



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 19, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 5, 2008

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Cindy Hahn, City of Tualatin

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Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Tualatin**

Local file number: **PTA-06-05**

Date of Adoption: **5/12/2008**

Date Mailed: **5/15/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/5/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Plan Text Amendment amends the Tualatin Development Code (TDC) to add Level 1 (Clear and Objective) Design Standards and Level II (Discretionary) Design Criteria and a process for Single-family Architectural Review for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts.

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

The adopted amendment is a modified version of the proposed amendment.

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 002-08 (16764)

DLCD file No. _____

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

None.

Local Contact: **Cindy Hahn, AICP, Assistant Planner** Phone: (503) 691-3029 Extension:
Address: **18880 SW Martinazzi Avenue** Fax Number: **503-692-3512**
City: **Tualatin** Zip: **97062-7092** E-mail Address: **chahn@ci.tualatin.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webservice.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF ADOPTION

On May 12, 2008, the City of Tualatin adopted Ordinance #1260-08 (File No. PTA-06-05), an Ordinance related to creating Architectural Review Standards for Detached Single-Family Dwellings; amending TDC 31.063, 31.071, 33.010, 40.140, 41.130, 73.040, 73.170, 73.180, and 73.190.

A copy of the ordinance is also available for review at the Tualatin Planning Department located at 8535 SW Tualatin Road from 8 a.m. to 12 noon and from 1:00 to 5:00 p.m., Monday through Friday.

Review of land use decisions is commenced by filing a Notice of Intent to Appeal with the Land Use Board of Appeals as provided in ORS 197.830 to 197.845. The notice of intent to appeal a land use decision must be filed within 21 days of the date the decision is mailed to parties entitled notice under ORS 197.615.

Date notice mailed: May 15, 2008

file: PTA-06-05

AN ORDINANCE CREATING ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS; AMENDING TDC 31.063, 31.071, 33.010, 40.140, 41.130, 73.040, 73.170, 73.180, AND 73.190 (PTA-06-05).

WHEREAS in the summer of 2005 the City Council directed staff to examine the City's existing single-family dwelling development standards and to provide recommendations to address Council's design-related concerns; and

WHEREAS the City Council considered a City-initiated Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on April 10, 2008, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 28, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0], with Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes, enters, and adopts as its Findings of Fact the findings and analysis in the staff report dated April 28, 2008, marked as "Exhibit C," attached and incorporated by this reference; and,

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interests of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.063 is amended to read as follows:

Section 31.063 Neighborhood/Developer Meetings

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, **except Level I (Clear and Objective) Single-family Architectural Review**; Conditional Uses; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; and Variances, except for variances to existing single family residences.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.

(4) The applicant shall mail notice of the meeting:

- (a) at least 14 days and no more than 28 days prior to the meeting;
- (b) to owners of properties within 300 feet of the subject property, any City-recognized Neighborhood Associations under TDC 31.065 whose boundaries are within 300 feet of the subject property, and to the Community Development Director and City Engineer of Tualatin; and
- (c) that states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.

(5) Failure of a property owner to receive notice shall not invalidate the Neighborhood/Developer Meeting proceedings.

(6) The applicant shall post notice of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. This sign shall be supplied by the applicant.

(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.

(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.

(10) The application shall include the following materials related to the Neighborhood/Developer meeting:

- (a) the mailing list for the notice;
- (b) a copy of the notice;
- (c) an affidavit of the mailing and posting;

- (d) the original sign-in sheet of participants;
 - (e) the meeting notes described in TDC 31.063(7).
- (11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

Section 2. TDC 31.071 is amended to read as follows:

Section 31.071 Architectural Review Procedure.

(1) An applicant for a building or other permit subject to architectural review, **except Level I (Clear and Objective) Single-family Architectural Review**; shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 73.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. **An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7).** Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the Unified Sewerage Agency indicating a "Stormwater Connection Permit" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each

parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

(j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.

(k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer pursuant to TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

(o) A completed City fact sheet on the project.

(p) An 8&1/2" x 11" black and white site plan suitable for reproduction.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

(s) An acoustical engineer's report as required by the Community Development Director.

(t) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(u) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(2) The applicant shall submit a verified statement showing that a sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

(3) For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered.

