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DEVELOPMENT CODE  
OF THE  
CITY OF TUALATIN

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# Tualatin Development Code

## PREFACE

The Tualatin Development Code provides a common format in one document for the various plans, codes and ordinances that Tualatin has or is adopting related to the physical development of the City. The purpose of this Code is to provide citizens, developers and contractors with a more easily understood document that clearly identifies the requirements for any kind of physical construction within the City of Tualatin.

The Tualatin Development Code is divided into 3 parts. The first part is the Tualatin Community Plan, the City's official comprehensive plan. The Plan encompasses the City's planning efforts regarding land use, transportation, and public facilities to the Year 2000. The second part is the Tualatin Urban Renewal Plan, which is the detailed plan of development for the City's urban Renewal Area. The third part consists of the Planning District Standards which relate to such matters as permitted land uses, lot sizes, yard setbacks and height requirements.

The Tualatin Development Code has been acknowledged by the Land Conservation and Development Commission (LCDC) as an "active" plan. The Plan is acknowledged for the entire Urban Growth Boundary area, with the corporate units acknowledged in March 1980, and the unincorporated Urban Growth Boundary in August 1983.

All documents related to the preparation of the Tualatin Community Plan, Planning District Standards and the City's Urban Planning Area Agreements are on file in the Tualatin City Offices, 18880 SW Martinazzi Avenue.



**Chapter 1**

**Administration Provisions**

**Sections:**

- 1.010 Interpretation.**
- 1.020 Definitions.**
- AMENDMENTS**
- 1.030 Initiation of Amendments.**
- 1.031 Notice Requirements.**
- 1.032 Burden of Proof.**

**Section 1.010 Interpretation.**

Where differences of interpretation occur between the Plan Map and Plan Text, the Plan Map shall be the sole expression of Plan intent unless otherwise determined by the City Council.

**Section 1.020 Definitions.**

Acre. A measure of land area containing 43,560 square feet. Gross Acreage is the land area within the lot lines of a tax lot. Net Acreage is the land area within the lot lines of a tax lot after removing land for rights-of-way and tracts.

Aesthetics. A branch of philosophy dealing with beauty and judgments concerning beauty.

Annexation. The formal act of adding land to the corporate limits of a City.

Architectural Focal Element. A publicly-owned structure whose primary function is to attract attention and create a special sense of place.

Automobile Service Station. A fueling facility for passenger or commercial vehicles, including a card-lock facility, whether or not retail transactions are made or an attendant is present.

Building. A structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Buildable Lands. Land within an Urban Growth Boundary that is vacant, has access to public streets, water and sewer services, and is not subject to natural hazards such as flooding, landslides, etc.

CCI. Committee for Citizen Involvement.

CRAG. Columbia Region Association of Governments; now merged with the Metropolitan Service District (MSD).

Central Design District. The Central Design District as identified in Section F of the Central Urban Renewal Plan.

Child Day Care Center. A day care facility providing day care to children as defined in ORS 418.805(4), except a Family Day Care Provider.

City. The City of Tualatin, Oregon; a municipal corporation.

Common Wall Dwellings. Dwelling units characterized by shared wall structures including duplexes, triplexes, attached single family residences, rowhouses, townhouses, multi-family dwellings and condominiums.

Conditional Use. A land use category in a Planning District for land uses that may have an adverse impact on other land uses within that district. These uses require special approval procedures and may have conditions attached to their approval so they can be made compatible with surrounding land uses.

Condominium. A property with a building or group of buildings, submitted to the provisions for condominiums in state statutes, in which units are owned individually, and common areas, structures, facilities, easements, rights and appurtenances belonging to the property are owned by all the owners on a proportional, undivided basis.

Core Area Parking District. The Core Area Parking District as identified in Section D of the Central Urban Renewal Plan.

DLCD. State Department of Land Conservation and Development; the administrative organization serving the Land Conservation and Development Commission.

Dedication. The act of permanently devoting a portion of private land to a public purpose such as road right-of-way or a public park.

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Density, Maximum Net. Maximum net density applies only to partition, subdivision, and architectural review applications reviewed through the Expedited Process set forth in House Bill 3065, Sections 6-11, 1995 Legislature, and is the land area within the lot lines of a tax lot after land has been removed for rights-of-way and tracts. House Bill 3065's reference to 80 percent of maximum net density in Section 7(1)(a)(E) is calculated by taking the gross acreage and subtracting land removed for rights-of-way and tracts and multiplying that net acreage figure by the maximum allowed density and then multiplying that figure by 80 percent.

Density, Residential, Gross. Gross Residential Density is the number of dwelling units per gross acre. See also Acre.

Density, Residential, Net. Net Residential Density is the number of dwelling units per net acre. See also Acre.

Design Standards. Specific defined criteria formulated to guide the preparation of plans for buildings, landscaping, parks, etc.

Detached Housing. Dwelling units characterized by wall structures that are not shared with adjacent dwelling units such as the common single-family home.

Drive-up Uses. Any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. Drive up uses shall not include automobile service stations.

Dwelling, Duplex. A building containing two dwelling units on one lot or parcel.

Dwelling, Multi-Family. A building containing two or more dwelling units on one lot or parcel.

Dwelling, Single-Family. A dwelling unit detached or separate from other dwelling units, and not having common walls with another dwelling unit on one lot or parcel.

Dwelling, Triplex. A building containing three dwelling units on one lot or parcel.

Dwelling Unit. A habitable structure containing one or more rooms designed for oc-

cupancy by one individual or family, and not having more than one cooking facility.

Family. An individual, or two or more persons related by blood, marriage, adoption, or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship. Residents and staff of a residential home as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Family Day Care Provider. A day care provider who regularly provides day care in the provider's home in the family living quarters, as defined in ORS 418.805(5).

Flood Plain. Land adjacent to a watercourse that is covered with water during periods of flooding; normally defined as an area of land inundated by a flood having a one percent chance of occurring in any year.

Garden Apartments. Multi-family housing characterized by the emphasis of open landscaping areas.

Grade Crossing. A crossing of highways, railroad tracks, or pedestrian walks or combinations of these at the same ground elevation.

Greenway. A linear park-like or naturally landscaped strip of land usually located adjacent to watercourses and roadways.

Growth Controls. A combination of regulations, public policy and capital expenditures designed to either limit growth or to direct growth into specific geographic areas.

Historic Resource. Sites, buildings, structures, objects, landscape features and archaeological sites situated within the City limits of Tualatin which identify the community's past.

Housing Density. The number of dwelling units per acre of land rounded to the nearest whole number.

Housing Starts. The number of building permits issued for the construction of dwelling units for a specific period of time.

# Tualatin Development Code

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LCDC. State Land Conservation and Development Commission.

Land-Extensive. An industrial use characterized by large storage areas or large land areas needed for manufacturing processes and relatively few employees per acre.

Land Use Intensity The relative concentration or activity generated on a parcel of land by a specific land use.

Living Unit. In assisted living facilities, residential facilities and congregate care facilities, a room, apartment, cottage or other area set aside for the use of a resident individual or couple.

Lot. A single parcel or tract of land.

MSD. Metropolitan Service District, now merged with the Columbia Region Association of Governments (CRAG). A regional government agency having land use planning and other powers and responsibilities of a regional nature.

Manufactured Dwelling. A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the Structural Specialty Code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured Dwelling Park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Manufactured Home. A structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National

Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), as amended on August 22, 1981.

Manufactured Structure. A recreational vehicle as set forth in ORS 446.003 or a manufactured dwelling. Manufactured structure does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code.

Migration. The movement of people between one community and another.

Mixed Use Development. A tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, manufacturing, public, or entertainment, in a compact urban form.

Mixed Use Residential Development. A mixed use development containing one or more residences.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Mobile Home Park. Any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Mobile Home Park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

Modular Home. A residential structure consisting of prefabricated components manufactured at a remote location and assembled on-site.

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Moratorium. A temporary deferment or delay of construction activity, usually based on the lack of adequate capacity for public facilities such as schools, roads, and sewer and water systems.

Multi-Mode Transportation. A mix of transportation forms usually integrated as a system.

Net Migration. A figure defining the difference between the number of people moving into the community and the number of people moving from the community.

Official Map. A legislatively adopted map indicating the exact location of public improvements such as streets, with the purpose of prohibiting uses within these locations that would prohibit future municipal use of the location.

Outdoor Storage. The storage of materials or merchandise outside of a building.

Peak Hour. A specific period of time at which traffic counts are highest.

Planning District. An area on the Plan Map designated as appropriate for a specific class of land use as defined in the Plan Text.

Residential Care. Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board, as defined in ORS 443.400(4).

