

**ORDINANCE NO. 6500**

**CDCA-001-25: REGULATORY FLOODPLAIN OVERLAY**

AN ORDINANCE APPROVING AMENDMENTS TO SECTIONS OF THE HILLSBORO COMMUNITY DEVELOPMENT CODE NO. 6094, AS AMENDED, TO INCORPORATE LANGUAGE FROM THE STATE OF OREGON MODEL FLOOD HAZARD ORDINANCE.

WHEREAS, Community Development Code Ordinance No. 6094 (CDC) was adopted by the City Council on August 5, 2014 and took effect on September 4, 2014; and

WHEREAS, in 2020, the Department of Land Conservation and Development released a Model Flood Hazard Ordinance in cooperation with the Federal Emergency Management Agency;

WHEREAS, the City is responsible for regulating development at the local level as a condition of participation in the National Flood Insurance Program and must maintain the CDC with current language and regulations;

WHEREAS, the Planning Commission initiated the amendments on April 23, 2025 through the approval of Order No. 8460 to consider amending the CDC for those purposes; and,

WHEREAS, on May 14, 2025, the Planning Commission held a public hearing to consider the proposed amendments and consider public testimony; and,

WHEREAS, the Planning Commission found that the proposed amendments are “desirable, appropriate and proper” and recommended City Council approval of the proposed amendments to the CDC based on the supporting findings attached hereto as Exhibit B.

WHEREAS, the City Council considered the Planning Commission’s recommendation at their regular meeting on June 3, 2025, and adopted the findings of the Planning Commission as its own in regard to this matter; and

WHEREAS, based on those findings and conditions, the City Council hereby determines that the proposal conforms to the Hillsboro Comprehensive Plan and the CDC.

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

Section 1. Pursuant to CDC Sections 12.70.060.J and 12.80.140, the City Council hereby approves amendments to sections of the CDC, as shown in Exhibit A attached to this Ordinance; and

Section 2. The City Council approval is based on the Amendments set forth in Exhibit A, with language to be added shown as underlined text and language to be deleted shown as overstruck text, and the Findings in Exhibit B and supplemental information attached as Exhibit C of this Ordinance.

Section 3. Except as herein amended, CDC Ordinance No. 6094, as amended, shall remain in full force and effect.

Section 4. This Ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval by the Council on this 3<sup>rd</sup> day of June, 2025.

Second approval and adoption by the Council on this 17<sup>th</sup> day of June, 2025.

Approved by the Mayor this 17<sup>th</sup> day of June, 2025.



Beach Pace, Mayor

ATTEST:

  
Amber Rios, City Recorder

**EXHIBIT A**  
**Proposed Amendments**  
**Case File CDCA-001-25 Regulatory Floodplain Overlay**

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Language proposed to be added shown in *italic* typeface.  
Language proposed to be deleted shown in ~~strikethrough~~ typeface.  
Explanatory comments not included in amendments shown in *[bracketed italic gray highlight]* and  
commentary boxes.

**Commentary:**

The headings in table of contents were updated to be consistent with new and renamed code sections in the Regulatory Floodplain Overlay (RFO) section.

**SUBCHAPTER 12.27**  
**OVERLAY ZONES**

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<b>12.27.010</b>	<b>Overlay Zones</b>
<b>12.27.020</b>	<b>Locational Characteristics</b>
<b>12.27.030</b>	<b>Organization within This Subchapter</b>
<b>12.27.100</b>	<b>RFO Regulatory Floodplain Overlay</b>
<b>12.27.105</b>	<b>Purposes</b>
<b>12.27.107</b>	<b>Liability</b>
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<b>12.27.115</b>	<b>Administrative and Regulatory Coordination</b>
<b>12.27.120</b>	<del>Uses and Activities Permitted.</del> <b><i>Exempt and Permitted Uses and Activities</i></b>
<del><b>12.27.125</b></del>	<del>Uses and Activities in the Floodway</del>
<del><b>12.27.130</b></del>	<del>Minor Uses and Activities Permitted with Type II Approval</del> <b><i>General Development Standards</i></b>
<del><b>12.27.135</b></del>	<del>Major Uses and Activities Permitted with Type III Approval</del> <b><i>Standards for Specific Development Types</i></b>
<del><b>12.27.140</b></del>	<del>Additional Standards</del>
<b>12.27.145</b> <b>140</b>	<b>Variances from RFO Standards</b>
<b>12.27.200</b>	<b>SNRO Significant Natural Resources Overlay</b>
<b>12.27.205</b>	<b>Purposes</b>
<b>12.27.210</b>	<b>Applicability, Exemptions, Boundary Interpretation and Modification</b>
<b>12.27.215</b>	<b>Administrative and Regulatory Coordination</b>
<b>12.27.220</b>	<b>Uses and Activities Permitted and Not Permitted</b>
<b>12.27.225</b>	<b>Natural Resource Enhancement</b>

- 12.27.230 **Special Provisions in Residential Land Divisions**
- 12.27.235 **Adjustments from Standards of Underlying Zoning**
- 12.27.240 **Preservation of SNR in Additional Usable Open Space or Landscaping**
- 12.27.245 **Development Standards in the SNRO**
- 12.27.250 **Compensatory Mitigation Standards**
- 12.27.255 **Natural Resource Management Plans for Major Transportation Facilities**
  
- 12.27.300 **CRO Cultural Resource Overlay**
- 12.27.310 **Purpose**
- 12.27.320 **Applicability and Boundary Delineation**
- 12.27.330 **Addition to the CRO**
- 12.27.340 **Removal from the CRO and Inventory**
- 12.27.350 **Routine Maintenance of Cultural Resource Structures**
- 12.27.360 **Minor Cultural Resource Alterations Permitted with Type II Approval**
- 12.27.370 **Major Cultural Resource Alterations Permitted with Type III Approval**
- 12.27.380 **Provision for Additional Open Space on Cultural Resource Sites**
  
- 12.27.400 **ASCO Airport Safety and Compatibility Overlay**
  
- 12.27.500 **PUD Planned Unit Development Overlay**
- 12.27.510 **Purposes**
- 12.27.520 **Distinction from other Overlay Zones / Applicability**
- 12.27.530 **Administrative and Regulatory Coordination**
- 12.27.540 **Uses and Activities Permitted**
- 12.27.550 **Application and Process for PUD Approval**
- 12.27.560 **Modification of PUD Boundaries**
  
- 12.27.600 **SID Special Industrial District**
- 12.27.610 **Purpose**
- 12.27.620 **Applicability**
- 12.27.630 **Administration**
- 12.27.640 **Regulations on Permitted Uses or Activities**
- 12.27.650 **Establishment or Modification of Overlay Boundaries**

*No changes from Section 12.27.010 through Section 12.27.030.*

**12.27.100 RFO Regulatory Floodplain Overlay.** The Regulatory Floodplain Overlay includes the following sections:

- 12.27.105 Purposes
- 12.27.107 Liability
- 12.27.110 Applicability, Code Interpretation, and Floodplain Boundary/Base Flood Elevation Interpretation.
- 12.27.115 Administrative and Regulatory Coordination

- ~~12.27.120~~ ~~Uses and Activities Permitted.~~ Exempt and Permitted Uses and Activities
- ~~12.27.125~~ ~~Uses and Activities in the Floodway~~
- ~~12.27.130~~ ~~Minor Uses and Activities Permitted with Type II Approval~~ General Development Standards
- ~~12.27.135~~ ~~Major Uses and Activities Permitted with Type III Approval~~ Standards for Specific Development Types
- ~~12.27.140~~ ~~Additional Standards~~
- 12.27.145 140 Variances from RFO Standards

(Ord. 6401 § 1, 2022)

**Commentary:**

The Purpose section below was revised to reflect the language in the 2020 FEMA/DLCD Model Ordinance.

**12.27.105 Purposes.**

A. Statutory Authorization. Consistent with the provisions of the Code of Federal Regulations related to local administration of the National Flood Insurance Program (44 CFR 59–76); Oregon Revised Statute 197.175; Article XI, section 2 of the Oregon Constitution; and the Purpose of the Community Development Code cited in Section 12.01.110, the City of Hillsboro has responsibility for planning, adopting, and enforcing land use regulations to manage *floodplains* identified by FEMA or as otherwise identified by the Floodplain Administrator or City Engineer within the jurisdiction of the City of Hillsboro.

B. Statement of Purpose. The Regulatory Floodplain Overlay (RFO) zone is established for the following purposes:

- ~~A.~~ 1. To reduce potential danger and serious damage to life and property from flooding;
- ~~B.~~ 2. To regulate topographic alterations within the floodplain that may affect upstream or downstream flood levels;
- ~~C.~~ 3. To regulate use of areas subject to flooding and encroachment into the floodplain by restricting Uses subject to flood damage;
- ~~D.~~ 4. To reduce the financial burden on the community that results from flood damage;
- ~~E.~~ 5. To protect the beneficial ecological, hydraulic, and hydrologic functions of *floodplains*; and
- 6. To participate in and maintain eligibility for Federal flood insurance and disaster relief.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, the RFO includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters.

4. Controlling filling, grading, paving, dredging and other development which may increase flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

(Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016)

**Commentary:**

There were no changes to Section 12.27.107 Liability.

**12.27.107 Liability.**

The degree of flood protection required by this Community Development Code is based on scientific and engineering considerations and is considered reasonable for regulatory purposes. Larger floods can and will occur on rare occasions, and flood heights may be increased by man-made or natural causes. This Community Development Code is not intended to imply and should not be construed to mean that land outside floodplain areas or uses permitted within floodplains will be free from flooding or flood damages at all times. Nothing in this Community Development Code creates any liability on the part of the City of Hillsboro, any officer or employee thereof, or the Federal Insurance and Mitigation Administration for any flood damage that may result from reliance on this Community Development Code or any administrative decision lawfully made hereunder. (Ord. 6401 § 1, 2022; Ord. 6192 § 1, 2016)

**Commentary:**

There were minor revisions to language in Section 12.27.110 and an addition of a section regarding the Oregon Structural Specialty Code.

**12.27.110 Applicability, Code Interpretation, and Floodplain Boundary/Base Flood Elevation Interpretation.**

**A. Applicability.**

1. The Regulatory Floodplain Overlay (RFO) zone applies to the *special flood hazard area areas of special flood hazard* (also known as the “1% annual chance floodplain,” “100-year floodplain,” “floodplain”) identified by the Federal Insurance Administration in a scientific and engineering report titled “Flood Insurance Study for Washington County, Oregon and Incorporated Areas” dated October 19, 2018, with accompanying Flood Insurance Maps, which are hereby adopted by reference and declared to be a part of the Community Development Code. The Flood Insurance Study is on file and available at the *Planning Community Development* Department at 150 E Main Street, Hillsboro, Oregon. The Flood Insurance Study and accompanying FIRMs are hereby adopted by reference and declared to be a part of this ordinance. The RFO may also apply to areas identified by the Floodplain Administrator or City Engineer under paragraph B, Boundary Interpretation, below. All proposed ~~construction~~ *development*, including placement of *manufactured homes*, in the RFO requires a Floodplain Activity Permit (see CDC Section 12.80.070 Floodplain Activity), except ~~construction meeting the standards of where an exemption is granted in~~ Section 12.27.120.
2. No structure or Use shall be located, extended, converted, expanded, enlarged, replaced, or structurally altered within the boundaries of the RFO without compliance with this Subchapter.
3. No topographic alteration shall occur within the boundaries of the RFO without compliance with this Subchapter.
4. These requirements are in addition to the standards of the underlying base zone and to any other standards in this Subchapter. Where conflicts may occur among standards, the standards of this Subchapter supersede all other standards.

