of the hearing was sent to the Department of Land Conservation (DLCDC) and published in a newspaper of general circulation as required in Community Development Code 12.70.060. There was no testimony received at the public hearing.

Following receipt of comments from the City Attorney's office and deliberation, the Commission voted to recommend City Council approval of the proposed amendments.

Language of Proposed Amendments:

The language of the proposed amendments is included in Exhibit A to Ordinance No. 6149.

Incorporation of Additional Documents:

The following documents are hereby included in these findings and incorporated by reference:

- Planning Department staff report dated October 21, 2015 with 2 attachments
- Planning Department supplemental staff report dated November 4, 2015, with 1 attachment

Compliance with Applicable Criteria (CDC Section 12.80.140.D):

1. The CDCA addresses an issue or issues of concern on a variety of properties or conditions, and is not intended to resolve a property-specific or condition-specific situation.

During consideration of the CDC, several Planning Commissioners emphasized the need to keep the document updated on a regular basis. Staff made the commitment to a regular "omnibus" update. The "Omnibus 2" amendments are the second of those updates. In general, the Omnibus 2 amendments fall into one or more of the following categories:

- *corrections of inadvertent omissions in the CDC*
- *re-formatting and/or rewording of existing language to clarify its intent*
- *additions of cross-references for clarity*
- *revision of language to more accurately reflect current procedural practice, and/or*
- *addressing issues of interpretation having arisen since adoption of the CDC.*

As listed in Exhibit A, the amendments address a wide spectrum of general issues. Although some amendments are proposed in response to a particular circumstance or concern raised on a certain property, none are property-specific. This criterion is met.

2. The CDCA is consistent with relevant goals and policies of the Hillsboro Comprehensive Plan, any applicable Community Plans, and with the provisions of this Code.

There are no Community Plans applicable to these amendments: this portion of the criterion is not applicable.

As described in the process section of these findings, the proposed amendments were initiated by the Planning Commission; notice was provided to DLCD and to the public, and public hearings were held to receive testimony. The procedural requirements of Section 12.70.060 have therefore been met.

The current language of the Comprehensive Plan addresses implementation only in relation to specific policies, including Station Area Community Plans, transportation, housing, etc. Although there are no Plan policies which address periodic updates of the implementing CDC, Section 1 Planning and Citizen Involvement does contain Goal VII which supports “continual review” of the Comprehensive Plan itself, “in order to address Citywide or community needs.” The proposed amendments are consistent with the intent of this Goal. This criterion is met.

3. The CDCA is consistent with relevant provisions of the Metro Urban Growth Management (UGM) Functional Plan (*Metro Code Chapter 3.07*).

None of the Titles in the Metro UGM Functional Plan are relevant to the proposed amendments. This criterion is not applicable.

4. The CDCA is consistent with relevant provisions of the Statewide Planning Goals, the Oregon Administrative Rules (OAR), and State statutes.

None of the Statewide Planning Goals are directly relevant to the Omnibus 1 amendments: this criterion is not applicable.

Oregon Revised Statutes (ORS) 197.610 – 197.651 and Oregon Administrative Rule (OAR) 660-018 lists requirements for “Post-Acknowledgement [Plan] Amendments” also known as POPAs. These requirements are reflected in CDC Section 12.70.060 regarding the Type IV process, and Section 12.80.140 Text Amendment applications. As described earlier, the amendments meet the internal procedural requirements of the CDC, and therefore meet these state regulations.

5. The CDCA is deemed by the Review Authority to be desirable, appropriate, and proper.

Based on the comments received from the staff and the City Attorney, the information in the staff reports dated October 28, and November 4, 2015, the attachments thereto, and these findings, the Planning Commission deems the proposed amendments to the Community Development Code to be desirable, appropriate and proper, and recommends their approval to the City Council.