Residential Facility. A residential facility providing residential care, training or treatment for six or more individuals exclusive of staff, as defined in ORS 443.400.

Residential Home. A residential training home or residential treatment home for five or fewer individuals exclusive of staff, as defined in ORS 443.400.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Right-of-Way. A strip of land reserved for public uses such as roadways and sewer and water lines.

SMSA. Standard Metropolitan Statistical Area, a specific geographic area defined by the federal government to serve as a common base for the generation and comparison of data.

Skirting. A covering that totally obscures the undercarriage of a manufactured dwelling, extending from the top of the undercarriage to the ground.

Small Lot. Any lot in a subdivision approved as a Small Lot Subdivision with an area less than 6,500 square feet.

Small Lot Subdivision. A subdivision containing lots smaller than 6,500 square feet and that has been granted conditional use approval.

Subdivision. The division of a tract of land into four or more lots.

Townhouses. A building containing more than one dwelling unit, in which each unit has primary access to the outside and in which units are attached to each other by common walls without openings.

TPAC. Tualatin Planning Advisory Committee.

TPARK. Tualatin Park Advisory Committee.

Transportation Mode. A form of transportation such as the automobile mode, bus mode, light rail mode, etc.

Truck Route. A selected course of travel for trucks, primarily intended to route trucks away from residential neighborhoods.

Unincorporated Land. Land not within the corporate or city limits of a city.

URAC. Urban Renewal Advisory Committee.

Urban Growth Boundary. An adopted line at or outside the current City limits defining an area that would accommodate future City growth.

Wetlands. Land areas determined by the Oregon Division of State Lands to be wetlands. [Amended by Ord. 743-88, Sec. 34, passed March 28, 1988; Ord. 818-91, Secs. 1, 2 & 3, passed Jan. 14, 1991; Ord. 844-91, Sec. 1, passed Oct.

14, 1991; Ord. 849-91, Secs. 1 & 2, passed Nov. 25, 1991; Ord. 882-92, Sec. 1, passed Dec. 14, 1992; Ord. 890-93, Sec. 1, passed April 12, 1993; Ord. 956-96, Secs. 1 & 2, passed Jan. 8, 1996; Ord. 988-97, Sec. 1, passed Dec. 8, 1997; Ord. 1026-99, Sec. 1, passed Aug. 9, 1999.]

## AMENDMENTS

### Section 1.030 Initiation of Amendments.

(1) An amendment to the Text or the Plan Map of the Tualatin Community Plan may be initiated by the City Council, City staff or by a property owner or a person authorized in writing by the property owner.

(2) An applicant for an amendment to the Text or Plan Map shall discuss the proposed amendment with the Community Development Director in a pre-application conference prior to submitting an application. An application for an amendment to the Text or Plan Map shall be on forms provided by the Community Development Department, and the application shall be accompanied by an amendment fee as established by City Council resolution. An applicant for a Plan Map or Text Amendment for a specific property shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. The application submittal shall include information on the Neighborhood/Developer meeting specified in TDC 31.063(10). 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 the ODOT Rail Division and the railroad company that the application has been received.

(3) Amendments to the Text or Plan Map shall be considered by the Council at any regular or special meeting.

(4) During the month of April, 1984, the Council shall hold a public hearing for the purpose of conducting a comprehensive review of the Plan Text and Plan Map. During the month of April of each fifth year thereafter, the Council shall hold a public hearing for a comprehensive review of said Text and Plan Map. Notice of said public hearings for comprehensive review shall be the same as required in TDC 1.031(1) and (2) below for amendments to the Tualatin Community Plan.

(5) Notwithstanding the foregoing provisions, the Council shall conduct a public hearing at any time it is necessary to consider an amendment or amend-

ments to the Plan Text or Plan Map when it is required to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said Plan Map or Plan Text. Publication in a newspaper of general circulation in the City, as herein provided by TDC 1.031(1) and (2), shall be the only type of notice required for this type of amendment.

(6) Properties located outside of the City's corporate limits and inside of the City's acknowledged Urban Growth Boundary shall automatically become subject to the planning district specified by the Tualatin Comprehensive Plan Map and applicable provisions of the Development Code immediately upon the effective date such property or portion thereof is annexed to the City. No additional action by the City, including publication and mailing of notices, public hearings, or consideration by the Tualatin Planning Advisory Committee and City Council shall be required. This provision shall satisfy ORS 215.130(2)(a) which requires the City to provide for a transition from County planning and zoning to City planning and zoning upon annexation. The effective date of annexation shall be the date stated on the final order of the Portland Metropolitan Area Local Government Boundary Commission or any successor agency or court exercising jurisdiction in the matter, or the date any election results are certified by the County Elections Official, whichever is applicable. [Amended by Ord. 622-84, passed Feb. 13, 1984; Ord. 715-87, Sec. 1, passed Feb. 23, 1987; Ord. 771-89, Sec. 1, passed April 10, 1989; Ord. 933-94, Sec. 1, passed Nov. 28, 1994.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003)

[Amended by Ord. 622-84, passed Feb. 13, 1984; Ord. 715-87, Sec. 1, passed Feb. 23, 1987; Ord. 771-89, Sec. 1, passed April 10, 1989; Ord. 933-94, Sec. 1, passed Nov. 28, 1994.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003)

### Section 1.031 Notice Requirements.

(1) Notice of the public hearing at which the Council shall consider the proposed amendments shall be given by publication in a newspaper of general circulation within the City not less than ten (10) City business days prior to the hearing and by posting in two (2) public and conspicuous places within the City not less than ten (10) City business days prior to the hearing. In the case of quasi-judicial text or map amendments, additional notice shall be given as follows: notice of the proposed amendment shall be

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mailed by regular first class mail to property owners of property located within 300 feet of the subject property. Notice of the public hearing for an amendment, either legislative or quasi-judicial, which affects the transportation system, shall be provided to ODOT and to Metro.

(2) For purposes of identifying the property owners to receive notification of hearing, the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a 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, registered architect, landscape architect, engineer, surveyor, or attorney, or where the City is the applicant, the Planning Director. The list of property owners shall be updated not less than every ninety (90) days by the applicant, until a final decision is rendered.

(3) The City shall provide written notice to the Tigard-Tualatin School District not less than ten (10) City business days prior to the hearing when considering a plan amendment or land use regulation amendment that significantly impacts school capacity. [Amended by Ord. 743-88, Sec. 37, passed March 28, 1988; Ord. 964-96, Sec. 1, passed June 24, 1996.] (Ord. 1103-02, Amended, 03/25/2002)

**Section 1.032 Burden of Proof.**

Before granting an amendment to the Plan Text or Plan Map of the Tualatin Development Code (TDC), including the Tualatin Community Plan, the Council shall find that:

(1) Granting the amendment is in the public interest.

(2) The public interest is best protected by granting the amendment at this time.

(3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

(4) The following factors were consciously considered: the various characteristics of the areas in the City; the suitability of the areas for particular land uses and improvements in the areas; trends in land improvement and develop-

ment; property values; the needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area; natural resources of the City and the protection and conservation of said resources; prospective requirements for the development of natural resources in the City; and the public need for healthful, safe, aesthetic surroundings and conditions. Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

(5) The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment. The Tigard-Tualatin School District's School Facility Plan criteria (formula) for new school capacity are:

$$(TCR - SMR) * CSR = NC$$

$$(NC * CFF) / CSP = MNP$$

$$(MNP \text{ or } MPS) * CSP = AC$$

Where:

TCR	=	Total number of classrooms.
SMR	=	Special mandated classrooms.
CSR	=	Average class size policy for regular rooms.
NC	=	Normal capacity.
CFF	=	Core facility factor (kitchen, cafeteria, restrooms, offices, gym, music, mechanical: 0.12 for K-8 schools and 0.15 for 9-12 schools.
CSP	=	Average class size policy for portables.
MNP	=	Maximum number of portables, rounded up to the nearest whole number, <u>or</u>
MPS	=	Maximum number of portables allowed on site, as determined by existing school capacity, above, or allowed by the City of Tualatin through land use decisions such as, but not limited to, conditional use permits.
AC	=	Additional capacity.

(6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

(7) Granting the amendment is consistent with the Metropolitan Service District' s Urban Growth Management Functional Plan.