**B. Code Interpretation.** An applicant may request a Director’s Interpretation of the provisions of the CDC under Section 12.80.050. In the interpretation and application of this subchapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit or repeal any other powers granted under State statutes.

**C. *Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of Hillsboro administers and enforces the State of Oregon***

Specialty Codes, the City of Hillsboro does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of building and structures located in special flood hazard areas. Therefore, this code is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

- C. ~~D. Floodplain Boundary~~/Base Flood Elevation Interpretation. The City Engineer and Floodplain Administrator are authorized ~~to make interpretations of the exact location of the boundaries of the RFO (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) and~~ to interpret the National Flood Insurance Program data, local data, and data from other parties to determine the Base Flood Elevation at a project location. ~~location of special flood hazard area boundaries.~~ The City Engineer and Floodplain Administrator are authorized to interpret the effective Flood Insurance Study to determine the approximate Base Flood Elevation when the project location is between locations where FEMA specifies a Base Flood Elevation in the Flood Insurance Study. The City may obtain, review, and reasonably utilize any flood-related data available from a Federal, State, or other source to administer Section 12.27.100 and may require the applicant to submit a survey of site topography prepared by a Professional Land Surveyor. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016)

#### 12.27.115 Administrative and Regulatory Coordination.

- A. Designation of the Local Floodplain Administrator. The Planning Director ~~or their designee is and designated Floodplain Administrator are~~ hereby appointed to administer and implement the requirements and provisions of Sections 12.27.100 and 12.80.070. The Floodplain Administrator may delegate authority to implement these provisions.
- B. Responsibilities of the Local Floodplain Administrator. ~~The Local Floodplain Administrator shall ensure that:~~ Duties of the Floodplain Administrator, or their designee, shall include but not be limited to:
1. Permit Review. Review all development permits to:
    - ~~1. The~~ a. Determine that the ~~The~~ requirements of the RFO have been satisfied on any development therein;
    - ~~2. All development permits are reviewed to determine that all necessary permits have been obtained from those required Federal, State, or local governmental agencies from which prior approval is required;~~ b. Determine that all necessary permits have been obtained and approved.
    - ~~3. All development permits are reviewed to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 12.27.100 are met;~~ c. Determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 12.27.100 are met;
    - ~~4. Determine if the proposed development is located in an area where Base Flood Elevation data is provided through the Flood Insurance Study or FIRM and provide to the Building Official the Base Flood Elevation applicable to any building requiring a development permit. ; or required as in Section 12.27.110, the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement, are obtained and recorded;~~ d. Determine if the proposed development is located in an area where Base Flood Elevation data is provided through the Flood Insurance Study or FIRM and provide to the Building Official the Base Flood Elevation applicable to any building requiring a development permit. ; or required as in Section 12.27.110, the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement, are obtained and recorded;

- ~~5. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 12.27.110:~~
- ~~a. the actual elevation (in relation to mean seal level) is verified and recorded, and~~
  - ~~b. the floodproofing certifications are maintained;~~
6. *e. Ensure proposed development activity is* ~~Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, are reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision~~ *new development* includes new development in a flood-prone area, any such proposals shall be reviewed to assure that:
- ~~a.~~ *i.* such proposals minimize potential for flood damage within the flood-prone area,
  - ~~b.~~ *ii.* all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage,
  - ~~c.~~ *iii.* adequate drainage is provided to reduce exposure to flood hazards, and
  - ~~d.~~ *iv.* all development-related activities comply with Section 12.27.100;
7. *f. Ensure that* ~~If the Base Flood Elevation has not been provided or is not available from another authoritative source, it is generated for subdivision proposals and other proposed developments of at least 50 lots or 5 acres (whichever is less), and all permits are reviewed~~ *to confirm* that the building sites are expected to be reasonably safe from flooding;
- g. Determine if the proposed development qualifies as a substantial improvement.*
- h. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section 12.27.135.*
- i. Determine if the proposed development activity includes the placement of fill or excavation.*
- ~~8-j.~~ *Ensures* ~~All records pertaining to the provisions of Section 12.27.100, including~~ *but not limited to* any variances granted, *elevation certificates, floodproofing certificates, hydrologic and hydraulic analyses, substantial improvement and damage determinations and no net loss records* are maintained and available for public inspection.
- C. Other Affected Agencies. The regulations of other agencies may apply to development proposals and other projects within the floodplain. These agencies include the Federal Insurance Administration, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, the Oregon Department of State Lands, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Oregon Department of Fish and Wildlife, Washington County, and Clean Water Services.
- ~~D. Notification. The City will notify affected agencies, adjacent communities, and the Department of Land Conservation and Development of specific development proposals and watercourse alterations within the floodplain prior to the issuance of City permits. Applicants are~~

~~encouraged to contact affected agencies before development plans are completed to determine requirements and restrictions that may be imposed by those agencies. The Floodplain Administrator shall submit evidence of such notifications to the Federal Insurance Administration.~~

*D. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation to ensure that the Flood Hazard Boundary Maps and FIRMs accurately represent the community's boundaries.*

~~E. Agency Coordination and Approvals. Letters of Map Change.~~

1. When a development will alter a watercourse within the floodplain, modify floodplain boundaries, or modify Base Flood Elevations, the person responsible for the development or other project shall obtain ~~conditional~~ approvals or comments from other affected agencies, including FEMA, and submit the approvals or comments to the City prior to requesting City permits and inspections, commencing work on the site in the floodplain, and/or after completing work on the site, as determined by the City. Such approvals or comments shall include, but may not be limited to:

- *a. Conditional Letter of Map Revision (CLOMR).* An application for a Conditional Letter of Map Revision from FEMA, which may entail site-specific studies prepared by a qualified expert of habitat (e.g., Endangered Species), hydrology, hydraulics, and/or other topics related to the project or its impacts. ~~;~~ ~~and~~ *A CLOMR is required according to Table 12.27.115-1.*

- *b. Letter of Map Revision (LOMR).* *Where required in Table 12.27.115-1,* an application for a Letter of Map Revision (LOMR) *shall be* submitted to FEMA depicting as-built conditions within 6 months of project completion. *The applicant shall include either:*

- i. *A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or*

- ii. *Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.*

- *c. Letter of Map Revision based on Fill (LOMR-F).* *A LOMR-F is required for placement of fill in the floodplain to elevate a structure. Applicant must receive approval of a LOMR-F prior to issuance of building permits for structures using fill to meet the elevation requirements.*

<i><u>Table 12.27.115-1:</u></i>		
<i><u>Required Submittals of Letters of Map Changes to FEMA</u></i>		
<i><u>Use or Activity</u></i>	<i><u>Conditional Letter of Map Revision (CLOMR) Required</u></i>	<i><u>Letter of Map Revision (LOMR) Required</u></i>

<u>Alteration of a watercourse</u>	<u>X</u>	<u>X</u>
<u>Proposed floodway development that increases the base flood elevations</u>	<u>X</u>	<u>X</u>
<u>Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway</u>	<u>X</u>	<u>X</u>
<u>Modifications to Floodplain Boundaries including physical alterations or to revise boundaries</u>		<u>X</u>
<u>Placement of fill in the floodplain to elevate a structure</u>		<u>X (LOMR-F)</u>

2. The applicant is responsible for completing and submitting application forms, preparing technical data and studies to support evaluation of the applications, and paying any processing or application fees to other agencies. The complete submittal packages (applications as well as supporting documentation and models) shall be provided to the City upon request.
3. The Floodplain Administrator ~~and City Engineer are~~ is under no obligation to sign a Community Acknowledgement Form for a FEMA application until it has been demonstrated that the project as proposed meets the requirements of this Code and all applicable State and Federal laws.
4. The applicant shall construct the project as approved and required by any applicable reviews, conditions of approval, and/or permitting processes. If deviations from or revisions to reviewed or approved plans are desired, the applicant shall request authorization in advance from the City as well as other regulatory agencies. The City may require additional reviews, public notices, and/or permits prior to authorizing deviations from approved project plans. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016)

**Commentary:**

Previously, there were Minor and Major Floodplain Activity (FA) Permits requiring either a Type II or Type III review process. In addition, there were many uses exempted from formal FA permits but still subject to requirements of the code. These activities, like road construction, were permitted through the Engineering Department and review of the floodplain standards was carried out through that permit review. With the exception of uses and activities with no ground disturbance as noted below, all uses and activities now require FA permitting as shown in Table 12.27.120-1.

Each activity or use now references specific criteria for that use or activity which can be found in Section 12.27.135. These specific standards build upon the general development standards in Section 12.27.125.

**12.27.120 ~~Uses and Activities Permitted.~~ Exempt and Permitted Uses and Activities.**

- A. ~~Permitted~~ Exempt ~~Uses and Activities.~~ If allowed in the underlying base zone, the following Uses and activities may be permitted in the RFO without the approval of a Floodplain Activity permit, subject to a review by the Floodplain Administrator of the activities proposed as well as the applicant's compliance with the general development standards in 12.27.125: standards listed in subsection B below:
1. Agricultural Uses (~~excluding raising livestock~~) with no structures except boundary fences that have been approved under a Fence Permit per Section 12.80.060;
  2. Residential *accessory Uses* not including structures, topographic alterations, or buildings;
  - ~~3. Recreational Uses including minor structures (such as picnic tables or barbecues), provided the minor structures are firmly anchored and built of flood resistant materials;~~
  4. 3. Underground utility facilities constructed and installed to minimize water damage and flood water infiltration where there is no ground disturbance within the RFO;
  - ~~5. Repair, reconstruction, or improvements to an existing structure, provided that the project is not a substantial improvement, is within the existing footprint of the structure, and is constructed to minimize flood damage through use of flood resistant materials, anchoring, elevation, and protection of on-site public and private utilities;~~
  - ~~6. 4. Construction~~ Maintenance of public streets, light rail transit tracks and associated bridges and crossings, bikeways, and footpaths which ~~implement the adopted Transportation System Plan, in compliance with the following standards:~~
    - ~~a. The construction~~ has been verified by the City Engineer as complying with Section 12.27.100, and
    - ~~b. Travel surfaces of the roadway, light rail transit track and associated bridge and crossing are elevated 1 foot or more above the elevation of the Base Flood;~~
  7. 4. Projects whose primary purpose is wetland or floodplain, restoration, or other enhancement, and that do not involve topographic alterations.

