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CONDITIONAL USE APPLICATION

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable Ordinance prior to submitting an application. When applicable, applicants are also advised to submit three (3) draft application packages in advance of deadline dates for public hearings: a list of meeting dates and deadlines is available on request. **INCOMPLETE APPLICATIONS WILL NOT BE SCHEDULED FOR PUBLIC HEARING UNTIL THE PLANNING DEPARTMENT RECEIVES ALL REQUIRED SUBMITTAL MATERIALS.**

TRACKING INFORMATION (For Office Use Only)

Planner _____ File #_____Hearing Date_____

Applicant_____ Property Owner_____

SITE LOCATION & DESCRIPTION

Tax Map #(s)_____ Tax Lot #(s)_____

Frontage Street or Address_____

Nearest Cross Street_____

Plan Designation_____ Zoning_____ Site Size_____ (acres or sq. ft.) Dimensions _____

SUMMARY OF REQUEST

Proposed Project Name_____

Project Type/Narrative Summary: *(Provide a brief summary including the nature of activities, number of students/participants, hours of operation, and specify project type: Single-family Residential, Multi-family Residential, Institution, Commercial, Industrial, Mixed Use)*

_____

_____

_____

_____

_____

_____

_____

# of Buildings _____ # of Parking Spaces _____ # of Handicap Parking Spaces _____ % of Landscaping _____

Subject to previous Land-use approval? ☐ Yes ☐ No File No. _____ *(attach copy of Notice of Decision)*

NOTE: The summary provided above must be part of a more extensive written narrative that describes the project and justifies the requested conditional use based on the approval criteria. For more information read Approval Criteria and Submittal Requirements attached.

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CONDITIONAL USE APPLICATION
(CONTINUED)

DETAILED SITE INFORMATION

Are any of the following present on the site? *If so, please specify number of acres and/or percentage of site affected.*

Floodplain_____ Wetlands_____ Significant Natural Resources_____

Cultural Resources_____ Airport Noise Contours_____ Slopes greater than 25%_____

Water Provider: ☐ City of Hillsboro ☐ Tualatin Valley Water District ☐ Other: _____

Does the site have access to City Street(s) ☐ Yes ☐ No *(Please explain)* _____

_____

Does the site have access to County Road(s) ☐ Yes ☐ No *(Please explain)* _____

_____

Are there existing structures on the site? ☐ Yes ☐ No *(If Yes, briefly explain future status of structures.)*_____

_____

OWNERSHIP AND APPLICANT INFORMATION

Property Owner Name(s)_____

Mailing Address/State/Zip_____

Phone #_____Fax #_____Email Address_____

Does the owner of this site also own any adjacent property? ☐ Yes ☐ No *(If Yes, please list tax map and tax lots)*

_____

Property Owner's Signature_____Date:_____

(If more than one property owner, please attach a separate sheet with additional names and signatures.)

Applicant _____

Mailing Address/State/Zip_____

Phone #_____Fax #_____Email Address_____

Applicant's Signature_____Date:_____

Applicant's interest in property_____

_____

COMPLETENESS CHECK **(For Office Use Only)**

Received by_____ Date_____

Accepted as complete by_____ Date_____

Additional reviews pending? ☐**YES** ☐**NO** If yes, what is the File #_____

Receipt #_____ Fee(s) Paid_____

APPROVAL CRITERIA AND REQUIREMENTS
(CONDITIONAL USE)

The approval criteria and requirements for a Conditional Use are listed in Sections 78 through 83 of the Zoning Ordinance as follows:

Section 78. Authorization to Grant or Deny Conditional Uses. Uses designated in this Ordinance as conditional uses permitted shall be permitted or enlarged or altered upon approval of the Hearings Board, in accordance with the standards and procedures specified in Sections 78 to 83. In permitting a conditional use, the Board may impose, in addition to the regulations and standards expressly specified by this Ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole.