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

(5) The purpose of the Neighborhood Meeting in TDC 31.071(1) is to provide a means for the applicant and surrounding neighbors to meet to review a development proposal and identify issues regarding the proposal so they can be addressed prior to the application submittal. The Neighborhood Meeting shall be held in the Central Design District and the meeting shall be held on a weekday evening, or weekend at a reasonable time. The applicant shall mail notice of the meeting at least 14 days prior to the meeting to owners of properties within 300 feet of the subject property. The applicant shall post notice of the meeting by posting a sign on the subject property at least 14 days before the meeting. The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and submit them with the application. The applicant shall hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(6) The Community Development Director may require information in addition to that stated in this section.

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to this section. An application for Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review application:

(i) A completed City fact sheet;
(ii) The names, addresses, and telephone numbers of the property owners and applicants;

(iii) The signatures of the property owners and applicants;

(iv) The site address and the assessor's map number and tax lot number;

(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and

(vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.

(b) Level II (Discretionary) Single-family Architectural Review application:

(i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);

(ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;

(iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;

(iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);

(v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and

(vi) *Current notification information for all owners of properties within 300 feet of subject property as specified in TDC 73.071(3).*

Section 3. TDC 33.010 is amended to read as follows:

Section 33.010 Authorization to Grant or Deny Variances and Minor Variances.

(1) Variances may be granted under the requirements of the TDC as follows when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship:

(a) The City Council may grant variances, including variances that are part of a Subdivision, or a Partition Application. The City Council may grant minor variances in conjunction with a Subdivision, Partition or Property Line Adjustment that the City Engineer, without reaching a decision on the application, has forwarded to the City Council for review, or that has been appealed to the City Council.

(b) The City Engineer may grant minor variances when they are part of a Subdivision, Partition or Property Line Adjustment Application.

(c) The Planning Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to the TDC Chapters 40-69 and 71-73 and the Sign Standards, TDC 38.100, 38.110, 38.120 and 38.140-38.240, **except that variances to the Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73.190(1)(a) shall be prohibited.** Variances to the requirements of TDC Chapter 70, Floodplain District, shall be in accordance with TDC 70.160.

(3) Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). Minor variances may not be requested, nor approved, for more than 10% of the lot area and for no more than 20% of the lot width, building coverage, setback, projections into required yards, structure height, and the small lot location standards in TDC 40.055(3).

(4) Minor variances shall not be requested, nor shall they be approved, to the regulations in TDC Chapter 38, Sign Regulations.

(5) Variances and minor variances shall not be requested, nor shall they be approved, to allow a use of land that is not allowed in a planning district.

Section 4. TDC 40.140 is amended to read as follows:

Section 40.140 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 40.140(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 40.140(1)(b) is proposed, TDC 40.140(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 40.140(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.

Section 5. TDC 41.130 is amended to read as follows:

Section 41.130 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 41.130(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 41.130(1)(b) is proposed, TDC 41.130(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 41.130(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the

standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.

Section 6. TDC 73.040 is amended to read as follows:

Section 73.040 Architectural Review Plan Approval Required.

*(1) Except for single-family dwellings and the creation of an accessory dwelling unit that does not increase the gross floor area of the single family dwelling **an addition or alteration to an existing single-family dwelling when it results in less than a 35% expansion of the structure's existing footprint or less than a 35% alteration of an existing wall plane or only affects the wall plane of the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling,** as permitted by these standards, no new building, condominium, townhouse, accessory dwelling unit that increases the gross floor area of the single family dwelling, **addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling),** manufactured dwelling park, small-lot subdivision, landscape improvement (excluding greenways, parks and other Parks and Recreation Department road side improvements), parking lot improvement or expansion, above ground public utility facility (sewer or water pump stations, pressure reading stations and water reservoir), electrical substation, above ground natural gas pumping station, installation of decorative lighting (e.g. neon), exterior painting, awnings, murals, wireless communication facility, attached wireless*

communication facility or exterior major remodeling shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable **standards or** criteria.

(2) No new single-family dwelling or addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), as permitted by these standards, shall occur until the architectural review application under TDC 31.071(7) has been reviewed and approved by the Community Development Director or their designee for conformity with the applicable standards or criteria.

(23) Construction, site development and landscaping shall be carried out in substantial accord with the approved architectural review plan **or application**. Review of the proposed architectural review plan **or application** and any changes thereto shall be conducted in accordance with Chapter 31.

Section 7. TDC 73.170 is amended to read as follows:

Section 73.170 Structure Design – Single-family and Multi-family Uses.

(1) Purpose – Single-family Uses.

The purpose of single-family building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.