(8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

[Amended by Ord. 964-96, Sec. 2, passed June 24, 1996; Ord. 1026-99, Sec. 2, passed Aug. 9, 1999.](Ord. 1103-02, Amended, 03/25/2002)

## Chapter 2

### Introduction

#### Sections:

- 2.010 Background.**
- 2.020 Purpose.**
- 2.030 Plan Format.**
- 2.040 Planning Area Description.**
- 2.050 Citizen Involvement.**
- 2.060 Tualatin Planning Advisory Committee (TPAC).**
- 2.070 Tualatin Park Advisory Committee (TPARK).**
- 2.080 Agency Coordination.**

#### Section 2.010 Background.

(1) The City of Tualatin's first Comprehensive Plan was adopted in 1972, 59 years after the City was incorporated in 1913. In 1975, the City adopted a plan for the City's Urban Renewal Area, and then produced a more detailed Renewal Plan in 1977. Since the adoption of the 1972 Plan, the City has seen rapidly changing circumstances that have created the need for a revised plan. These circumstances included the establishment of the State Land Conservation and Development Commission (LCDC), adoption of the Statewide Planning Goals, annexation of most of the industrial area west of the City in 1982, and accelerated economic development that has occurred since 1972 in the Tualatin area.

(2) In 1973, the Oregon Legislature passed a law establishing the Land Conservation and Development Commission (LCDC) and empowered the Commission to adopt Statewide Planning Goals. The Legislature also required all Oregon cities and counties to adopt plans and ordinances in conformance with the statewide goals and to coordinate their plans with each affected local general purpose government or special district. Each city or county also had to prepare a plan that considered state and federal government programs. To help each local government prepare a plan to meet the planning goals, the State Legislature allocated considerable sums of money to provide planning grants to the local jurisdictions. This planning effort

has been achieved by using some of those grant funds.

(3) While the Statewide Planning Goals were being formulated, the nation was recovering from an economic recession. Tualatin was only beginning to feel the double impact of renewed economic growth. At the same time, development of the metropolitan urban fringe finally met and passed Tualatin's border. Because of these factors, the City is now experiencing an unprecedented development boom that must be guided by an adequate plan that will ensure the long-term livability of the City. While the 1972 Plan was adequate for its time, a new plan, building on the strengths of the old plan, was necessary to provide an adequate guide for current and future City growth.

(4) After six years of work, Tualatin adopted a revised comprehensive plan on October 22, 1979, which, with amendments, was acknowledged as being in compliance with the Statewide Goals and Guidelines by the LCDC on September 24, 1981.

(5) The Tualatin Plan is unique in that it involves a single document integrating both the traditional comprehensive plan and zoning ordinance into a single development code. This direction is followed in the land use mapping by having only one map with planning districts rather than a zone map and a plan map. With this approach, Tualatin has given a very strong legal authority to its planning programs.

(6) The 1979 Tualatin Plan dealt with land, both within the City limits and in the unincorporated area, out to the Metropolitan Service District (METRO) Urban Growth Boundary (UGB). However, the acknowledgement of the plan by the LCDC was only for the City limits. Therefore, the 1979 plan was termed "complementary" in that it dealt only with land inside the limits and left the growth areas reaching to the UGB to Washington County for detailed planning and administration. It was the County's responsibility to finalize the plan for



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this area so that it could be acknowledged by the LCDC.

(7) Planning responsibility shifted to the City with the October 1982 annexation of most of the Industrial Planning Area. At that time, Tualatin and Washington County agreed that the City would assume planning responsibility for the unincorporated balance of the planning area. In order to fulfill this responsibility, the City prepared two separate land use plan amendments, one for the newly annexed industrial area and another for the unincorporated, predominantly residential balance of the planning area. At the same time, the City prepared up-dates of the Transportation and Sewer and Water elements of the Public Facilities Plan. These three amendments, scheduled for adoption in 1983, were intended to bring the total plan into "active" status. This means that the City has taken authority for its own growth lands and is planning for those lands so that they can be best integrated into one community.

(8) Map [9-2] shows the Western Industrial District, the Industrial Planning Area, and the individual industrial areas.

(9) Map [9-2] shows the individual Residential Planning Areas.

(10) The Northwest Tualatin Concept Plan technical document development occurred in 2004/05 based on a Metro Urban Growth Boundary expansion in December 2002. The concept plan focus is on industrial uses and related public infrastructure. [Amended by Ord. 592-83, Sec. 22,

passed June 13, 1983.; Ord 1191-05, 6/27/05]

### Section 2.020 Purpose.

(1) The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth. Specifically, the Plan is intended to define locations for both private and public land uses and to arrange these uses in a manner that reduces conflicts and provides convenient movement between individual land uses. The Plan is also intended to provide for diverse living and working environments of the highest quality.

(2) When adopted by the City Council, this Plan and the City's Urban Renewal Plan will be an official land use guide for City development. There shall be, at no time after the adoption of this Plan, the construction of any building, structure or use, used or occupied contrary to the provisions of this plan.

### Section 2.030 Plan Format.

(1) The format is intended to organize the Code's content into a logical sequence. The first chapter contains general administrative provisions including interpretation, amendment procedures, and definitions of planning terms that are jargon or are difficult for lay people to understand. Chapter 2 provides general background on the reasons for the plan revision, explains the plan's format, and discusses matters such as citizen involvement and agency coordination. Chapter 3 provides a description of the data that was generated as a part of the planning process and was used to provide an objective analysis of planning alternatives.

(2) Chapter 4 discusses general community growth and describes growth characteristics. It also defines community growth objectives. The next four chapters deal specifically with individual land use categories, providing rationale for their location and explaining their purpose.

(3) Chapter 9 contains the plan map and shows the specific location of private and public land uses. It also provides a graphic description of the City's Urban Growth Boundary, and also provides a narrative description of each plan area.

(4) Chapter 10 provides a description of community design objectives relating to the physical appearance of the City.

(5) Chapters 11 through 15 comprise the public facilities element of the plan. Subjects addressed include transportation, water service, sewer service, and parks and recreation.

(6) Chapter 16 provides objectives relating to the preservation of the City's identified historic landmarks.

(7) Chapter 20 provides objectives related to sign design.

(8) Chapters 40 through 74 contain the Planning District Standards. These Standards are equivalent to what is generally referred to as a "Zoning Ordinance" in most cities and counties. Under the system adopted by the City of Tualatin, the traditional comprehensive plan map and zoning map have been combined into a single map, and what used to be called "zones" are referred to as planning districts. [Renumbered by

Ord. 844-91, Sec. 2, passed Oct. 14, 1991; Ord 1191-05 passed 6/27/05.]

## **Section 2.040 Planning Area Description.**

(1) The beginning of any planning effort includes a definition of the area to be studied. This planning effort studied an area that is described on the Plan Map in Chapter 9 and referred to as the Study Area.

(2) Subsequent modifications to the original Study Area include Urban Reserve Area 43 in 1998 and the Northwest Tualatin Concept Plan (2005) areas.

(3) The study area corresponds to the Urban Growth Boundary (UGB) adopted by the Columbia Region Association of Governments (CRAG) in 1976 or as modified by Metro in 1981, 1986, 1991, 1998 and 2002. In the eastern and southern portions of the City the line follows the 1976 UGB. The western portion of the Study Area corresponds to a line generally following Cipole Road, Pacific Highway and the Bonneville Power Administration right-of-way, while the northern portion of the Study Area follows the natural divide of the Tualatin River and the political boundaries of the cities of Durham, Tigard, Lake Oswego and Rivergrove. [Amended by

Ord 1191-05, passed 6/27/05]

## **Section 2.050 Citizen Involvement.**

(1) The first Statewide Planning Goal is the Citizen Involvement Goal. This goal provides that each community must adopt, implement and periodically review a citizen involvement program. In 1976 the Tualatin City Council appointed a 7-member Committee for Citizen Involvement (CCI) to draft a Citizen Involvement Program. This program was adopted by

the City Council on April 12, 1976, and has been the basis for the City's citizen involvement activities. After the adoption of the Citizen Involvement Program, the City Council formed two new advisory committees to provide recommendations to the Council on planning matters. These new groups were the Tualatin Planning Advisory Committee (TPAC) and the Urban Renewal Advisory Committee (URAC). URAC provides planning assistance to the Tualatin Development Commission on matters within the Urban Renewal Area, and TPAC provides planning recommendations for the general community.

(2) The City Council transferred the Citizen Involvement Program responsibility to the Tualatin Planning Advisory Committee in 1976.

(3) Another advisory group influencing the plan is the Tualatin Park Advisory Committee (TPARK). This committee oversees the City's park and recreation programs and thus has an interest in the park and recreation element of the Public Facilities Plan, which is also reflected on the community's General Land Use Plan. Both TPAC and TPARK have met regularly to review the plan proposals and to take actions recommending this plan to the City Council. Meeting minutes and tape recordings are available for public review at the Tualatin City Hall. The powers, duties and organizational structure of TPAC and TPARK are described below. (Ord.

1119-02, Amended, 10/14/2002)

## **Section 2.060 Tualatin Planning Advisory Committee (TPAC).**

(1) Number of members: 9.