Change in use, expansion, or contraction of site area or alteration of structures or uses classified as conditional, existing prior to the effective date of this ordinance, shall conform to the regulations pertaining to conditional uses. If the site is found inappropriate for the use requested, the Board may deny approval of the conditional use.

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

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

a) Methodology generally in accord with the standards and procedures set forth in Washington County Resolution and Order 86-95 and related code provisions;

b) Differentiation between traffic safety improvements necessary due to impacts of the project, and roadway capacity improvements necessary due to traffic volume generated by the project;

c) Utilization of Level of Service (LOS) standards for both intersection and roadway segments as specified in Table 137.4, determined by the methodology in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

The Report shall include the following:

a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.

b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and

c) Analysis of the 95th percentile queuing requirements at affected turn lanes.

Section 80. Public Hearing on a Conditional Use. Before acting on a request for a conditional use, the proposed Conditional Use shall be considered by the Hearings Board at a Public Hearing held within 40 days after filing of the application. (Exception: See Section 55, Subsection (1).) The City Recorder shall give notice of the hearing in each of the following manners:

1. By publication of a notice in a newspaper of general circulation in the City not less than four days nor more than 18 days prior to the date of the hearing.

2. By sending notices by mail not less than 10 days prior to the date of the hearing to the owners of property situated within a 500 foot radius of the boundary of the property subject to the request, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the application for a conditional use.

Section 81. Recess of the Hearing by the Hearings Board. The Board may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons who it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Board shall announce a time and date when the hearing will be resumed.

Section 82. Notification of Action. The City Recorder shall notify the applicant for a Conditional Use in writing of the Board's action within five days after the decision has been rendered.

Section 83. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located, except as specifically modified in granting the conditional permit or as otherwise provided as follows:

(1) **Setbacks**. In a residential zone or in a C-4 zone yards shall be at least one-half the height of the principal structure. In any zone yards greater than the standard of the zone in which the use is located may be required.

(2) **Height exception**. The height limitations of a zone may be exceeded for a church or governmental building as a conditional use to a maximum permitted height of 50 feet, provided the total floor area of the conditional use shall not exceed one and one-half times the area of the site and provided the yards have a minimum width equal to at least one-half of the height of the principal structure.

(3) **Limitations on access to lots and on openings to buildings**. The city may limit or prohibit vehicular access from a conditional use to a residential street not designated as an arterial street on an officially adopted street plan; and it may limit or prohibit openings in sides of a building or structure permitted as a conditional use within 50 feet of a residential zone if such openings will cause glare, excessive noise, or other adverse effects on adjacent residential properties.

(4) **Signs**. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 15.20.)

(5) **Child Care Facilities and Schools.**

(a) Child Care Facilities shall provide at least 75 square feet of outdoor space for each child using the area at one time. In centers where groups of children are scheduled at different times for outdoor play, there shall be 75 square feet times one-third of the center's capacity. A sight-obscuring fence at least four feet but not more than six feet in height shall be provided separating the play area from abutting lots.

(b) Primary schools shall provide a minimum of one acre of site area for each 90 pupils or a minimum of one acre for each three classrooms, whichever is greater.

(c) Elementary schools shall provide a minimum of one acre of site area for each 75 pupils or a minimum of one acre for each two and one-half classrooms, whichever is greater.

(6) **Utility substation or pumping substation**. The minimum lot size of the zone in which a public utility facility is to be located may be waived only on finding that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site in a residential zone or in a C-4 zone. Such uses shall be fenced and provided with landscaping as found necessary.

(7) **Dwellings**. In no case shall the standards for a dwelling as a conditional use be less than the standards of an A-2 zone.

APPROVAL CRITERIA AND REQUIREMENTS
(CONTINUED)

(8) **Incidental truck and trailer rental within existing storage facilities**. The storage of trucks and trailers within an existing storage facility shall not be visible from adjacent streets or adjacent properties zoned residential. In addition, the number of trucks shall be limited to four and the number of trailers shall be limited to eight.