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

- ~~1. The Uses or activities remain in compliance with applicable Federal, State, and local requirements; and~~
- ~~2. Unless otherwise determined by the Review Authority, a registered professional civil engineer has certified that, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice, the Use or activity will not reduce the site's capacity to carry the base flood or cause any increase in the base flood level. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016; Ord. 6149 § 1, 2015)~~

**12.27.125 — Uses and Activities in the Floodway.**

~~A. Development Permit Review. All development permits shall be reviewed to determine if the proposed development involves the floodway.~~

*B. Permitted Uses and Activities. Unless exempt pursuant to Subsection A, a Floodplain Activity (FA) permit is required for all development within the RFO. Uses and activities listed in Table 12.27.120-1, below, are permitted upon approval of a permit in accordance with Section 12.80.070. Where two permit types are indicated, the threshold for the permit type is specified in the applicable requirements.*

<b><u>Table 12.27.120-1:</u></b>		
<b><u>FA Permit Requirements</u></b>		
<b><u>Use or Activity</u></b>	<b><u>Permit Type</u></b>	<b><u>Applicable Requirements</u></b>
<i><u>Topographic alterations, including cutting, filling, grading, paving, mining, dredging, drilling, or other operations</u></i>	<i><u>FA I/II</u></i>	<i><u>12.27.135.A</u></i>
<i><u>New construction including new structures, additions to existing structures and conversion of existing structures used for parking, access or storage to usable floor space</u></i>	<i><u>FA II</u></i>	<i><u>12.27.135.B</u></i>
<i><u>Alteration or renovation of an existing structure</u></i>	<i><u>FA I/II</u></i>	<i><u>12.27.135.C</u></i>
<i><u>Reconstruction or repair of a damaged existing structure</u></i>	<i><u>FA I/II</u></i>	<i><u>12.27.135.D</u></i>
<i><u>Accessory Structures (for storage, access, and parking only)</u></i>	<i><u>FA I</u></i>	<i><u>12.27.135.E</u></i>

<u>Placement of Manufactured dwellings</u>	<u>FA II</u>	<u>12.27.135.F</u>
<u>Storage of material or equipment</u>	<u>FA I</u>	<u>12.27.135.G</u>
<u>Infrastructure construction including underground and above ground utilities, public and private streets, light rail transit tracks, associated bridges, crossings, bikeways and footpaths.</u>	<u>FA I</u>	<u>12.27.135.H</u>
<u>Surface Parking</u>	<u>FA I</u>	<u>12.27.135.I</u>
<u>Water-dependent uses</u>	<u>FA I</u>	<u>12.27.135.J</u>

~~B. C. Allowed and Prohibited Uses~~ Prohibited Uses and Activities in the Floodway. With the exception of the Uses listed below, no use, activity, encroachment, alteration, development, or construction shall be allowed in the floodway :

1. The Uses and Activities ~~permitted~~ exempt in the RFO under Section 12.27.120.A;
2. Infrastructure construction ~~Above-ground utility structures as cited in Section 12.27.130;~~
3. Bridges and other water-dependent uses; and
4. Erosion control activities.

~~C. Standards for Uses and Activities Allowed in the Floodway.~~ All Uses and activities allowed in the floodway shall comply with the following standards:

1. ~~Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice (e.g., a “no rise analysis”) that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and~~
2. ~~All other applicable provisions of Section 12.27.100 are met. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018)~~

~~12.27.130 — Minor Uses and Activities Permitted with Type II Approval.~~ The Uses listed in Table 12.27.130-1 may be permitted in the RFO subject to the listed standards, upon approval of an administrative Minor Floodplain Activity or Use (FA). The criteria for approval of a minor FA are listed in Section 12.80.070. An application for a minor FA shall be processed as a Type II procedure under the provisions of Section 12.70.040. The Planning Director may determine that an application for Minor Floodplain Activity should be processed as a Type III procedure, based on the factors in Subsection 12.80.070.C.3. (Ord. 6401 § 1, 2022)

**Table 12.27.130-1:  
Minor Floodplain Activities and Uses with Applicable Standards**

Use	Standard / Clarification
Public or Private streets not implementing the TSP; parking spaces not required by this Code	Must be constructed at existing grade or meet the standards for topographic alterations.
Storage of material or equipment	If not readily removable, the material or equipment must be anchored to prevent flotation or obstruction of flood water.
Above ground utility structures	<p>Shall be constructed and installed to minimize flood damage and infiltration; and</p> <p>A registered professional civil engineer has certified based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the Use will not reduce the site's capacity to carry the Base Flood or cause any increase in the Base Flood level.</p>
Accessory structures	<p>Cannot be used for human habitation;</p> <p>Shall be designed to have low flood damage potential;</p> <p>Shall be constructed and sited to minimize resistance to water flows during flooding through equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for complying with this requirement must be certified by a registered professional civil engineer or licensed architect or shall be designed such that:</p> <ul style="list-style-type: none"> <li>• A minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding is provided;</li> <li>• The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;</li> <li>• Openings are equipped with screens, louvers, valves or other coverings or devices that permit the automatic flow of floodwater in both directions without manual intervention;</li> </ul> <p>Shall be firmly anchored to prevent flotation and lateral movement;</p> <p>Shall have service facilities such as electrical and heating equipment elevated or floodproofed; and</p> <p>Shall not increase the base flood elevation.</p>
Raising of livestock	In compliance with Municipal Code.
Reconstruction or repair of damaged existing structure	<p>If repair costs exceed 50% of the market value of the structure before the damage occurred, the Floodplain Activity will be evaluated as a <i>substantial improvement</i> and shall require a Type III Major Floodplain Activity Permit.</p> <p>Includes repair or replacement of private underground water and/or sanitary systems.</p> <p>Improvements to existing structures shall meet current NFIP standards for elevation and/or floodproofing to the extent practicable.</p> <p>Projects may also be subject to Chapter 12.30.</p>

Use	Standard / Clarification
Structural additions, and/or replacement construction (new building area within the existing building footprint), to an existing structure that are not <i>substantial improvements</i>	<p>Any addition(s) or replacement construction must meet the standards for either elevated structures or floodproofed non-residential structures in Table 12.27.135-1 except the standards for topographic alterations; and</p> <p>No more than 50% of the original value of the structure may be added in a 10-year period without being permitted as a <i>substantial improvement</i>, which is a Major Floodplain Activity per Table 12.27.135-1.</p>
Topographic alterations, including cutting, filling, grading, paving, mining, dredging, drilling, or other operations	<p>No more than 30% of the total site area within the RFO (prior to the floodplain activity) is topographically altered;</p> <p>Fills are balanced by corresponding cuts to retain the on-site storage capacity of the floodplain;</p> <p>Cuts and fills are not more than 5 feet deep or are commensurate with the surrounding topography;</p> <p>No alterations are made below the lowest current elevation on the site;</p> <p>New slopes created by the alteration that will be below the site's Base Flood Elevation are either: (1) no greater than 20%, or (2) certified to remain permanently stable under a variety of hydraulic flow conditions in a stamped geotechnical report;</p> <p>All impacted areas are stabilized from erosion with vegetation or other means;</p> <p>All activity is conducted to avoid disturbing areas adjacent to the alteration. If disturbed, adjacent areas disturbed shall be restored to their natural state;</p> <p>All alteration activity and stabilization within the RFO is completed between May 1st and September 30th of the same year or as approved by the City Engineer;</p> <p>Any water impoundment resulting from the alteration within the RFO is permitted in the RFO under Section 12.27.120;</p> <p>A registered professional civil engineer has certified that the topographic alteration will not increase the elevation of the base flood; and</p> <p>A no-rise analysis prepared and stamped by a registered professional civil engineer may be required.</p>

(Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016)

**Commentary:**

This section now includes standards which apply to any type of use or activity in the RFO. Previously, these standards were repeated in the Type II/III use tables specific to the development type and repeated several places. These standards are NFIP requirements from 44 CFR 60.3.

12.27.130 General Development Standards

The following standards apply to all development and uses on properties containing RFO. The standards in this section are in addition to all construction requirements imposed as conditions of approval by the City of Hillsboro or any other permit agency.

- A. Uses or activities shall remain in compliance with applicable Federal, State, and local requirements.
- B. Floodplain Location on Applications. The location of the Base Flood Elevation, as established by the most current FIRM, Flood Insurance and Floodway Maps, or the best available information, shall be shown on any development application on property including floodplain areas, even if the application proposes no activity or use in the floodplain. If the floodplain activity involves a critical facility as described in Federal Emergency Management Agency publication #543, the boundary of the 0.2% chance (“500-year”) floodplain as shown on the effective Flood Insurance Rate Map shall be shown as well. If the Base Flood Elevation is not available, it shall be calculated by a registered professional engineer.
- C. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- D. When a structure is located in multiple flood zones on the FIRM, the provisions for the more restrictive flood zone shall apply. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- E. Anchoring.
  - a. All new construction, substantial improvements, tanks and equipment shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- F. Utilities and Equipment.
  - a. Water Supply, Sanitary Sewer and septic systems.
    - i. All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
    - ii. Septic systems shall be located above the base flood elevation. In addition, they shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
  - b. Electrical, mechanical, plumbing and other equipment.

*i. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems and other equipment shall be elevated at or above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy during conditions of flooding.*

*c. Tanks.*

*i. Above-ground tanks shall be installed at least one foot above the Base Flood Elevation.*

**G. Recreational Vehicles.**

*a. Recreational vehicles within the RFO shall meet all of the following standards:*

- i. Be located outside of the floodway;*
- ii. Be onsite for fewer than 180 consecutive days;*
- iii. Shall be removed from the RFO entirely during the months of November, December and January;*
- iv. Be fully licensed and ready for highway use;*
- v. Be on wheels or jacking system;*
- vi. Be attached to the site only by quick-disconnect type utilities and security devices; and*
- vii. Have no permanently attached additions.*

~~12.27.135 — Major Uses and Activities Permitted with Type III Approval. The Uses listed in Table 12.27.135-1 may be permitted in the RFO subject to the listed standards, upon approval of a quasi-judicial Major Floodplain Activity or Use (FA). The criteria for approval of a major FA are listed in Section 12.80.070. An application for a major FA shall be processed as a Type III procedure under the provisions of Section 12.70.050.~~

**Table 12.27.135-1:  
Major Floodplain Activities and Uses with Applicable Standards**

<b><u>Use</u></b>	<b><u>Standard / Clarification</u></b>
<del>Recreation vehicle parks or camping areas</del>	<del>Recreational vehicles or equipment shall not be placed in the floodplain for more than 180 consecutive days and shall be removed from the floodplain entirely during the months of November, December, and January; Recreational vehicles on sites in the Regulatory Floodplain Overlay must be fully licensed, ready for highway use on wheels or jacking systems, and attached to the site only by quick disconnect type utilities and security devices; Permanently attached additions to recreational vehicles on sites in the Regulatory Floodplain Overlay are not permitted; and All on-site improvements not intended for removal during flood-risk periods shall be constructed to minimize flood damage in accordance with the Community Development Code.</del>