(2) Purpose – Multi-family Uses.

The purpose of multi-family, including townhouse, building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings which are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment and identification features.

Section 8. TDC 73.180 is amended to read as follows:

Section 73.180 Objectives – Single-family and Multi-family Uses.

(1) Objectives – Single-family Uses.

All new single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more

expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. Development subject to Level I (Clear and Objective) Single-family Architectural Review approval may be permitted to vary from one or more of the clear and objective standards set forth in TDC 73.190(1)(a), provided that the Level II (Discretionary) approval criteria set forth in TDC 73.190(1)(b) are considered. New single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), shall be designed, to the maximum extent practicable, to:

(a) Enhance Tualatin through the creation of attractively designed housing and streetscapes.

(b) Encourage originality, flexibility and innovation in structure design.

(c) Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures.

(d) Provide continuity in design by utilizing architectural materials and style employed on the front façade (elevation) on the remaining sides of the structure.

(e) Discourage monotonous, drab, unsightly, dreary and inharmonious development.

(f) Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of TDC 73.170(1).

(2) Objectives – Multi-family Uses.

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

(4a) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.

(2b) Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.

(3c) Create subclusters and stagger unit alignments.

(4d) Utilize functional building elements such as carports and garages, balconies, entry areas and sun screens where possible to accomplish unit identity, pride of place and visual diversity.

(5e) Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.

(6f) Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.

(7g) Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role (whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).

(8h) Minimize disruption of natural site features such as topography, trees and water features.

Section 9. TDC 73.190 is amended to read as follows:

Section 73.190 Standards – Single-family and Multi-family Uses.

(1) *Standards - Single-family Uses.*

Except for the side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or to an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane. The wall plane shall be defined as all vertical surfaces on one side of a dwelling from the base of the main floor level up including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window coverage percentage in TDC 73.190(1)(a). Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet (3') and into a required side yard not more than two feet (2'), or into the required open space as established by coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

(a) *Level I (Clear and Objective) Single-family Architectural*

Review. Dwellings shall:

(i) On the front façade (elevation), provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least three (3) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least five (5) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the front façade (elevation) may be reduced in two percent (2%) increments to not less than eight percent (8%) of the wall plane for each additional Residential Wall Design Element provided.

(ii) On each side elevation, except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, provide windows that occupy at least eight percent (8%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on each side elevation may be reduced by two percent (2%) to not less than six percent (6%) of the wall plane if one (1) additional Residential Wall Design Element is provided on the same side elevation as that on which the reduction is made.

(iii) On the rear elevation, provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the rear elevation may be reduced by two percent (2%) to not less than ten percent (10%) of the wall plane if one (1) additional Residential Wall Design Element is provided.

(iv) Residential Roof Design Elements.

(A) Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, vent, or decorative element.

(B) Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle.

(C) Roof eave of at least twelve inches (12").

(D) Roof overhang (bargeboard or verge board) of at least six inches (6") measured outward from the face of the dwelling wall or wall plane.

(E) Window, decorative vent, door, decorated verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends.

(F) Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.

(v) Residential Wall Design Elements.

- (A) Recessed entry – front façade only.
- (B) Portico – front façade only. A roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure.
- (C) Covered porch at least thirty-six square feet (36 sq. ft.) in area and at least four feet (4') deep.
- (D) Balcony, which projects from the wall plane and is enclosed by a railing or parapet (low protective wall).
- (E) Vertical offsets, at least two (2), either projecting or recessed, and at least six inches (6") deep and a minimum of four feet (4') long.
- (F) Horizontal offset, either projecting or recessed, at least five inches (5") deep.
- (G) Bay window, box window, or box bay, which projects at least six inches (6") outward from the wall plane and forms a bay, alcove, or window seat.
- (H) Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling.
- (I) Exterior chimney of brick, stone, composite masonry or similar materials.
- (J) Engaged tower, either square, rectangular, circular or polygonal in form.
- (K) Window trim or surround (casing) at least three and one-half inches (3.5") wide that completely surrounds the window, either with or without a sill beneath the window.
- (L) Window grids, windows with multi-paned sashes, or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows.
- (M) Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane.
- (N) Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers.
- (O) Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar.
- (P) Decorative or "architectural" garage door(s), with or without windows, and including patterning relief at least five-eighths inch (5/8") deep over the door(s) surface, excepting the window area if windows are present.
- (Q) Decorative trellis or trelliswork, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow.



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