(9) **Animal Service Facility or Accessory Outdoor Area.**

a) An application for an animal services facility or for accessory outdoor exercise areas shall specify the following operational conditions of the facility or area:

i) Average number of animals kept during a 24-hour period, weekdays and weekends, and maximum number of animals kept during peak periods;

ii) On-site pick-up / drop-off vehicle circulation patterns;

iii) interior and exterior noise attenuation materials to be used, including but not limited to solid exterior noise barriers and enhanced interior building insulation;

iv) visual screening of outdoor exercise areas or runs;

v) sanitation measures for outdoor exercise areas;

vi) staffing levels during all hours of operation; and

vii) schedule and scale of training, competition, or show activities generating additional vehicular traffic or on-site activities.

b) Accessory outdoor exercise areas shall comply with the following standards:

i) Not more than 10 animals per 1000 square feet of outdoor exercise area shall be permitted in the area at any given time;

ii) Outdoor exercise areas shall be fully screened from adjacent properties and from public right-of-way;

iii) Noise attenuation measures shall be provided on the walls or fences of outdoor exercise areas, to mitigate animal generated noise. This standard will be considered met if the applicant provides documentation from a qualified sound engineer that the sound attenuation measures will ensure compliance with the following standards:

a. Animal-generated noise at any property line of the site does not exceed 60 dBA at any time except as provided in subsection b.

b. Animal-generated noise above 60 dBA shall be allowed on an “infrequent” basis within the 12-hour period between 7:00 a.m. and 7:00 p.m. of the same day. In applying this standard “infrequent” is defined as either:

1) continuous animal-generated noise of up to 70 dBA at a property line for no more than ten (10) minutes of the 12-hour period; or

2) intermittent animal-generated noise of up to 70 dBA at a property line for no more than thirty (30) minutes of the 12-hour period.

For purposes of measuring “infrequent” sound levels from approved outdoor exercise areas, Hillsboro Municipal Code Section 6.24.030 shall not apply.

3) The effectiveness of these standards may be reevaluated at any time at the discretion of the Planning Commission.

(Section 9 added by Ord. No. 5960/3-11.)

(10) **General Standards**. The Commission or Hearings Board shall grant approval only if the proposal, as conditioned, is determined to conform to the following criteria:

a) The granting of the application would meet some public need or convenience.

b) The granting of the application is in the public interest.

c) The property in question is reasonably suited for the use requested.

d) The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties.

e) The use requested would conform with the maps and the goals and policies of the Hillsboro Comprehensive Plan.

(Section 10 added by Ord. No. 2910/6-78.)

(11) Approval of a conditional use may be contingent upon compliance with conditions found necessary to accomplish the purposes of this Ordinance and implement the goals and policies of the Hillsboro Comprehensive Plan. To that purpose, any of the following conditions, stipulations or limitations may be attached to a conditional use approval:

a) Street improvements abutting/within the development area;

b) Street dedication abutting/within the development area;

c) Joint use/access agreement;

d) Improvement agreements for the installation of necessary on-site public facilities;

e) Utility easements;

f) Landscaping;

g) Off-street parking;

h) Storm drainage improvements;

i) Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site public improvements;

j) Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance;

k) Screening, fencing;

l) Limiting access;

m) Surety/performance bond;

n) Non-remonstrance clause.

(Section 11 added by Ord No. 4821/9-99.)

APPROVAL CRITERIA AND REQUIREMENTS
(CONTINUED)

(12) The Hearings Board may require an annual report for any conditional use to ensure that the use is in compliance with all applicable Ordinance requirements and conditions of approval. (Added by Ord. No. 2910/6-78.)