(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.

(3) Term of office: three years.

(4) Powers and duties: recommend and make suggestions to the Council regarding preparation and revision of plans for the growth,

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development, and beautification of areas both inside the corporate limits of Tualatin and within the City's Urban Growth Boundary, such plans to incorporate elements and subelements, including but not limited to the following:

- (a) Land Use
- (b) Economic Development
  - Housing
  - Commercial and Industrial
- (c) Public Facilities
  - Transportation
  - Water Supply
  - Sewerage
  - Drainage
  - Parks and Open Space
  - Institutions

(d) Historic Resources

(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

- Tualatin Development Code
- Tualatin Sign Ordinance
- Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary. [Amended by Ord. 635-84, Sec. 2, passed June 11, 1984; Ord.

926-94, Sec. 1, passed June 13, 1994.]

### **Section 2.070 Tualatin Park Advisory Committee (TPARK).**

(1) Number of members: seven.

(2) Selection criteria: good geographic balance; five members shall reside inside the City, while two members may reside outside the City.

(3) Term of office: three years.

(4) Powers and duties:

(a) Recommend and make suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs. This shall include but not be limited to (1) the budget process; (2) im-

mediate and long-range planning; and (3) citizen participation.

(b) To formulate comprehensive and community-wide park and recreation systems and programs to serve the horticultural, environmental, historical, recreational, cultural and leisure needs of all City residents. [Amended by Ord. 1087-01 §1, Aug 27, 2001.] (Ord. 1087-01, Amended, 08/27/2001) (Ord. 1087-01, Amended, 08/27/2001)

### **Section 2.080 Agency Coordination.**

(1) Numerous public agencies have been involved in the planning process. This Plan, as well as Phase I - Technical Memoranda, the data base for this Plan, and subsequent modifications to this Plan, have been sent to the following public agencies for comment. This coordination is required by statewide planning legislation, and agency comments are on file at the Tualatin City Hall.

(a) Land Conservation and Development Commission.

(b) Columbia Region Association of Governments.

(c) Metropolitan Service District (Metro).

(d) Portland Metropolitan Area Local Government Boundary Commission.

(e) Tri-Met.

(f) Washington County Planning Commission.

(g) Clackamas County Planning Commission.

(h) Cities of Durham, Lake Oswego, Rivergrove, Sherwood, Tigard, Wilsonville.

(i) Tigard-Tualatin School District 23 J.

(j) Sherwood School District 88.

(k) Tualatin Valley Fire and Rescue (Tualatin Rural Fire Protection District).

(l) Clean Water Services (Unified Sewerage Agency).

(m) Oregon State Highway Division (Oregon Department of Transportation).

(n) Oregon Department of Environmental Quality.

(o) Federal Environmental Protection Agency.

(p) U.S. Army Corps of Engineers.

(q) Oregon Division of State Lands.

(2) Additionally, the planning process included the following private utility companies:

(a) Verizon (General Telephone Company of the Northwest, Inc.)

(b) Northwest Natural Gas Company.

(c) Portland General Electric Company.

(d) Comcast [Amended by Ord. 1191-05; passed

6/27/05]

**Chapter 3**

**Technical Memoranda**

**Sections:**

- 3.010 Background.**
- 3.020 Citizen Participation.**
- 3.030 Natural Resources.**
- 3.040 Natural Hazards.**
- 3.050 Historical and Cultural Resources.**
- 3.060 Land Use.**
- 3.070 Economics, Housing and Employment.**
- 3.080 Public Facilities and Services.**

- Buildable Land Summary
- Residential, Commercial and Industrial Demand
- Population Forecast
- Housing
- Commercial/Industrial Urbanization
- Housing Inventory
- Energy Conservation
- (c) Public Facilities
  - Transportation
  - Public Services
    - Water Supply
    - Sewerage
    - Storm Drainage
    - Flooding and Natural Hazards
  - Recreation and Open Space
  - Schools
  - Electrical, Gas and Utilities

**Section 3.010 Background.**

(1) The development of the Plan for Tualatin was based as much as possible on objective data that measured conditions within the planning area. To obtain this data, the planning process was divided into 2 phases, with the first phase being data collection and the second phase being the preparation of a plan based on the collected data. The data was collected in a document entitled Phase I - Technical Memoranda. The Technical Memoranda described data concerning numerous topics. Those topics are described as follows:

- (a) Citizen Involvement
  - Citizen Participation
- (b) Land use
  - Natural Resource Inventory
  - Geological Resources
  - Flood Plains, Drainage and Wetlands
  - Fishery Resources
  - Wildlife Resources
  - Wetland Protection Regulations
  - Ecologically Significant Natural Areas
  - Vegetation
  - Soils Inventory, Urban/Rural Conflicts
  - Air Quality, Pollution Potentials
  - Noise Quality, Pollution Potentials
  - Groundwater Resources, High Groundwater and Weak Soils
  - Historical and Cultural Resource Inventory
  - Land Use Summary
  - Existing Land Use

(2) To portray material lending itself to graphic description, a series of clear mylar overlays were produced. This series of overlays was useful in describing to the advisory committees and the public much of the information necessary to reach planning decisions. The graphic overlays cover the following topics and are available for review at the Tualatin City Hall.

- (a) Slope Analysis (indicates areas that may be natural hazard areas).
- (b) Soils Classifications (indicates areas that may be natural hazard areas).
- (c) Water Areas and Wetlands (indicates areas that may be natural hazard areas).
- (d) Vegetation and Wildlife.
- (e) Recreation and Open Space Inventory.
- (f) Street Classifications and Capacities.
- (g) Major Street Inventory.
- (h) Existing Land Use.
- (i) Water Service Areas.
- (j) Sewer Service Areas.

(3) To briefly acquaint the reader with some of the data that has been used in the Plan, the following summary has been written. The summary briefly describes the data and initial

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findings produced in the first planning phase. For a detailed review of data used in this Plan, please refer directly to Phase I - Technical Memoranda, City of Tualatin Historic Resource Technical Study and Inventory 1992/1993, City of Tualatin Natural Resource Inventory and Local Wetlands Inventory 1995, 2001 Transportation System Plan, and NW Tualatin Concept Plan 2005. (Ord. 1103-02, Amended, 03/25/2002; Ord 1191-05, Passed

6/27/05)

### Section 3.020 Citizen Participation.

Two questionnaires were used to aid the development of planning objectives. One assessed general community attitudes and asked residents to list Tualatin's assets and liabilities. The other polled commercial and industrial employees in the planning area regarding the need for housing for people who work in Tualatin.

### Section 3.030 Natural Resources.

Renewable and nonrenewable natural resources were listed along with an inventory of soil types, air pollution potentials, and noise pollution potentials.

#### (1) Geology.

(a) Uplands. The southern half of the Study Area consists of irregular uplands varying from 250 feet to 550 feet in relief, with several small creeks draining to the north. These uplands grade into a northward-sloping terrace at an estimated elevation of 250 feet.

(b) Low-lying areas. Columbia River Basalt underlies the valley and is covered with a fine-grain sedimentary material consisting of silts and clays. Flood-deposited sand, gravel and boulders occur over some parts of the area.

(c) Tualatin River. The Tualatin River originates on the eastern slope of the Coast Range. The watershed averages 40 miles long and 25 miles wide, draining 711 square miles before entering the Willamette River. About 1/2 of the watershed is in the valley, where the stream is flat with wide flood plains.

(d) Drainages. Numerous minor drainages into the Tualatin River within the Study Area have required the development of a Drain-

age Plan for the City of Tualatin. Major drainage basins within the Study Area are Hedges Creek and Nyberg Creek. Saum Creek and Athee Creek also have substantial drainage areas within the planning area. The majority of drainage structures within the City of Tualatin are open ditches and creeks combined with culverts at road crossings.

(e) Wetlands. Wetlands are mapped as areas of shallow groundwater tables subject to frequent inundation that have developed vegetation tolerant of abundant soil moisture. Wetlands are often transition areas between uplands and waterways. These areas commonly store flood waters, provide wildlife habitat, and supply primary protection to the adjacent waterway ecosystems. Hedges Creek Wetland is the largest wetland area in Washington County. The Army Corps of Engineers regulates any filling or dredging of the Hedges Creek Wetland.

(2) Fish. A wide variety of fish live in the Tualatin River system. The river supports both migratory fish and resident fish populations.

(a) Migratory. Migration lasts from late August to early September. During low water periods, flow of the Tualatin River is diverted for irrigation and municipal water use upstream from the Oregon Iron and Steel Company Dam. When low flow periods extend into October and November, migratory fish are prevented from entering the Tualatin River. Increased flow from impoundment of the Scoggins Dam has improved fish passage conditions.