Use	Standard / Clarification
Reconstruction or repair of a damaged existing structure	<p>Reconstruction or repair of a damaged existing structure where project costs exceed 50% of the market value of the structure before the damage occurred shall be evaluated as a Type III Major Floodplain Activity and the entire structure brought up to current standards. (If project costs are less than 50% of the market value of the structure before the damage occurred, the Floodplain Activity may be evaluated as a Type II Minor Floodplain Activity process whereby only the improvements need meet current standards.)</p>
Below grade crawlspaces	<p>Any crawlspaces under the structure shall comply with FEMA and Federal Insurance and Mitigation Administration guidelines as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas.</p> <p>Specifically, below grade crawlspaces are subject to the following standards:</p> <ol style="list-style-type: none"> <li>(1) Because of hydrodynamic loads, crawlspace construction is not allowed in areas with base flood velocities greater than 5 feet per second unless the design is reviewed and stamped by a qualified design professional such as a registered architect or professional engineer.</li> <li>(2) The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.</li> <li>(3) As an enclosed area below the base flood elevation (BFE), the crawlspace shall have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent exterior grade.</li> <li>(4) Portions of the building below the BFE shall be constructed with materials and techniques resistant to flood damage.</li> <li>(5) Joists and insulation shall be above BFE.</li> <li>(6) Any building utility systems within the crawlspace shall be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during base flood conditions. In particular, ductwork shall either be placed above the BFE or sealed from floodwaters.</li> <li>(7) The interior grade of a crawlspace below the BFE shall not be more than 2 feet below the lowest adjacent exterior grade.</li> </ol>

Use	Standard / Clarification
	<p>(8) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the underside of the floor framing, shall not exceed 4 feet at any point.</p> <p>(9) There shall be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area shall be designed to drain completely within 72 hours after a flood event.</p> <p>(10) FEMA Elevation Certificates may be required to be filed with the Planning Department up to 3 times due to the importance of verifying elevations before, during, and after construction: (1) prior to issuance of a building permit; (2) upon placement of the lowest floor, including the basement, and prior to further vertical construction; and (3) prior to issuance of a certificate of occupancy or approval of final inspections. Each FEMA Elevation Certificate shall be prepared and sealed by a professional land surveyor.</p> <p>(11) The crawlspace complies with FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas.</p> <p>(12) The standards for topographic alterations in Table 12.27.130-1 shall also be met.</p>
<p>New elevated residential or nonresidential structures and elevated <i>substantial improvements</i> to residential or nonresidential structures</p>	<p>Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or they must meet or exceed the following minimum standards:</p> <ul style="list-style-type: none"> <li>— At least 2 openings must be provided with a total net area of at least 1 square inch for every square foot of enclosed area below the elevation of the base flood elevation;</li> <li>— The bottom sill of all openings is located 1 foot or less above grade, and</li> <li>— Any screens, louvers, or other coverings over the openings automatically allow entry and exit of flood waters;</li> </ul> <p>The structure is firmly anchored to prevent flotation, collapse and lateral movement;</p> <p>Where possible, access to the site shall be located outside of the floodplain and/or above the elevation of the base flood. In cases where the path of access must contain floodplain area, access to the site shall be located at the highest adjacent public right-of-way;</p> <p>Parking for single detached and middle housing dwelling units may be placed and/or constructed in the floodplain if such placement allows a reduction in the amount of living area sited over the floodplain or the amount of floodplain encroachment. Any enclosed parking areas sited at or below base flood elevation shall be designed for minimal floodplain encroachment and shall utilize construction techniques to minimize potential for flood damage (e.g., wet floodproofing, flood vents, etc.);</p> <p>All substantial improvements and utility systems are constructed of flood-resistant materials, using methods and practices that minimize flood damage;</p> <p>All new utility systems serving the structure are designed, elevated, or located to prevent entry of floodwaters;</p>

Use	Standard / Clarification
	<p>All new water and sanitary sewer systems are designed and constructed to minimize flood damage and infiltration;</p> <p>Septic systems and any other on-site private waste disposal systems are located above the base flood elevation;</p> <p>Unless otherwise determined by the Review Authority, a registered professional civil engineer has certified that the placement of the structure will not reduce the site's capacity to carry the base flood, nor cause any increase in the base flood level;</p> <p>Prior to the issuance of a building permit for an elevated structure, a registered professional engineer or land surveyor shall certify the following:</p> <ul style="list-style-type: none"> <li>— The base flood elevation and the native grade elevation at building site, and</li> <li>— The as-built elevation of the finished floor of the elevated structure is at least 1 foot above base flood level; and</li> </ul> <p>FEMA Elevation Certificates may be required to be filed with the Planning Department up to 3 times due to the importance of verifying elevations before, during, and after construction: (1) prior to issuance of a building permit; (2) upon placement of the lowest floor, including any basement, and prior to further vertical construction; and (3) prior to issuance of a certificate of occupancy or approval of final inspections. Each FEMA Elevation Certificate shall be prepared and sealed by a professional land surveyor.</p>
<p>Manufactured dwellings</p>	<p>Manufactured dwellings shall follow the standards for Flood Resistant Construction in the Oregon Residential Specialty Code;</p> <p>Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings as described in "Elevated structures and structural additions" above and in FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas;</p> <p>The bottom of the longitudinal chassis frame beam in flood zones shall be at or above BFE;</p> <p>The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and</p> <p>Electrical crossover connections shall be a minimum of 12 inches above BFE.</p>
<p>Floodproofed nonresidential structures and floodproofed substantial improvements to nonresidential structures</p>	<p>The structure is firmly anchored to prevent flotation and lateral movement, with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;</p> <p>The structure and all associated utility systems are floodproofed below an elevation of 1 foot above the base flood elevation;</p> <p>All substantial improvements and utility systems are constructed of flood-resistant materials, using methods and practices that minimize flood damage;</p> <p>All utility systems serving the structure are designed, elevated, or located to prevent entry of floodwaters;</p> <p>All new water and sanitary sewer systems are designed and constructed to minimize flood damage and infiltration;</p>

Use	Standard / Clarification
	<p>Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:</p> <ul style="list-style-type: none"> <li>(a) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.</li> <li>(b) The bottom of all openings shall be no higher than 1 foot above grade.</li> <li>(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;</li> </ul> <p>Unless otherwise determined by the Review Authority, a registered professional civil engineer has certified that the placement of the structure will not reduce the capacity of the site to carry the base flood, nor cause any increase in the base flood elevation;</p> <p>The standards for topographic alterations in Table 12.27.130-1 are also met; and The design and methods of construction shall be certified by a registered professional engineer or architect as in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator and maintained as public records according to Section 12.27.115.B.</p> <p>Due to the importance of verifying floodproofing construction elevations before, during, and after construction, FEMA Floodproofing Certificates may be required to be filed with the Planning Department up to 3 times: (1) prior to issuance of a building permit; (2) upon placement of the lowest floor, including any basement, and prior to further vertical construction; and (3) prior to issuance of a certificate of occupancy or approval of final inspections. Each FEMA Floodproofing Certificate shall be prepared and sealed by a professional land surveyor.</p> <p>Note that floodproofing may result in higher insurance rates than elevation. Flood insurance premiums are typically based on rates that are 1 foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below the BFE).</p>

(Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016; Ord. 6120 § 1, 2015)

**Commentary:**

Previously, the RFO code listed specific uses or activities within the tables for each approval type (Minor or Major FA) and contained all relevant standards within the table. This section has been revised to include standards that are specific to certain development types and are intended to build upon the general development standards in CDC Section 12.27.130.

These standards are NFIP minimum standards except where Hillsboro previously had a higher regulatory standard. One example of a higher regulatory standard is the additional one foot of freeboard requirement above the Base Flood Elevation.

12.27.135 Standards for Specific Development Types.

A. Topographic Alterations.

1. Topographic Alterations are permitted within the RFO with approval of a FA I. In addition to the general standards in Section 12.27.130, the following requirements apply:

- a. Must be located outside of the floodway and not involve alteration of a watercourse;
- b. No more than 30% of the total site area within the RFO (prior to the alteration) is altered;
- c. Fills are balanced by corresponding cuts to retain the onsite storage capacity of the floodplain;
- d. Cuts and fills are not more than 5 feet deep or are commensurate with the surrounding topography;
- e. No alterations are made below the lowest current elevation on the site;
- f. New slopes created by the alteration that will be below the site's Base Flood Elevation are either:
  - i. No greater than 20%, or
  - ii. Certified to remain permanently stable under a variety of hydraulic flow conditions in a stamped geotechnical report;
- g. All impacted areas which are not covered by structure or impervious surface are stabilized from erosion with vegetation or other means;
- h. All activity is conducted to avoid disturbing areas adjacent to the alteration. If disturbed, adjacent areas shall be restored to their natural state;
- i. All alteration activity is completed consistent with the Design and Construction Standards and any required grading and erosion control permits;
- j. A registered professional engineer has certified that the alteration will not increase the elevation of the base flood.

2. All other topographic alterations require a FA II and are subject to the following standards:

- a. A registered professional engineer has certified that the alteration will not increase the elevation of the base flood or a CLOMR has been approved by FEMA per Table 12.27.115-1.

- b. Any alteration within the floodway or to a watercourse shall meet any additional LOMA requirements in Table 12.27.115-1. In addition,
  - i. The City shall notify Washington County, DLCD, the Corps, CWS, DSL, and any adjacent jurisdictions prior to any alteration of watercourses within the City and shall submit evidence of such notification to the Federal Insurance Administration.
  - ii. An alteration to watercourses within the floodplain shall be designed and maintained so that flood-carrying capacity is not diminished.
  
- B. New construction including new structures, additions to existing structures and conversion of existing structures used for parking, access or storage to usable floor space. In addition to the general standards in Section 12.27.130, the following requirements apply:
  - 1. Flood Openings.
    - a. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces, shall:
      - i. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
      - ii. Be solely used for parking, storage, or building access;
      - iii. Be certified by a registered professional engineer or architect or meet all of the following minimum criteria:
        - 1. A minimum of two openings;
        - 2. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area where the enclosed area is measured on the exterior of the enclosed walls;
        - 3. The bottom of all openings shall be no higher than one foot above grade;
        - 4. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and
        - 5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
  - 2. Below-grade crawlspaces.
    - a. Below-grade crawlspaces are permitted and shall meet the following standards:
      - i. Crawlspaces under the structure shall comply with FEMA and Federal Insurance and Mitigation Administration guidelines as found in

FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas;

- ii. Crawlspace construction is not allowed in areas with base flood velocities greater than 5 feet per second unless the design is reviewed and stamped by a qualified design professional such as a registered architect or professional engineer.
- iii. Flood openings are required per CDC Section 12.27.135.A.1.
- iv. Portions of the building below the BFE shall be constructed with materials and techniques resistant to flood damage.
- v. Joists and insulation shall be above BFE.
- vi. Any building utility systems within the crawlspace shall be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during base flood conditions. In particular, ductwork shall either be placed above the BFE or sealed from floodwaters.
- vii. The interior grade of a crawlspace below the BFE shall not be more than 2 feet below the lowest adjacent exterior grade.
- viii. Any building utility systems within the crawlspace shall be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during base flood conditions. In particular, ductwork shall either be placed above the BFE or sealed from floodwaters.
- ix. The interior grade of a crawlspace below the BFE shall not be more than 2 feet below the lowest adjacent exterior grade.
- x. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the underside of the floor framing, shall not exceed 4 feet at any point.
- xi. The crawlspace complies with FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas.