(13) Upon a determination that there are sufficient grounds, the Planning Commission may at any time initiate a review of the operation of any Conditional Use. A review shall be initiated if the Planning Director receives three documented and unresolved complaints within six months that a conditional use has not complied with the applicable conditions of approval or the applicable standards of this section. If a review is initiated, the Commission shall hold a public hearing to determine whether the use is in compliance with applicable standards and conditions. Notice of the public hearing shall be sent to surrounding property owners as prescribed in Section 80. At the conclusion of the hearing, the Planning Commission shall adopt findings of compliance or non-compliance for the conditional use. Upon adoption of findings of non-compliance, the property owner(s) shall submit a compliance schedule documenting that compliance will be achieved within forty-five (45) days or a shorter period of time if the Commission determines there is a cause for emergency action. Receipt of further documented and unresolved complaints will result in revocation of the conditional use permit. (Added by Ord. No. 2910/6-78. Amended by Ord. No. 5960/3-11.)

SUBMITTAL REQUIREMENTS
(CONDITIONAL USE)

- ❑ **Completed, Signed Application Form:** Original plus ten (10) copies of the completed, signed application form. The original application form must include a "wet ink" signature from the property owner or authorized agent. This information must be reproduced so please write clearly using black/dark blue ink or type.

- ❑ **Site Plans/Narrative:** Original plus ten (10) copies of a site plan and other materials essential to understanding the proposal, including the number of buildings proposed and their location, number and location of parking spaces, and percentage of landscaping proposed on the site, as well as a written detailed narrative describing and justifying the conditional use requested.

- ❑ **Neighborhood Meeting Documentation:** Documentation of neighborhood meeting held regarding proposed conditional use: meeting notes, list of parties notified, dated photographs documenting site posting, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees, as specified in Section 129A of the Zoning Ordinance. Include one (1) complete original packet of all documentation listed above, and ten (10) copies of the neighborhood meeting notes describing any issues raised and discussions regarding the proposed conditional use.

- ❑ **Traffic Impact Report:** Original plus three (3) copies of the traffic impact report (if applicable) as specified in Section 79 of the Zoning Ordinance.

- ❑ **Clean Water Services (CWS) Service Provider Letter:** One (1) copy of either: A CWS Service Provider Letter, or a determination by CWS or the Hillsboro Engineering Department that a Site Assessment is not necessary.

- ❑ **Electronic Application Packet:** *(in addition to hard copy submittal requirements):* When available, please provide one (1) electronic version of all application materials such as project narrative, site, utility, lighting, and landscaping plans; traffic, geotechnical, and environmental reports (as applicable). Electronic files may be submitted in PDF format on a DVD/CD. Contact the assigned Planner or Planning Technician for additional information or assistance.

- ❑ **Complete Application Packet Sets:** All submitted material must be folded and collated in sets and to scale. Submittals should include one complete, original application packet along with the applicable number of copy sets indicated above.

  - ❑ All plans (full-sized and reduced) must be measured to a legible and reasonable scale. Examples of preferred plan scales include:

- Site plans: 1" = 20' for full-size plans (24" x 36"); 1" = 40' for reduced (11" x 17")
- Landscape plans: 1" = 20' for full-size plans (24" x 36"); 1" = 10' for detailed plans; 1" = 40' for reduced (11" x 17")
- Architectural drawings: floor plans, building elevations, and other architectural drawings: 1/8" = 1' for full-size; no smaller than 1/16" = 1' for reduced plans; 1/4" = 1' for detailed plans.

- ❑ **Fee:** The appropriate filing fee. **MAKE CHECKS PAYABLE TO CITY OF HILLSBORO**. Please consult the fee schedule for current fees.

SUBMITTAL RECOMMENDATIONS

- ❑ Applicants are advised to schedule a pre-application meeting with Planning staff to discuss request prior to submittal of application.

- ❑ Applicants are advised to submit three (3) draft application packages one week in advance of deadline dates for public hearings.

FOR MORE INFORMATION PLEASE CONTACT:

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