(b) Resident. Warmwater fish caught near the City of Tualatin are primarily largemouth bass, bluegill, brown bullhead and black crappies. Crayfish are a good indicator of water quality. The crayfish population declined during the late 1950's and early 1960's.

(3) Wildlife. Within the Study Area, there are a variety of habitats that support diverse wildlife fauna. The habitats are composed of a mosaic of forest, grasslands, wetlands, and farm land. The diverse and little-disturbed habitats provide living space for a wide variety of wildlife species. The Technical Memoranda contains a detailed list of species of wildlife in the

Study Area from the Oregon Department of Fish and Wildlife. The areas of particular importance to wildlife species are wetlands and riverbank habitats along the Tualatin River and its tributaries.

(a) Hedges Creek. The large wetland directly west of the Tualatin City Center and south of the Southern Pacific Railroad line is one of the most important ecologically significant natural areas. This area has generated considerable interest because of its extensive wildlife and water fowl habitat in close proximity to Portland.

(b) Saum Creek. Saum Creek, located at the eastern end of the Study Area, contains both deciduous and coniferous forest land and is characterized by forests along the Creek.

(c) Tualatin River. The Tualatin River and its flood plain from the western boundary of the Study Area to just past its junction with Fanno Creek has been identified as a wetland and marsh area. The River itself is an important fish migration route. The river and its associated vegetation are important natural habitats.

(d) Tualatin River National Wildlife Refuge. The U.S. Fish and Wildlife Service established the refuge to protect, enhance, and manage an area of high quality and diverse habitats for a variety of migratory birds and resident fish and wildlife. The 3090-acre refuge is located in an area adjacent to the western city limits of Tualatin and includes the Rock Creek drainage and Onion Flats area adjoining SW Cipole Road. One tributary of Rock Creek originates within Tualatin's city limits in an area designated General Manufacturing. The refuge is of particular importance to Tualatin and the metropolitan region as a fish and wildlife habitat and valuable open space.

(4) Vegetation. Vegetation plays a crucial role in the natural processes. It furnishes living space and food for animals, cleanses the environment by acting as a filter for dust and air pollutants, and binds the soil to prevent erosion.

(a) Uplands. Both conifer forest and mixed conifer/deciduous forest are found on the upland areas. Cleared uplands support pasture or field crops.

(b) Lowlands. Lowlands are characterized by riverbank forests, swamp or marsh.

(5) Soils. Soil types have been mapped from aerial photographs obtained from the Soil Conservation Service. Soils are classified into 8 broad groups designated by Roman Numerals I through VIII, indicating progressively greater limitations for crop production. Soil classification expresses the suitability of soils for most kinds of field crops.

(a) Fertility. Over 95 percent of the soils within the Study Area are within Classes I through IV. The Tualatin Valley is a very fertile area with a long history of agricultural use.

(b) Suitability. Most of the soils in the Study Area are not suitable for farming due to the potential for erosion, high water tables, or their shallow, droughty nature.

(6) Water quality. In the past, the major water quality problem in the City has been pollution of Tualatin River waters. A 1976 report prepared for the Columbia Region Association of Governments by Portland State University states that "the lower Tualatin River appears to be nutrient enriched, eutrophic but not polluted." The report states that the improved water quality is due primarily to summer low-flow augmentation now allowed by the new Scoggins Dam and improved sewage treatment facilities recently constructed along the River. Consequently, the City's major water pollution problem has been solved. The City could have some water quality problems on Tualatin River tributaries due to erosion during construction. These problems are difficult to quantify. However, the City does have some control options over this potential problem. [Sec. 3.030 amended by Ord. 937-95, Sec. 1, passed January 9, 1995.]

### **Section 3.040 Natural Hazards.**

(1) Flooding. The last 3 miles of the Tualatin River, about 5 1/2 miles downstream from the City of Tualatin, consists of a narrow gorge with a vertical drop of nearly 40 feet. Natural reefs occurring upstream limit the River's ability to pass flood flows. The reefs create a natural dam, forcing water to back up and flood into the Tualatin Valley.

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(a) Season. Flooding usually occurs between mid-November and mid-February, due to rainfall and snow melt. Unlike most Oregon streams, the wide, flat flood plains of the Tualatin Valley store large volumes of water that cause the River to peak slowly and remain above flood stage for several days.

(b) Affected area. The core area of the City of Tualatin is highly vulnerable to flooding of the Tualatin River. A 100-year frequency flood would cause extensive flooding in the City of Tualatin. It would also flood a large area west and east of the City's downtown and a large area in the northwest portion of the Study Area.

(c) Existing flood control. Present flood control projects on the Willamette River do not appreciably affect flood conditions of the City of Tualatin. Upstream flood control measures on the Tualatin River will provide only limited benefits to the Tualatin Valley, as the key physical constraints occur at the natural reefs downstream.

(2) Air pollution. The major source of air pollution in Tualatin is motor vehicle traffic. Industrial sources are minor. The Durham sewerage treatment plant is the largest single point source of pollution in the area.

(a) Existing air quality. Existing air quality in Tualatin is estimated to be well within allowable limits everywhere except in the immediate vicinity of Nyberg Road and the freeway.

(b) Future air quality. Projections to 1990 suggest that concentrations of all pollutants will meet standards, due to increasingly effective emission controls on new vehicles.

(3) Noise pollution.

(a) Noise created by traffic is currently the City's most serious noise problem. New industrial uses will increase industrial noise pollution potential.

(b) Residential. The control of traffic sounds near residential property needs to be required by ordinance. This can be accomplished through various techniques such as buffering, setbacks and vehicular noise control ordinances.

(c) Industrial. The City's present industrial noise control ordinance is very restrictive and should be reviewed.

(d) Railroad. Specific control measures for railroad noise and vibration should be the subject of a study before action is taken on this potential problem.

(4) High groundwater.

(a) Wetlands. The high groundwater area approximates the Tualatin River flood plain and encompasses all the present wetland area. There are many areas of high groundwater with levels at or near the surface of the ground. This is particularly true during the winter months, when the river level is high and the wetlands are filled with standing water.

(b) Weak soils. The high groundwater is particularly troublesome in sandy soils, as a "quick" condition may result during excavation for footings and utilities. Organic or plastic clays and peat (all weak soils) may be found almost anywhere throughout the high groundwater area, particularly near present or past wetlands. Since weak soils can result in extraordinary construction requirements and methods, any new construction in the high groundwater area should include a detailed soils investigation and report by a qualified soils engineer or engineering geologist.

(c) Springs. Springs are prevalent along a line that approximates the southern boundary of the high groundwater area and at other areas identified in the Technical Memoranda. Any construction there requires special treatment to provide for drainage of the springs.

### **Section 3.050 Historical and Cultural Resources.**

Few reminders of the first settling and growth of Tualatin remain.

(1) Identified. Most of the buildings with historical value are in the downtown area. The Tualatin Urban Renewal Plan identifies 7 structures: 4 residences, 1 commercial building, a church, and the old City Hall. The Urban Renewal Plan has designated a portion of the downtown as a historic district.



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3.060

(2) Unidentified. There are numerous opportunities to identify historical sites by markers and remember early settlers by naming new developments for them. Avery Street could be publicly recognized as an old Indian trail. Preservation of the old structures and sites acknowledges them as a cultural resource.

## Section 3.060 Land Use.

(1) In August, 1977, an updated survey of existing land use within the Study Area was conducted by City staff. This was done by a combination of driving the area, utilizing previously developed land use information, and checking against aerial photographs. This information is mapped and summarized in the Technical Memoranda and is included in Tables 3-1, 3-2 and 3-3 of this Plan. As of September 1977, approximately 46 percent of the land within the City was urbanized, while only 15 percent of the land outside of the City was urbanized.

(2) Also inventoried and analyzed was the amount of land in the Study Area zoned in various categories compared to land actually in use. Within the City limits, approximately 45 percent of residential land, 48 percent of commercial land, and only 19 percent of industrial land is being utilized.

(3) An analysis was conducted to identify the amounts and locations of buildable land remaining within the Study Area.

(a) East. Generally, most of the buildable land remaining within the City limits is located east of the I-5 Freeway. Since this area has not received City services, development has been only in those areas which connect to a sanitary facility.

(b) South. In the southern Tualatin area, much buildable land remains outside of the City limits in prime residential areas. Services to this area are close to potential new development and were the basis for the inclusion of this area within the Immediate Growth Boundary.

(c) West. In the west Tualatin area, most of the remaining buildable lands would easily serve industrial uses. Presently, lack of sewer and water services and flooding problems have caused this area to remain undeveloped. Until these problems are solved, industrial growth will be limited in this portion of the City. Additional residential growth can be accommodated in the west Tualatin area north of Tualatin Road and west of 105th Avenue.