3. Residential Construction.

- a. Residential construction is permitted within the RFO outside of the floodway with the approval of a FA II permit. In addition to the general development standards in Section 12.27.130, the following requirements apply:
  - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage.
  - ii. All new construction, conversion to residential and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the Base Flood Elevation.

- iii. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation if only used for parking, access and/or storage and the floors are at or above grade on at least one side.
- iv. Any topographic alterations needed to facilitate construction shall meet the standards of 12.27.135.A.
- v. A registered professional civil engineer has certified that the placement of the structure will not reduce the site's capacity to carry the base flood, nor cause any increase in the base flood level;
- vi. FEMA Elevation Certificates are required to be filed with the Floodplain Administrator three times due to the importance of verifying elevations before, during, and after construction: (1) prior to issuance of a building permit; (2) upon placement of the lowest floor, including any basement, and prior to further vertical construction; and (3) prior to issuance of a certificate of occupancy or approval of final inspections. Each FEMA Elevation Certificate shall be prepared and sealed by a professional land surveyor.

4. Non-Residential Construction

a. Non-Residential construction is permitted within the RFO outside of the floodway with the approval of a FA II permit. In addition to the general development standards in Section 12.27.130, the following requirements apply:

- i. The lowest floor including the basement must be located at least one foot above the Base Flood Elevation, or
- ii. The structure and all associated utility systems must be floodproofed to one foot above the base flood elevation.
- iii. A registered professional civil engineer has certified that the placement of the structure will not reduce the site's capacity to carry the base flood, nor cause any increase in the base flood level;
- iv. FEMA Floodproofing Certificates are required to be filed with the Floodplain Administrator three times due to the importance of verifying floodproofing elevations before, during and after construction: (1) prior to issuance of a building permit; (2) upon placement of the lowest floor, including any basement, and prior to further vertical construction; and (3) prior to issuance of a certificate of occupancy or approval of final inspections. Each FEMA Floodproofing Certificate shall be prepared and sealed by a professional land surveyor.
- v. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

C. Alteration or renovation of an existing structure. In addition to the general standards in Section 12.27.130, the following requirements apply to all alterations or renovations of existing structures.

- 1. Alteration or renovation of an existing structure which meets all of the following standards requires a FA I.

- a. The alteration or renovation is not a substantial improvement.
    - b. Any additions to the structure must meet the standards of Section 12.27.135.
  2. All other alterations which are considered substantial improvements require a FA II permit and must meet the standards of Section 12.27.135.
- D. Reconstruction or repair of a damaged existing structure.
  1. Reconstruction or repair of a damaged existing structure which meets the following standards requires a FA I.
    - a. The structure has not been substantially damaged.
  2. All other reconstruction or repair which is a result of substantial damage requires a FA II and must meet the standards of Section 12.27.135.
- E. Accessory Structures (for parking, access, and/or storage). Accessory structures are permitted within the RFO with the approval of a FA I. In addition to the general development standards in Section 12.27.130, the following requirements apply:
  1. The accessory structure must be located outside of the floodway;
  2. The accessory structure is used for parking, access and/or storage only and shall not be used for human habitation;
  3. The portions of the accessory structure located below the Base Flood Elevation shall be built using flood resistant materials;
  4. The accessory structure must be designed to equalize hydrostatic forces on exterior walls and comply with the requirements for flood openings in Section 12.27.135A.1.
  5. Accessory structures shall not be used to store toxic materials, oil, gasoline or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 12.27.130.4.C.
  6. Electrical, mechanical and other utilities shall be elevated above the base flood elevation or floodproofed to prevent water from entering or accumulating within the components during a flooding event.
- F. Placement of Manufactured Dwellings. Manufactured dwellings are permitted in the RFO with the approval of a FA II. In addition to the general standards in Section 12.27.130, the following requirements apply:
  1. The dwelling must be located outside of the floodway.
  2. The bottom of the longitudinal chassis frame beam shall be at least one foot above the Base Flood Elevation.
  3. If the dwelling is elevated using solid foundation walls, the walls shall be constructed with flood openings as required by Section 12.27.135.A.
  4. Manufactured dwellings shall be anchored to prevent flotation, collapse and lateral movement during the base flood. Anchoring methods may include but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques;
  5. Electrical crossover connections shall be a minimum of 12 inches above the Base Flood Elevation.

- G. Storage of Material or Equipment. Storage of material or equipment is permitted in the RFO with the approval of a FA I. In addition to the general standards in Section 12.27.130, the following requirements apply:
1. The material or equipment must be anchored to prevent flotation.
- H. Infrastructure construction including underground and above ground utilities, public and private streets, light rail transit tracks, associated bridges, crossings, bikeways and foot-paths. Infrastructure construction is permitted in the RFO with the approval of a FA I. In addition to the general standards in Section 12.27.130, the following requirements apply:
1. A registered professional civil engineer has certified that the infrastructure construction will not increase the elevation of the base flood; and a no-rise analysis prepared and stamped by a registered professional civil engineer may be required;
  2. Construction of public streets, light rail transit tracks and associated bridges and crossings which implement the adopted Transportation System Plan shall have travel surfaces elevated 1 foot or more above the elevation of the Base Flood;
  3. Construction of public or private streets not implementing the Transportation System Plan may be constructed at existing grade.
- I. Surface Parking. Surface Parking is permitted with the approval of a FA I. In addition to the general standards in Section 12.27.130, the following requirements apply:
1. The parking must be located outside of the floodway;
  2. The parking must be constructed at existing grade or meet the requirements for topographic alterations in Section 12.27.130.
- J. Water-dependent uses. Water-dependent uses not covered by other sections of this code (i.e. infrastructure) are permitted with the approval of a FA I. Water-dependent uses must meet the general standards in Section 12.27.130.

**Commentary:**

This section was removed as the language contained within it was relocated within the RFO code as described below:

- 12.27.140.A Floodplain Location on Applications was moved to 12.27.130 General Development Standards.
- 12.27.140.B Alteration of Watercourses within the floodplain was moved to 12.27.135.A.
- 12.27.140.C was moved to the General Development Standards in 12.27.13.A.C.

~~12.27.140 — Additional Standards. Floodplain activity shall be subject to the additional standards listed below.~~

- ~~A. Floodplain Location on Applications. The location of the Base Flood Elevation, as established by the most current FIRM, Flood Insurance and Floodway Maps, or the best available information, shall be shown on any development application on property including floodplain areas, even if the application proposes no activity or use in the floodplain. If the floodplain activity involves a critical facility as described in Federal Emergency Management Agency publication #543, the boundary of the 0.2% chance (“500-year”) floodplain as shown on the effective Flood Insurance Rate Map shall be shown as well. If the Base Flood Elevation is not available, it shall be calculated by a registered professional engineer.~~
- ~~B. Alteration of Watercourses Within the Floodplain.~~
- ~~1. The City shall notify Washington County, DLCD, the Corps, CWS, DSL, and any adjacent jurisdictions prior to any alteration of watercourses within the City and shall submit evidence of such notification to the Federal Insurance Administration.~~
  - ~~2. An alteration to watercourses within the floodplain must be approved by the City Engineer prior to construction.~~
  - ~~3. An alteration to watercourses within the floodplain shall be designed and maintained so that flood-carrying capacity is not diminished.~~
  - ~~4. Approvals and/or reviews from other agencies may be required (12.27.115.C and E).~~
- ~~C. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~
- ~~D. Structures in the floodplain shall also be subject to the applicable various specialty codes and standards in Hillsboro Municipal Code Section 11.04.010. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016)~~

**Commentary:**

The only changes to this section were updates to referenced code sections.

## **12.27. ~~145~~140 Variances from RFO Standards.**

- A. Definition. For floodplain management purposes, a Variance means a grant of relief by a community from the terms of a floodplain management regulation.
- B. Criteria and Procedures. A variance from one or more of the RFO standards in Sections 12.27.120, 12.27.125, 12.27.130, *and* 12.27.135, ~~and 12.27.140~~ may be approved by the Review Authority upon approval of a Variance. The criteria for approval of a Variance from RFO standards are listed in Subsection 12.80.152.E. An application for an RFO Variance shall be processed as a Type III procedure under the provisions of Section 12.70.050.
- C. Additional Provisions Regarding RFO Variances.
  1. Variances may be approved for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or the Cultural Resource Inventory, without regard to the Variance criteria in Subsection 12.80.152.E, provided that the reconstruction, rehabilitation, or restoration does not require a topographic alteration.
  2. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, nor economic or financial circumstances. As such, Variances from the requirements of the RFO should be quite rare. Insurance premium rates are determined according to actuarial risk and are not modified by the granting of a variance to the standards of the RFO. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6192 § 1, 2016)

**SUBCHAPTER 12.70  
PROCEDURES**

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- 12.70.010 Purpose and Subchapter Organization**
- 12.70.020 Summary of Review Procedures**
- 12.70.025 Alternative Review Procedures**
- 12.70.030 Type I Procedure**
- 12.70.040 Type II Procedure**
- 12.70.050 Type III Procedure**
- 12.70.060 Type IV Procedure**
- 12.70.062 Public Communications and Engagement Plan**
- 12.70.070 Initiation of an Application**
- 12.70.080 Withdrawal of an Application**
- 12.70.090 Pre-Application Conference**
- 12.70.100 Neighborhood Meetings**
- 12.70.110 Application Submittal and Completeness Review**
- 12.70.120 Conditions of Approval**
- 12.70.130 Effective Date of Decision**
- 12.70.140 Expiration of Decision**
- 12.70.150 Extension of Decision**
- 12.70.160 Public Hearings**
- 12.70.170 Public Hearings on Cases Remanded from LUBA**
- 12.70.180 Appeals**
  
- 12.70.200 Transportation Studies**
- 12.70.210 Traffic Management Plan**
- 12.70.220 Traffic Impact Analysis**
- 12.70.230 Transportation Planning Rule Compliance Analysis**

### **12.70.010 Purpose and Subchapter Organization.**

- A. Purpose. This subchapter establishes decision-making procedures for review and processing of land use applications and permits, for the following purposes:
  - 1. To make the review process clear and understandable for applicants;
  - 2. To enable the public to effectively participate in the local decision-making process; and
  - 3. To facilitate timely review of land use applications by the City.
- B. Subchapter Organization. Details specific to each procedure type (I – IV) are included in Sections 12.70.030 through 12.70.060. Provisions common to multiple procedure types are included in Sections 12.70.070 through 12.70.180. Sections 12.70.200 through 12.70.230 include methodologies for Transportation Studies which may be required in a land use application. (Ord. 6401 § 1, 2022; Ord. 6322 § 1, 2019)

### **12.70.020 Summary of Review Procedures.**

- A. General. All land use applications shall be decided by using 1 of the following procedure types. The procedure type for each application governs the decision-making process for that application. Review procedures for applications that are not land use decisions or limited land use decisions under ORS 197.015, or permits under ORS 215.402 or 227.160 are listed in Section 12.70.025.
- B. Description of Procedure Types for Land Use Application. There are 4 types of decision-making procedures:
  - 1. Type I. Type I procedures apply to “ministerial” permits and applications. Decisions on ministerial permits are made by City staff, based on approval criteria that do not require exercise of policy or legal judgment. A decision to approve or deny a ministerial permit must be made unless the application is withdrawn. Type I procedures require right to appeal only to the applicant.
  - 2. Type II. Type II procedures apply to “administrative” permits and applications. Decisions on administrative applications are made by City staff, based on clear and objective approval criteria that require only limited discretion in applying approval criteria. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing.
  - 3. Type III. Type III procedures apply to “quasi-judicial” applications. Decisions on quasi-judicial applications are made by an elected or appointed Review Authority, and require substantial exercise of discretion and judgment in applying approval criteria. A decision to approve or deny a quasi-judicial application must be made unless the application is withdrawn. Type III procedures require public notice and one or more public hearings.
  - 4. Type IV. Type IV procedures apply to “legislative” matters. Legislative decisions are made by an elected or appointed Review Authority and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. No final decision to ap-

prove or deny a legislative matter is required. Type IV procedures require general public notice and one or more public hearings.

- C. Determination of Proper Procedure Type. Unless already specified in Table 12.70.020-1, the Planning Director shall determine whether a permit or application is processed as Type I, II, III or IV based on the descriptions in subsection B, above. Questions regarding the appropriate procedure shall be resolved in favor of the procedure type providing the widest notice and opportunity to participate.
- D. Consolidated Reviews.
1. At the request of the applicant, multiple Type II or III applications for a single proposal may be consolidated and processed concurrently under the highest numbered procedure required for any part of the application, or processed individually under the procedures identified by this Code. For example, a proposal requiring both Development Review (Type II) and a Planned Unit Development (Type III) application would be processed under Type III procedures if consolidated at the applicant's request.
  2. If the individual applications would be assigned to different Review Authorities, the consolidated applications will be assigned to the highest Review Authority using the following hierarchy from lowest to highest:
    - a. Planning Director or designee;
    - b. Historic Landmarks Advisory Committee;
    - c. Planning and Zoning Hearings Board;
    - d. Planning Commission.
  3. When proposals are consolidated at the applicant's request, the following processes shall be applied:
    - a. Separate responses to the applicable criteria shall be submitted for each application;
    - b. The public notice shall identify each application to be decided; and
    - c. Separate findings and decisions shall be made on each application.
  4. If the consolidated proposals include an application for a Comprehensive Plan Map amendment, the final decision on the Plan Map amendment shall precede any decision on a proposed Zone Change and all other decisions on a proposed development. Similarly, the final decision on a Zone Change shall precede a decision on a proposed Development Review or any other action.
- E. Summary Table. Table 12.70.020-1 summarizes land use applications and permits by procedure type, decision authority and appeal authority.
- F. Application Elevation. Notwithstanding Table 12.70.020-1 or the Planning Director's determination, an applicant may choose to elevate a Type I or II application to a higher numbered procedure type, provided the applicant pays the appropriate fee for the selected procedure type and the Director determines that statutory timelines for reaching a final decision can be met.

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

Permit/Application	Procedure Type <sup>1</sup>	Neighborhood Meeting Required	Review Authority <sup>2</sup>		Primary Code Sections
			Decision <sup>3</sup>	Appeal	
Adjustment, Minor	Same as primary application		PD/PC	PC/CC	12.80.154
Adjustment, Major	III	Same as original application	PC	CC	12.80.156
Annexation	III		CC (D)	LUBA	Metro Ch. 3.09
CDC Text Amendment	IV		PC (R) CC (D)	LUBA	12.80.140
Comprehensive Plan					12.80.160
· Map Amendment	III	ü	PC (R) CC (D)	LUBA	12.80.162
· Minor Text Amendment	IV		PC (R) CC (D)	LUBA	12.80.164
· Major Amendment	IV		PC (R) CC (D)	LUBA	12.80.166
Conditional Use	III	ü	PZHB	CC	12.80.020
Cultural Resources					12.80.030
· Nomination to or Removal from the Inventory	III		HLAC (R) PC (R) CC (D)	LUBA	12.80.030 12.27.330 12.27.340
· Minor Alteration	II		PD	PC	12.80.030 12.27.360
· Major Alteration, Demolition, or Relocation	III		HLAC (R) PC (D)	CC	12.80.030 12.27.370
Development Review					
· Type II	II		PD	PC	12.80.040
· Type III	III	ü	PC	CC	12.80.040
Director's Interpretation					
· For reasonable accommodation	I		PD	PC	12.80.050
· Site specific	II		PD	CC	12.80.050
· Not site specific	I		PD	CC	12.80.050
Extension of Approval					
· First and second	II		PD	PC	12.70.150
· Multi-phase project	II/III Same as original		PD/PC	PD/CC	12.70.150

Permit/Application	Procedure Type <sup>1</sup>	Neighborhood Meeting Required	Review Authority <sup>2</sup>		Primary Code Sections
			Decision <sup>3</sup>	Appeal	
	application				
Fence Permit	I		PD	PC	12.80.060 12.50.250
Floodplain Activity <u>I</u> (Minor)	<del>II</del> <u>I</u>		PD	PC	12.80.070 12.27.130
Floodplain Activity <u>II</u> (Major)	<del>III</del> <u>II</u>	Ü	<del>PC</del> <u>PD</u>	<del>CC</del> <u>PC</u>	12.80.070 <del>12.27.135</del>
Home Occupation Permit	I		PD	PC	12.80.080
Lot Consolidation	I		PD	PC	12.80.094
Modification, Minor	II		PD	PC	12.80.100
Modification, Major	II/III Same as original application	Same as original application	PD/PC	PC/CC	12.80.100
Non-Conforming Use or Structure Expansion	III	Ü	PZHB	CC	12.80.110
Pre-existing Structure or Use Expansion (Amberglan Plan District):					
· < 10% existing gfa	I		PD	PC	12.64.020
· >10% but <20% existing gfa	II		PD	PC	12.64.020
· >20% existing gfa	III	Ü	PZHB	CC	12.64.020
Partition (preliminary plat)	II		PD	PC	12.80.096
Partition (final plat)	I		PD	PC	12.80.096
Planned Unit Development	III	Ü	PC (R) CC (D)	LUBA	12.80.120
Planned Unit Development Implementation					
By Development Review	II		PD	PC	12.80.122
By Final Plat	I		PD	PC	12.80.122
Property Line Adjustment	I		PD	PC	12.80.092
Significant Natural Resource Permit, Major	III	Ü	PC	CC	12.80.130 12.27.220
Significant Natural Resource Permit, Minor	II		PD	PC	12.80.130 12.27.220
Subdivision (Minor, Preliminary Plat)	II		PD	PC	12.80.098
Subdivision (Major, Preliminary Plat)	III	Ü	PC	CC	12.80.098

Permit/Application	Procedure Type <sup>1</sup>	Neighborhood Meeting Required	Review Authority <sup>2</sup>		Primary Code Sections
			Decision <sup>3</sup>	Appeal	
Variance					
· In mixed-use or light rail zones	III	Ü	PC	CC	12.80.152
· In standard zones	III	Ü	PZHB	CC	12.80.152
Zone Change					
· Owner Initiated	III		PZHB (R) CC (D)	LUBA	12.80.168
· Annexation-related	III		PC (R) CC (D)	LUBA	12.80.168
· City Initiated	III		PC (R) CC (D)	LUBA	12.80.168
· City-initiated in conjunction with a CDC Text Amendment	IV		PC (R) CC (D)	LUBA	12.80.140
Non-Temporary Emergency Shelter Review	I		PD	CC	12.80.180

<sup>1</sup> Type I – Ministerial; Type II – Administrative; Type III – Quasi Judicial; Type IV – Legislative

<sup>2</sup> PD – Planning Director; HLAC – Historic Landmarks Advisory Committee; PZHB – Planning & Zoning Hearings Board; PC – Planning Commission; CC – City Council; LUBA – Oregon Land Use Board of Appeals

<sup>3</sup> (R) – Recommendation; (D) – Decision

G. Application of Days in Procedures. Timelines in this subchapter are expressed in 24-hour calendar days, unless the deadline for an action fall on a weekend or legal holiday, in which case the deadline will be considered to be the (calendar) day after the weekend or holiday. (Ord. 6465 § 2, 2024; Ord. 6401 § 1, 2022; Ord. 6322 § 1, 2019; Ord. 6294 § 1, 2019; Ord. 6250 § 1, 2017; Ord. 6149 § 1, 2015; Ord. 6120 § 1, 2015)

**SUBCHAPTER 12.80  
APPLICATIONS**

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<b>12.80.005</b>	<b>Purpose</b>
<b>12.80.010</b>	<b>Annexation</b>
<b>12.80.020</b>	<b>Conditional Use</b>
<b>12.80.030</b>	<b>Cultural Resource Alterations, Relocations, and Demolitions</b>
<b>12.80.040</b>	<b>Development Review</b>
<b>12.80.050</b>	<b>Director's Interpretation</b>
<b>12.80.060</b>	<b>Fence Permit</b>
<b>12.80.070</b>	<b>Floodplain Activity</b>
<b>12.80.080</b>	<b>Home Occupation Permit</b>
<b>12.80.090</b>	<b>Land Divisions, Property Line Adjustments, and Lot Consolidations</b>
<b>12.80.092</b>	<b>Property Line Adjustment</b>
<b>12.80.094</b>	<b>Lot Consolidation</b>
<b>12.80.096</b>	<b>Partition</b>
<b>12.80.098</b>	<b>Subdivision</b>
<b>12.80.099</b>	<b>Expedited and Middle Housing Land Divisions</b>
<b>12.80.100</b>	<b>Modification of Approved Plans and Permits</b>
<b>12.80.110</b>	<b>Nonconforming Use or Structure Expansion</b>
<b>12.80.120</b>	<b>Planned Unit Development</b>
<b>12.80.122</b>	<b>PUD Implementation through Development Review or Land Division Approval</b>
<b>12.80.130</b>	<b>Significant Natural Resources Permit</b>
<b>12.80.140</b>	<b>Text Amendment</b>
<b>12.80.150</b>	<b>Variances and Adjustments</b>
<b>12.80.152</b>	<b>Variances</b>
<b>12.80.154</b>	<b>Minor Adjustments</b>
<b>12.80.156</b>	<b>Major Adjustments</b>
<b>12.80.158</b>	<b>Standard-Specific Approval Criteria for Variances and Adjustments</b>
<b>12.80.160</b>	<b>Zoning and Comprehensive Plan Amendments</b>
<b>12.80.162</b>	<b>Comprehensive Plan Amendment</b>
<b>12.80.164</b>	<b>Comprehensive Plan Minor Text Amendment</b>
<b>12.80.166</b>	<b>Comprehensive Plan Major Amendment</b>
<b>12.80.168</b>	<b>Zone Change</b>
<b>12.80.170</b>	<b>Zoning Review</b>
<b>12.80.180</b>	<b>Non-Temporary Emergency Shelter Review</b>

**Commentary:**

The Floodplain Activity application section was updated to reflect the new permitting procedures for development in the RFO. The code will no longer reference Minor and Major FAs and will instead reference FA I and FA II consistent with the review procedure.