Table 3-1  
EXISTING LAND USE AREA  
September 1977

Land Use	Approximate Acreage <sup>1</sup>		
	Within City	Outside City, Within Study Area	Total
NON-URBANIZED LAND	1,214.02	2,341.31	3,555.33
RESIDENTIAL			
RA Agriculture, Residential <sup>2</sup>	62.22	203.50	265.72
LDR Low Density Residential	498.80	.00	498.80
MDR Medium Density Residential	12.29	.00	12.29
HDR High Density Residential	19.34	.00	19.34
M Mobile Home, Trailer Parks	14.22	24.42	38.64
Total Residential	606.87	227.92	834.79

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COMMERCIAL				
LC	Local Commercial	.00	.00	.00
CC	Central Commercial	26.14	.00	26.14
		Approximate Acreage <sup>1</sup>		
Land Use		Within City	Outside City, Within Study Area	Total
GC	General Commercial	29.07	5.79	34.86
Total Commercial		55.21	5.79	61.00
INDUSTRIAL <sup>3</sup>				
LI	Light Industrial	22.24	19.38	41.62
HI	Heavy Industrial	101.46	161.74	263.20
Total Industrial		123.70	181.12	304.82
PUBLIC FACILITIES				
ES	Elementary School	30.58	.00	30.58
HS	High School	.00	.00	.00
CC	Civic Center	1.21	.00	1.21
H	Hospital	48.31	.00	48.31
t	Cemetery			
S	Sewer Plant	.55	.00	.55
W	Water Reservoir			
Total Public Facilities		80.65	.00	80.65
PARK AND OPEN SPACE				
Private Recreation Area		.00	9.56	9.56
NP	Neighborhood Park	3.00	.00	3.00
CP	Community Park	20.58	.00	20.58
RP	Regional Park	.00	.00	.00
Total Parks		23.58	9.56	33.14
SEMI-PUBLIC/OTHER				
Churches		.92	7.59	8.51
PGE Substation		2.07	.00	2.07
Golf Course		134.08	.00	134.08
Total Semi-Public/Other		137.07	7.59	144.66
Grand Total Urbanized		1,027.08	431.98	1,459.06
TOTAL LAND AREA		2,241.10	2,773.29	5,014.39

1. This land use summary does not include major street right of ways.

2. RA uses were computed at an average of 1 acre per unit, based upon existing patterns in the study area.

3. An approximation of that portion of industrial land actually in use was made, since industries usually include substantial reserves for expansion.

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Table 3-2  
EXISTING ZONED AREA SUMMARY  
September 1977

Zoning Category	Approximate Acreage <sup>1</sup>		
	Within City	Outside City, Within Study Area	Total
RA1 Residential, Agriculture (Clackamas County)	195.97	189.80	385.77
SR Suburban Residential (Golf Course)	134.08	.00	134.08
R7 Low Density Residential	863.50	84.19	947.69
R15 Low Density Residential	.00	.00	.00
R30 Low Density Residential	.00	.00	.00
A-1 High Density Residential	162.65	.00	162.65
A-2 Medium Density Residential	13.50	.00	13.50
PUD Planned Unit Development	106.59	.00	106.59
Total Residential	1,476.29	273.99	1,750.28
CC Central/Retail Commercial	59.82	.00	59.82
GC General Commercial	54.72	4.50	59.22
Total Commercial	114.54	4.50	119.04
M-1 Heavy Manufacturing	455.68	.00	455.68
M-2 General Manufacturing	.00	.00	.00
M-3 Light Manufacturing	144.97	.00	144.97
M-4 Industrial Park	49.62	.00	49.62
Total Industrial	650.27	.00	650.27
FP Flood Plain District	.00	.00	.00
MAE Manufacturing Extensive (Washington County)	.00	1,197.63	1,197.63
MA2 Intensive Manufacturing (Washington County)(Similar to M-1)	.00	127.38	127.38
RS1 Suburban Residential (Washington County)(Similar to SR)	.00	954.00	954.00
RU4 Urban Residential (Washington County)(Similar to R7)	.00	63.32	63.32
RU20 Urban Residential (Washington County)(Similar to A-2)	.00	98.58	98.58
AF5 Agricultural and Forest District	.00	53.89	53.89
Total Other Categories	.00	2,494.80	2,494.80
Grand Total <sup>1</sup>	2,241.10	2,773.29	5,014.39

1. These figures do not include most of the right-of-way area in the City for streets.

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Table 3-3  
COMPARISON: EXISTING LAND USE VS. ZONED LAND

Category	Within City			Outside City, Within Study Area		
	Land Use	Zoned	% Utilized	Land Use	Zoned	% Utilized
Low Density Residential	575.24	1,059.47 <sup>A</sup>	54.30%	203.50	1,291.31	15.80%
Medium Density Residential	12.29	120.09 <sup>B</sup>	10.20	24.42	98.58	24.80
High Density Residential	19.34	162.65	11.90	.00	.00	.00
Total	606.87	1,342.21	45.20	227.92	1,389.89	16.40
Central Commercial	26.14	59.82	43.70	.00	.00	.00
General Commercial	29.07	54.72	53.10	5.79	4.50	128.60 <sup>C</sup>
Total	55.21	114.54	48.20	5.79	4.50	128.60
Light Industrial	22.24	194.59	11.40	19.38	1,197.63	1.60
Heavy Industrial	101.46	455.68	22.30	161.74	127.38	126.90 <sup>C</sup>
Total	123.70	650.27	19.00	181.12	1,325.01	13.70
Public Facilities	107.22	<sup>D</sup>				
Semi-Public Facilities	137.07	<sup>D</sup>				

A. 134.08 acres zoned SR have been deleted since its use is the golf course.

B. This figure includes the Schnitzer PUD, not yet built.

C. Reflects a condition of nonconforming uses.

D. Public and semi-public facilities are located within various zoning categories as conditional uses.

## Section 3.070 Economics, Housing and Employment.

(1) Population. The Technical Memoranda provides information on the factors relating to the economy of Tualatin. Patterns of growth in the City of Tualatin are related to trends in the 4-county area comprising the Portland SMSA. During the period of 1940 to 1970, the population in the Portland SMSA approximately doubled. The greatest population growth increase in the metropolitan area occurred in Washington County. Population changes are a combined result of birth, death and migration. Rapid growth patterns in the City of Tualatin are due primarily to net migration. Tualatin's rapid growth is attributable to several major factors:

(a) Moratoriums and restrictive growth policies in surrounding, larger jurisdictions;

(b) Availability of land for development in a rural area at less than normal market rates;

(c) A build-up of industry and a need for housing; and

(d) A municipal attitude supportive of developers.

(2) Most of these factors are still in effect, except that raw land prices are reaching market level. Restrictive growth policies, unavailability of utilities, and lengthy and costly development processing are still in effect in unincorporated Washington County and Clackamas County. New industries, the popularity of Westside living, and the availability of large parcels of land make Tualatin attractive to developers. The market pressures that were present during 1970 to 1975, to develop in the Tualatin area, are still in force.

(3) Two sets of population projections to the year 2000 were provided. The larger, approximately 29,000 people, is based on unrestricted market growth. The smaller projection, approximately 22,000 people, is a projection at an annual growth rate of 7.8 percent and assumes a controlled approach to community growth.

(4) Housing. Indicators of housing growth in the City of Tualatin include annexations, housing starts, land subdivision, and lot development.

(a) Existing housing. In 1975 and 1976, the Center for Population Research and Census at Portland State University conducted a census in the City of Tualatin. The census data, together with the data on annexations, subdivisions, and lot development in the City, formed a basis for projecting future housing needs. In 1976 the distribution of housing by type of unit was approximately 56.6 percent single-family, 37.0 percent multi-family and 6.4 percent mobile homes.

(b) Projected need.

(i) Housing constructed over the next 10 years is generally predictable in terms of type, form and density. Long-term housing development is less predictable and, given historical patterns, it is realistic to assume that long-term housing development will take the form of smaller units and higher densities.

(ii) Factors that will affect the long-term development of housing in the City are the mix between single-family and multi-family housing, the declining household size, the amount of household income, and divorce rates. If current predictions regarding the trends occurring in the region hold true, it is estimated that between 1990 and 1995 a reversal in the current pattern of the ratio between single-family and multi-family housing will begin to occur. By the year 2000, it is projected that the City could actually have approximately 1,300 more multi-family housing units than single-family housing units.

(iii) To convert projected housing starts into land requirements for planning purposes involves the development of assumptions

about future housing types and densities. These assumptions appear in Chapter 4, Community Growth.

(5) Employment.

(a) Jobs in Portland. Employment in the City of Tualatin is closely tied to economic prospects in the Portland Metropolitan Area. There has been a rapid growth in the commercial and governmental categories in the Portland area. Employment trends there reflect the shift from blue collar to white collar jobs. In 1970, 20,000 Washington County residents were employed in finance, insurance, real estate, and miscellaneous service jobs, while in 1960 only 4,000 of these jobs were available within the County.

(b) Jobs in Washington County. In 1970 Washington County had 49,600 jobs. Half of the available jobs were in manufacturing, primarily because Tektronix employs 8,500 to 9,000 people in Washington County. Although Tualatin has more land in industrial zones than other communities of its size, future industrial growth can be expected to slow down as the standards for development increase. But, by the year 2000, an estimated 200 acres of future industrial land will be required in Tualatin. With current employment in industry at 1,165, it is projected that by the year 2000 there will be 7,210 industrial employees.

### Section 3.080 Public Facilities and Services.

(1) Transportation.

The following is a summary of the current condition of the transportation modes serving Tualatin from the 2001 Tualatin Transportation System Plan:

(a) **Pedestrian:** Central Tualatin, areas around schools (with the notable exception of Tualatin Elementary), and newer residential and industrial development generally have good pedestrian facilities. Older roadways in the industrial area, and roadways around the fringes of the city tend to have little or no pedestrian facilities. Sections of Boones Ferry Road, Nyberg Street east of I-5, and I-5 overpasses lack sidewalks on one or both sides. Multiple-use pathways are provided within a number of

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ways are provided within a number of City parks and greenways.

(b) **Bicycle:** Bicycle attractors, such as schools, parks, retail centers, and public facilities, are generally not well served from the City's residential areas due to a lack of continuous bicycle facilities, and high traffic volumes on many of the City's collector streets. Central Tualatin, for example, lacks bicycle lanes on most internal streets, and on many approach routes. Although residential neighborhoods have a well-connected system of bicycle routes and the industrial area of western Tualatin are generally well-served internally by bicycle facilities, bicycle facilities from these areas to other bicycle attractors have not yet been established.

(c) **Transit:** Only the central portion of Tualatin, the northeast corner of Tualatin, and the eastern half of the City's industrial area have sufficient population or employment density to support hourly fixed-route transit service. Tri-Met routes only serve 44% of this area, although the combination of Tri-Met and the TMA Shuttle service covers virtually all of this area. Only 49% of Tualatin households live within walking distance of fixed-route transit service. Tri-Met service is oriented around the City's two major park-and-ride lots and good service is provided from these lots to downtown Portland. Approximately two-thirds of all Tri-Met passengers boarding buses in Tualatin do so at the two major park-and-ride lots.

(d) **Pipelines and Transmission Systems:** Electric transmission lines, and natural gas distribution lines serve the City. No issues have been identified with these facilities.

(e) **Rail:** The Portland & Western Railroad and Willamette & Pacific operate two lines through the City of Tualatin for the movement of freight. Track conditions meet state guidelines. Industrial-zoned land abuts the rail lines, providing opportunities for potential customers to locate next to rail service. Planning is underway to develop a Wilsonville-Beaverton commuter rail line that would have a station in Tualatin. The closest AMTRAK passenger rail stations are located in Portland and Salem.

(f) **Air:** There are several public general-aviation airports that serve Tualatin. The closest airport is 12 miles south of Tualatin, in Aurora. The closest airport with scheduled passenger service is the Portland International Airport, 25 miles northeast of Tualatin.

(g) **Marine:** No navigable waterways are located in the vicinity of Tualatin. The closest marine facilities are located 12 miles to the north in Portland, Oregon.

(h) **Roadways:** Intersections at I-5 interchanges, on Highway 99W, and in Central Tualatin operate at or close to capacity. Four unsignalized intersections currently meet traffic signal warrants (Teton/Avery; Sagert/65th; Nyberg/65th; Sagert/Martinazzi). The I-5 and I-205 freeways, Tualatin-Sherwood Road, Boones Ferry Road, Tualatin Road, Martinazzi Avenue, and Avery Street all have sections operating at or near capacity. Crash patterns requiring further investigation were identified at three intersections: Tualatin-Sherwood Road/Martinazzi; Nyberg/I-5 southbound ramp; Lower Boones Ferry/I-5 southbound ramp.

(i) **Truck Freight Movement:** Traffic congestion on Tualatin-Sherwood Road slows freight movements to and through Tualatin. Sharp corners and residential neighborhoods along parallel routes constrain the use of those routes as alternates to Tualatin-Sherwood Road.

(2) Sewer service areas. To assist in determining areas most suited to urban development, a sewer service area overlay was prepared to illustrate the feasibility of providing sewer service throughout the Tualatin Planning Area. The Study Area was divided into 4 categories of sewer service availability in order of increasing complexity and expense of service. In addition, properties that can be served by existing pumping stations are considered to have gravity-flow service available.

(3) Water service areas. As in the case of sewer service, the Tualatin Study Area was divided into 4 categories of water service availability. The 4 categories agreed closely with the 4 categories of sewer service. In addition to showing the degree of water service complexity

and expense, the water service overlay depicts main transmission lines, reservoirs, water supply sources, and the approximate dividing line between the City's upper and lower water service levels.

(4) Storm drainage. The Tualatin Drainage Plan defines and describes areas of inadequate drainage throughout the Tualatin Study Area. The Plan, which was originally prepared in 1972, will need to be updated as part of the City's planning revision work, but the overall drainage patterns have not changed. The City's core area and the area along Boones Ferry Road, south of the core area, are the most critical from the standpoint of drainage. The former will be dealt with in conjunction with Urban Renewal Area improvements.

(5) Electrical service. The Study Area is well served with major Portland General Electric Co. (PGE) transmission lines. Line extensions to newly developing areas do not appear to be a problem.

(6) Gas service. The Tualatin area is well served by several large-capacity natural gas lines. The Northwest Natural Gas Co. has main trunk lines in the Bonneville Power Administration (BPA) right-of-way west of the Study Area. The City presently has a high percentage of natural gas use, which should be reviewed in light of probable future supply and cost.

(7) Telephone service. The Tigard-Tualatin area telephone system is presently overloading, causing delays in calling and some dissatisfaction among residents and businesses. The area is served by the General Telephone Co. A new central office is in operation in the Wilsonville area, reducing the overloading of the 638-exchanges. Because of recent and expected future growth in Tualatin, General Telephone Co. is proposing the development of a new central office in Tualatin, or the expansion of their Stafford office to handle the load.

(8) Schools. At this time, the existing Tualatin Elementary School is overcrowded. A new school in south Tualatin is planned to be completed for fall of 1979. This, according to the School District, will relieve the overcrowding. There are no sites now for a third school, al-

though the existing Comprehensive Plan indicates several potential locations. There are 3 general areas developing for residential use in the City. The southern part of the City will be served by the new school opening in 1979, as well as the existing school, which also serves the central area of the City. The 2 other areas are east of the freeway and west of the Tualatin Country Club. These should be the areas for future sites, depending upon projected population from future residential development. High school students in Tualatin are currently served by Tigard High School. According to the School District, a major high school in Tualatin is still many years away, but preliminary thinking for a site has begun. One small portion of the Study Area in the far southwest corner of the City is served by the Sherwood School District. A revision of boundaries may be necessary in this portion of the Study Area to conform the Tigard School District boundaries to those of the City.

(9) Parks.

(a) Developed. The only developed City park within the corporate City limits is the 23-acre Tualatin Community Park and a new 6.48-acre nature park. The Community Park provides for a broad range of activities for all ages and includes the Tualatin Community Center. Both parks are in the process of being improved.

(b) Undeveloped. There are 8 existing City park sites which are currently being developed.

(c) Future. Conceived as recreational possibilities for neighborhood and broader community use, 14 sites were inventoried. These sites are scattered throughout the urbanized areas of the City. Each site is unique in its own fashion, i.e., setting, topography, views, vegetation, access, or natural wildlife resources.

(10) Conservation management areas. These areas comprise some of the City's richest natural and scenic assets and should be maintained in their present rural character. Briefly, these areas are:

(a) The wetland marsh, bog and ponds.

(b) All the flood plain area generally below the 100-year flood line.

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(c) All creek and drainageways.

(d) The Tualatin riverbank areas.

### (11) Bikepaths and footpaths.

(a) An existing bike and footpath system has been implemented in some sections of the City.

(b) Future extensions of the existing bike and footpath systems were proposed to provide the City with a complete network of trails. This system was mapped in overlay fashion as part of the Technical Memoranda.