**12.80.070 Floodplain Activity.**

- A. Purpose. Floodplain Activity (FA) approvals implement the provisions of the ~~RFO-Regulatory Floodplain Overlay~~. This section shall be read in concert with Section 12.27.100.
- B. Where Required. FA approvals are required for all development in the ~~RFO-Regulatory Floodplain Overlay~~ as described in Section 12.27.100.
- C. Procedures. There are 2 types of FAs as described in Section 12.27.100:
1. ~~Minor~~ FAs I are subject to the Type ~~H-I~~ procedure, as described in Section 12.70.~~040~~030.
  2. ~~Major~~ FAs II are subject to the Type ~~HH-II~~ procedure, as described in Section 12.70.~~050~~040.
  3. ~~Prior to the determination of application completeness, the Planning Director may decide that a Minor FA application which would otherwise meet the standards of Table 12.27.130-1 warrants review as a Major FA due to the following factors:~~
    - a. ~~The likelihood of significant interest or opposition from surrounding property owners or affected agencies; or~~
    - b. ~~The presence of issues requiring significant discretion during the review process; or~~
    - c. ~~The submittal of concurrent applications or processes such as Adjustments.~~
- D. General Submittal Requirements. ~~General s~~Submittal requirements for Type ~~H-I~~ and Type ~~HH-II~~ applications are set forth in Sections 12.70.~~040-030~~ and 12.70.~~050-040~~., respectively. ~~Application for Floodplain Activity permit include the application form furnished by the Planning Department.~~ At a minimum, an application for a Floodplain Activity permit shall also include the following:
1. An application form signed by the applicant or applicant's representative and the property owner or owner's representative;
  2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal; and
  3. A narrative addressing compliance with all approval criteria and each applicable standard in Section 12.27.130 and 12.27.135. ~~The standards for a Minor Floodplain Activity~~

~~permit are listed in Section 12.27.130. The standards for a Major Floodplain Activity permit are listed in Section 12.27.135;~~

4. Unless determined to be unnecessary by the City Floodplain Administrator or the City Engineer, a stamped geotechnical report, encompassing all areas of the site's floodplain and areas where fill may be present and where disturbance and/or construction are proposed;
  5. If deemed appropriate by the City Floodplain Administrator or the City Engineer, a noise analysis certified by a registered professional civil engineer; and
  6. Elevation in relation to mean sea level of the lowest floor (including basement) and of all structures;
  7. Elevation in relation to mean sea level of floodproofing in any structure;
  8. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure to be floodproofed meet the floodproofing criteria in Section 12.27.135 5-2-2; and
  9. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development; and
  10. A Plan set clearly depicting the following:
    - a. A wetland and/or 2-year ordinary high water mark delineation prepared by a professional wetland scientist;
    - b. Pre-existing site-surveyed topography, prepared and stamped by a Professional Land Surveyor, using minimum 1-foot contour intervals in the City of Hillsboro Vertical Datum, showing the site's Base Flood Elevation(s) as determined by the Floodplain Administrator or City Engineer;
    - c. The boundaries of the Special Flood Hazard Area (e.g., the 100-year floodplain as shown on the effective Flood Insurance Rate Map) as determined by the Floodplain Administrator ~~or City Engineer~~. If the floodplain activity involves a critical facility as described in Federal Emergency Management Agency publication #543, the 0.2% chance ("500-year") floodplain as shown on the effective Flood Insurance Rate Map shall be shown as well;
    - d. The nature, location, dimensions, and elevations of the project area as well as any existing and proposed structures, fill, storage of materials, and drainage facilities.
- E. Approval Criteria. In order to approve a ~~Minor or Major~~ FA the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:
1. ~~For a Minor FA, the proposed use or activity is listed as permitted in Table 12.27.130-1 and complies with the standards listed in Table 12.27.130-1;~~ The proposed use or activity meets all applicable standards listed in Section 12.27.130 and 12.27.135.
  2. ~~For a Major FA, the proposed use or activity is listed as permitted in Table 12.27.135-1 and complies with the standards listed in 12.27.135-1;~~ All other required Federal, State, and local permits have been obtained.

- ~~3.—The proposal complies with the additional standards of Section 12.27.140; and~~
- ~~4.—The proposal complies with the conditional use approval criteria in Section 12.80.020.~~

- F. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose conditions on the approval of the FA to ensure compliance with the approval criteria and special use standards of Section 12.27.100.
- G. Appeal of a Decision. Refer to Section 12.70.180.
- H. Expiration of a Decision. Refer to Section 12.70.140.
- I. Extension of a Decision. Refer to Section 12.70.150. (Ord. 6401 § 1, 2022; Ord. 6276 § 1, 2018; Ord. 6120 § 1, 2015)

### **12.80.150 Variances and Adjustments.**

- A. Purpose. Variance applications and Adjustment processes allow flexibility in applying the standards in this Code if a proposed development meets the intended purpose of those standards. As part of a discretionary review process, Variances and Adjustments may provide opportunities for provision of public benefits (pursuant to Section 12.50.900) to mitigate impacts of the Variances and Adjustments.
- B. Applicability of Provisions; Exemptions.
  - 1. The Variance application (VAR) shall be used if pre-existing conditions on a lot or parcel create a hardship in developing the lot or parcel consistent with the standards of this Code.
  - 2. The Minor Adjustment process shall be used only under the following circumstances:
    - a. As part of a Type II Development Review, Partition, or Minor Subdivision application; or
    - b. As part of a Type III Development Review, Major Subdivision, or Planned Unit Development application.
  - 3. The Major Adjustment process shall be used only as part of a Type III Development Review application or a Type III Planned Unit Development application.
  - 4. With the exception of the standards listed in subsection C below, Minor Adjustments, and Major Adjustments may be submitted to request flexibility in the application of standards as shown in Table 12.80.150-1.
  - 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.

**Table 12.80.150-1:**

**Applicability of Variance and Adjustment Processes**

<b>Standard from which flexibility is requested:</b>	<b>Variance</b>	<b>Minor Adjustment w/Type II Application</b>	<b>Major Adjustment w/Type III Application</b>
To reduce lot size or dimensions below the base zone minimum standards (adjustments not available beyond optional variations in Section 12.50.110 unless approved as part of a PUD)	X	X	X
To reduce residential density less than 10% below the base zone minimum standard		X	X
To reduce residential density more than 10% below the base zone minimum standard			X
To increase residential density above the base zone maximum standard*			X
To reduce minimum Floor Area Ratio less than 10% below the minimum base zone standard		X	X
To reduce setbacks below the base zone minimum standards*	X	X	X
To increase setbacks above the base zone maximum standards		X	X
To increase building heights above the base zone maximum standard* (adjustment not available in Residential Compatibility Areas)		X	X
To increase lot coverage above the base zone maximum standard		X	X
To decrease Usable Open Space areas below the minimum standard for the use type*			X
To decrease landscaping coverage below the minimum standard for the use type		X	X
To reduce the number of parking spaces below the minimum standard for the use type*		X	X
To increase the number of parking spaces above the maximum standard for the use type*		X	X
To adjust requirements for undergrounding overhead utilities*		X	X
To adjust bicycle/pedestrian access way requirements*		X	X
To adjust building entrance requirements *		X	X
To adjust ground floor window transparency requirements*		X	X
To adjust other numeric design standards		X	X
To adjust non-numeric design standards		X	X

\* Indicates certain criteria applicable as specified in Section 12.80.158.

**C. Limitations on Cumulative Adjustments.**

1. The cumulative number of requests for Minor Adjustments in a Partition application shall not affect more than 1 parcel. The cumulative number of requests for Minor Adjustments in a Subdivision application shall not affect more than 25% of the lots. If requests for adjustments are proposed on a larger number of lots, the application shall be processed as a Planned Unit Development pursuant to Section 12.80.120.
2. Requests for Minor Adjustments in a Development Review, Partition, or Subdivision, application may be submitted for not more than 4 of the following 7 categories:
  - a. Lot dimensions (area, width, or height);
  - b. Setbacks;
  - c. Building height;
  - d. Lot coverage;
  - e. Parking;
  - f. Usable open space;
  - g. Landscaping; or
  - h. Building design standards.
3. Not more than 3 Minor Adjustment requests shall be submitted per lot or building. In calculating the number of Minor Adjustments under this provision, each adjustment on each lot shall be counted as one request. For example, a front yard and side yard adjustment on one lot equals 2 requests; requests for adjustments in front yard setback, building height, and parking equals 3 requests.
4. If requests for more than 3 Minor Adjustments are proposed on a single lot or building, the requests shall be processed as a Major Adjustment with a PUD or Type III Development Review application.

D. Standards not Subject to Variance or Adjustment.

1. Variance or Adjustment applications may address any regulation in this Code except the following:
  - a. To change a definition or use category classification;
  - b. To allow a use or development type cited as “prohibited” or “not permitted”;
  - c. To modify or remove a threshold for review, such as a standard which requires a particular application for review of a certain project;
  - d. To change the steps of a procedure type or to change assigned procedures;
  - e. To modify the numeric standards in Section 12.40.194, Marijuana Facilities; or
  - f. To modify the numeric standards in Section 12.40.215, Psilocybin Facilities.
2. Adjustment applications may address any regulation in this Code regarding light rail zones except the following:
  - a. To reduce residential density below 90% of the base zone minimum standard;

- b. To increase residential density above the base zone maximum standard;
- c. To reduce floor area ratio below 90% of the base zone minimum standard;
- d. To reduce Usable Open Space below 85% of the base zone minimum standard;
- e. To reduce lot frontage below the base zone minimum standard;
- f. To adjust street or alley performance standards in Section 12.50.530;
- g. To allow surface parking or loading between a building and a major pedestrian route;
- h. To allow parking cater-cornered from a Light Rail Station site at an intersection;
- i. To requirements for pedestrian-oriented commercial uses wrapping the ground floor of a parking structure; or
- j. To increase building height in residential compatibility areas in the SCC-DT Station Community Commercial - Downtown zone, as shown in Figure 12.61.400-D. (Ord. 6417 § 1, 2022; Ord. 6401 § 1, 2022; Ord. 6294 § 1, 2019; Ord. 6178 § 1, 2016; Ord. 6149 § 1, 2015; Ord. 6120 § 1, 2015; Ord. 6110 § 12, 2015)

**12.80.152 Variances.**

- A. Procedure. Variance applications are subject to the Type III procedure, as described in Section 12.70.050.
- B. 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, an application for a Variance shall include the following:
  - 1. An application form signed by the applicant or applicant's representative and the property owner or the owner's representative;
  - 2. Payment in full of the appropriate application fee, based on the fee schedule in effect on the date of submittal;
  - 3. Existing Conditions Plan;
  - 4. Proposed Site Development Plan; and
  - 5. A narrative clearly identifying each applicable standard from which variance is requested, citing the reasons for the request, and addressing compliance with each approval criterion.
- C. Approval Criteria for Variances in Standard Zones. To approve a Variance in a standard zone, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:
  - 1. Special conditions over which the applicant has no control apply to the subject property, which do not apply generally to other properties in the same zone or vicinity. Examples of such special conditions may include but are not limited to lot shape, topography, or unique landscape features;

2. The requested variance is the minimum necessary deviation from the applicable standard to allow the proposed use of the site;
  3. If more than one variance is requested, the cumulative effect of the variances results in a project that is still consistent with the overall purpose of this Code or any adopted City policy;
  4. The variance complies with any applicable additional criteria in Section 12.80.158;
  5. Any negative impacts on surrounding properties which would result from the variance can be mitigated to the extent practical;
  6. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity; and
  7. The applicable standard from which the variance is requested is not listed as a Standard not Subject to Variance or Adjustment in Subsection 12.80.150.D.
- D. Approval Criteria for Variances in Mixed-Use or Light Rail Zones. To approve a Variance in a mixed-use or light rail zone, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:
1. The variation will equally or better meet the purposes of the standard to be varied;
  2. The development including the variation or cumulative variations remains consistent with the overall purpose and intent of the district;
  3. The variation will not have significant detrimental impacts on inventoried cultural resources, significant natural resources or impact areas;
  4. The Variance complies with any applicable additional criteria in Section 12.80.158; and
  5. The applicable standard from which the variance is requested is not listed as a Standard not Subject to Variance or Adjustment in Subsection 12.80.150.D.
- E. Approval Criteria for Variances from Regulatory Floodplain *Overlay Ordinance* (RFO) Standards. Applications for Variances from the standards of the RFO in Section 12.27.100 shall be subject to the following criteria and shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this subchapter, in addition to subsection C or D above:
1. The variance application is for new construction and/or substantial improvements on a lot of record contiguous to and surrounded by lots with existing structures constructed below the base flood level, and the following factors have been considered:
    - a. The danger that materials may be swept onto other lands to the injury of others;
    - b. The danger to life and property due to flooding or erosion damage;
    - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - d. The importance of the services provided by the proposed facility to the community;

- e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
2. ~~The requested Variance is for a property one-half acre in size or smaller.~~ If a Variance is requested on a ~~larger~~ lot larger than one-half acre, the applicant's burden of proof of technical justification for the Variance increases.
  3. Approval of the Variance, if affecting an area within the Floodway, will not result in any increase in flood levels during the base flood discharge.
  4. The applicant has demonstrated that the RFO Variance is based on good and sufficient cause.
  5. Granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  6. The Variance is the minimum necessary, considering the flood hazard, to afford relief.
  7. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where the Review Authority finds that approval of the Variance meets the following criteria:
    - a. The proposed construction will have low potential for flood damage;
    - b. The proposed construction complies with all other Variance criteria except paragraph 1 above; and
    - c. All improvements will be constructed to minimize flood damage, by using flood resistant materials, anchoring, and protecting on-site public and private utilities where applicable.
  8. Variances shall be approved only if the variance is found to be the minimum deviation necessary, considering the flood hazard, to afford relief.
  9. The applicable standard from which the variance is requested is not listed as a Standard not Subject to Variance or Adjustment in Subsection 12.80.150.D.

- F. Conditions of Approval. Pursuant to Section 12.70.120, the Review Authority may impose conditions on the approval of the Variance application to ensure compliance with the approval criteria.
- G. Appeal of a Decision. Refer to Section 12.70.180.
- H. Expiration of a Decision. Refer to Section 12.70.140.
- I. Extension of a Decision. Refer to Section 12.70.150. (Ord. 6401 § 1, 2022; Ord. 6322 § 1, 2019; Ord. 6276 § 1, 2018; Ord. 6178 § 1, 2016; Ord. 6120 § 1, 2015; Ord. 6110 § 12, 2015)

**Exhibit B**  
**Findings of Fact**  
**Case File CDCA-001-25 Regulatory Floodplain Overlay**

**I. BACKGROUND INFORMATION**

These findings and conclusions are associated with Case File CDCA-001-25 Regulatory Floodplain Overlay, legislative text amendments to the Community Development Code (CDC), Ordinance No. 6094, as amended.

These text amendments incorporate language from the 2020 Model Flood Hazard Ordinance for the state of Oregon. The model ordinance was developed by the Department of Land Conservation and Development (DLCD) in cooperation with the Federal Emergency Management Agency (FEMA) Region X.

The proposed text amendments would affect the following subchapters of the CDC:

- 12.27.100 Regulatory Floodplain Overlay
- 12.70 Procedures
- 12.80 Applications

**II. PROCEDURAL REQUIREMENTS**

The proposed amendments were initiated through approval of the Planning Commission Order No. 8462 on April 23, 2025. A public hearing is being held on May 14, 2025. Notice of the public hearing was published in the April 24, 2025 and May 1, 2025 editions of the Hillsboro News-Times, a newspaper of general circulation as required in CDC Section 12.70.060.

**III. APPLICABLE APPROVAL CRITERIA**

CDC Section 12.80.140.D specifies the approval criteria for a proposed text amendment. The applicable criteria are as follows:

*D. Approval Criteria. In order to approve a Text Amendment application, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:*

*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;*

**Finding:** This CDCA is designed to incorporate language from the state model ordinance and is an issue of concern for all properties in the City within the Special Flood Hazard Area and is not 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;*

**Finding:** There are no Community Plans applicable to these amendments. Section 9 of the Comprehensive Plan addresses Natural Hazards. The proposed amendments are consistent with Goal 1 for Natural Hazards which is to minimize impacts of natural hazards on people and property. This criterion is met.

As described in the Procedural Requirements section of these findings, the proposed amendments were initiated by the Planning Commission; notice was provided to the Department of Land Conservation and Development (DLCD) and to the public, and a public hearing was held to receive testimony. The procedural requirements of CDC Section 12.70.060 have therefore been met.

3. *The CDCA is consistent with relevant provisions of the Metro Urban Growth Management Functional Plan;*

**Finding:** The Metro Urban Growth Management Functional Plan addresses flood management in Title 3. The proposed amendments align with the performance standards in Section 3.07.340 as demonstrated by the CDC crosswalk attached as Exhibit C. All performance standards are referenced to the code section which contains them. This criterion is met.

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

**Finding:** Oregon Revised Statutes (ORS) 197.610 – 197.651 and Oregon Administrative Rule (OAR) 660-018 list requirements for “Post-Acknowledgement [Plan] Amendments,” also known as PAPAs. Their 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. Specific information identifying compliance with Statewide Planning Goal 7 and applicable statutes is found in the CDC Crosswalk attached as Exhibit C. This criterion is met.

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

**Finding:** The Model Flood Hazard Ordinance was revised in 2020 and was not incorporated into the CDC. It is important for the language in the CDC to be reflective of current language in the Code of Federal Regulations and state statutes. For the reasons

stated above the amendments are desirable, appropriate, and proper and therefore, this criterion is met.

**IV. TESTIMONY FROM PARTIES**

As of the writing of this report, staff has received no testimony on the subject of the proposed Text Amendment.

**V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED BY REFERENCE IN FINDINGS**

The Staff Report dated June 3, 2025 was available seven days prior to the public hearing in compliance with State law and the CDC. The staff report and attachments are included as findings to the decision.

RFO Code Section	44 CFR and Technical Bulletin (TB) Citations	Oregon Citations (Goal 7, UGMFP, Specialty Codes, ORS)
12.27.105.A Statutory Authorization	59.22(a)(2)	Goal 7, ORS 187.175
12.27.105.B Statement of Purpose	59.22(a)(1) and (8); 60.22	Goal 7, UGMFP 3.07.340(a)(1)
12.27.105.C Methods of Reducing Flood Losses	60.22	Goal 7
12.27.107 Liability		
12.27.110.A Applicability	59.22(a)	Goal 7
12.27.110.B Code Interpretation	60.1(b)-(d)	Goal 7
12.27.110.C Coordination with State of Oregon Specialty Codes		ORS 455
12.27.110.D Base Flood Interpretation	60.1(b) – (d)	Goal 7
12.27.115.A Designation of the Local Floodplain Administrator	59.22(b)(1)	Goal 7
12.27.115.B Responsibilities of the Floodplain Administrator	60.3(a)(1) – (3), 60.3(b)(3) and (5)(i) and (iii); 60.3(c)(4) and (10) 59.22(a)(9)(iii and v); 60.6(a)(6), 60.3(b)(6) – (7), 65.6(12-13)	Goal 7, OSSC 105.9; 110.33; R106.1.4; ORSC R109.1.3; R109.1.6.1; R322.1.10; R322.3.6
12.27.115.C Other Affected Agencies		
12.27.115.D Community Boundary Alterations	59.22(a)(9)(v)	Goal 7
12.27.115.E Letters of Map Change	65.3, 65.6, 65.7, 65.12	Goal 7
12.27.120.A Exempt Uses and Activities		
12.27.120.B Permitted Uses and Activities	60.3(a)(1)	Goal 7
12.27.120.C Prohibited Uses and Activities in the Floodway	60.3(d);	Goal 7
12.27.130.A Compliance with Applicable Federal, State and Local Requirements	60.3(a)(1) – (3); 60.3(c)(10)	Goal 7
12.27.130.B Floodplain Location on Applications	59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)	Goal 7; 105.9; 110.33; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6
12.27.130.C Undesignated Areas	60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01	Goal 7; R322.3.2
12.27.130.E Anchoring	60.3(a)(3); 60.3(b)(1), (2), and (8)	Goal 7; R322.1.2
12.27.130.G Recreational Vehicles	60.3(c)(14)(i) – (iii)	Goal 7
12.27.135.A Topographic Alterations		UGMFP 3.07.340(a)(2)(A-C)

12.27.135.B New Construction	60.3(c)(2), 60.3(c)(3) – (5) ; TB 1, TB 3, TB 11, TB 7-93	UGMFP 3.07.340(a)(2)(D), Goal 7; R322.2.2; R 309
12.27.135.C Alteration or Renovation of Existing Structure	59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1), (2), (3), (5) –(8), (10), (12); 60.3(d)(3); 60.3(e)(4), (5), (8)	Goal 7
12.27.135.D Reconstruction or Repair of a Damaged Structure	59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1), (2), (3), (5) –(8), (10), (12); 60.3(d)(3); 60.3(e)(4), (5), (8)	Goal 7
12.27.135.E Accessory Structures	60.3(c)(5); TB 1; TB 7-93	Oregon Structural Specialty Code (S) 105.2; R105.2
12.27.135.F Placement of Manufactured Dwellings	60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)	UGMFP 3.07.340(a)(2)(D) Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
12.27.135.G Storage of Material or Equipment		
12.27.135.H Infrastructure Construction	60.3(a)(5) and (6)	UGMFP 3.07.340(a)(3), Goal 7; R322.1.7
12.27.135.I Surface Parking		
12.27.135.J Water-Dependent Uses		
12.27.140 Variances	60.6(a)	Goal 7