### (12) School recreational facilities.

(a) These are areas suitable for play areas for small children and some field activities for older children and adults. These sites would have to be developed via a joint use agreement between the City and the Tigard School District.

(b) Existing. Tualatin Elementary School.

(c) Future. New elementary school in south Tualatin and any additional elementary school sites.

### (13) Other recreational facilities.

(a) Private. The Tualatin Country Club golf course provides a major private recreational facility in the City.

(b) Public. The City of Tigard maintains Cook Park across the Tualatin River, which is available to residents of Tualatin but has no direct access from Tualatin. The Tigard School District maintains a swim center at Tigard High School that is available for use by Tualatin residents.

### (14) Views.

(a) Unlike the more distinctly contoured geographic sections of other parts of the urban area, Tualatin does not have spectacular views. Views of scenic areas in Tualatin are very subtle.

(b) Features. The most important views are of the drainages, bogs and wetlands; the Tualatin River; and outstanding groups of trees.

(c) Location. The most important view areas are the marsh and wetlands running in an east-westerly direction. In the southern portion of the City, there are occasional views through the vegetation to Mt. Hood, Mt. Scott, Kerr

Mountain, Bull Mountain and Cooper Mountain. Particularly important views of Mt. Hood occur when looking easterly along Nyberg, Sagert and Avery Streets. (Ord. 1103-02, Amended,

03/25/2002)



## Chapter 4

### Community Growth

#### Sections:

- 4.010 Background.**
- 4.020 The Demand for Land.**
- 4.030 Buildable Lands - Development Constraints.**
- 4.040 General Growth Assumptions.**
- 4.050 General Growth Objectives.**
- 4.060 Urban Growth Boundary.**
- 4.070 Urban Reserve Plans**

#### **Section 4.010 Background.**

(1) It is the purpose of this chapter to portray the reasons for Tualatin's rapid economic growth; to generally define the need and proportion of specific types of land use; to define public service and natural environmental constraints to development; to describe specific growth assumptions and objectives; and to define a specific growth boundary for the City. Overall, this chapter provides a guide to how much land the City needs in what proportion, where, why and how fast.

(2) The process used to answer these questions revolves around the data developed in the Technical Memoranda. The available market data was analyzed to determine how much land for each use would be required by the year 2000 and this demand balanced against specific assumptions of land use density and proportion. At the same time, this demand was compared to natural development constraints such as agricultural soil suitability, flood plains and weak foundation soils, and to public service constraints such as the ease of serving particular parcels of land with water, sewer and road services. Also reviewed was the distribution and relationship of specific land uses to the growth assumptions and objectives described in this chapter and Chapters 5, 6, 7 and 8. The analysis and balancing of all these factors, after review and revision by the citizen advisory committees, resulted in the Plan Map contained in Chapter 9.

#### **Section 4.020 The Demand for Land.**

(1) Population movement to the suburbs was very strong during the 1960's and early 1970's, especially in the Tualatin area. During the period between

1960 to 1975, the average annual growth rate here was 50.2 percent, compared to 7.6 percent in the surrounding areas. Tualatin's rapid growth is attributable to several major factors:

- (a) Moratoriums and restrictive growth policies in surrounding, larger jurisdictions;
- (b) Availability of land for development in a rural area at less than normal market rates;
- (c) A build-up of industry and a need for housing; and
- (d) A municipal attitude supporting development. Though land prices are now reaching market level, the other factors are still very much in effect. In addition, new industries, the popularity of Westside living, availability of large parcels of land, and other factors further reinforce the desirability of Tualatin for development. This resulting great demand for new residential, commercial and industrial land is causing a rapid transition from rural to urban land uses in Tualatin today.

(2) Specific information regarding projected community growth was developed in the Technical Memoranda. The Memoranda made two population projections, one based on market growth and another based on an adopted growth policy. The projections show the City's expected population growth, under the two assumptions, to the year 2000 and are shown on Table 4-1 and Figure 4-1. The first assumption uses a growth policy of 7.8 percent population growth annually, while the second assumption uses the economic land market to determine the expected growth within the Tualatin area.

(3) It should be noted that the City's growth will exceed the market growth predicted for 1980 based on the City's current rate of residential building permits issued. The City's December 1978 population is estimated to be 6,000 people. It should also be noted that interest groups such as the Oregon Homebuilders Association and the 1000 Friends of Oregon may oppose any type of growth restrictions on the basis of the effect of those restrictions on housing costs. The Land Conservation and Development Commission has also expressed extreme interest in any move by the City toward adoption of growth controls.

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(4) Tualatin, Washington County, and regional population growth relates directly to the demand for residential, commercial and industrial land within the City's planning area. Residential land demand, in average terms, is dependent on assumed housing densities as well as population growth. Housing densities are discussed in Chapter 5. Commercial and industrial land needs are less dependent on density assumptions and were estimated in the Technical Memoranda as follows:

- (a) Demand for commercial land:  
 Growth policy - 17.2 acres in year 2000  
 Market growth - 30.4 acres in year 2000
- (b) Demand for industrial land:  
 9 to 11 acres per year  
 210 to 250 total acres in year 2000
- (c) If the demand for the three major land use types is compared to the existing land available (see Table 3-3), it becomes apparent that there is sufficient land for commercial and industrial uses, but insufficient land for residential uses within the City limits.

Table 4 -1  
 PROJECTED GROWTH ASSUMPTIONS

Year	Number	GROWTH POLICY		Number	MARKET TREND	
		Average Annual Percent Growth	Average Annual Population Growth		Average Annual Percent Growth	Average Annual Population Growth
1970	750	-	-	750	-	-
1975	3,241	55.4%	415	3,241	55.4%	415
1980	4,760	7.8	253	6,390	16.2	525
1985	7,000	7.8	373	10,990	12.0	767
1990	10,280	7.8	547	16,270	8.0	880
1995	15,100	7.8	803	22,615	6.5	1,058
2000	22,180	7.8	1,180	28,721	4.5	1,018

**Section 4.030 Buildable Lands - Development Constraints.**

(1) This section describes those areas of the planning area vacant and available for new development that are easily served by public services and are not adversely affected by natural hazards. This information is depicted on the Buildable Lands - Development Constraints Map, which summarizes the following overlays

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that were developed for the Phase I - Technical Memoranda Buildable Land Inventory.

- (a) Slopes Analysis
- (b) Water Areas and Wetlands
- (c) Existing Land Use
- (d) Water Service Areas
- (e) Sewer Service Areas

Table 4-2 of this Plan describes the actual acreage figures derived from the Buildable Land Inventory.

(2) One development constraint not easily portrayed graphically is traffic congestion. The Tualatin area will likely be dependent upon the automobile as its major form of transportation in the year 2000. A traffic analysis of various growth alternatives was conducted as a part of the planning process, and the analysis indicated that the City could not accommodate all the traffic generated by full development of the planning area, particularly in the Nyberg Street Corridor connecting to the interstate freeways.

Table 4-2  
BUILDABLE LAND INVENTORY

Item	Approximate Acreage		
	Within City	Outside City Within Study Area	Total
A. Present Urbanized Land	1,027.08	431.98	1,459.06
B. Non-Urbanized Land	1,214.02	2,341.31	3,555.33
C. Total Acreage	2,241.10	2,773.29	5,014.39
D. Non-buildable Land			
1. Areas with slopes Greater than 20%	47.54	123.99	171.53
2. Areas in 100-year flood plain	221.20	146.28	367.48
3. Areas in wetlands (not included in above)	80.29	56.51	136.80
4. Areas not served without sewer line extensions in excess of 10,000 feet (not included in above)	.00	721.77	721.77
5. Areas not served without water main extension of 5,000 feet (not included in above)	.00	417.04	417.04
6. Soils - does not apply			
7. Geology - does not apply			
8. Elevation - does not apply			
9. Public Lands - included in 40% non-residential land			
10. Private Institutional Lands - included in 40% non-residential land			
11. Other Private Lands - included in 40% non-residential land			
12. Passed-Over Land - does not apply			
13. Zoning - does not apply			
Total	349.03	1,465.59	1,814.62
E. Buildable Land (B minus D)	864.99	875.72	1,740.71
F. Assumed Land for Non-Residential Purposes @ 40% (.40 times E)	345.99	350.29	696.28
G. Buildable Land for Residential Purposes (E minus F)	519.00	525.43	1,044.43

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### Section 4.040 General Growth Assumptions.

To begin the composition of a planning map, certain assumptions must be made, based on available data. The following are the general growth assumptions used to develop this Plan, based on the data generated in the Phase I - Technical Memoranda:

(1) The approximate proportion of residential land to commercial and industrial land should be 60 percent residential and 40 percent commercial and industrial.

(2) A portion of buildable land within the City will be unavailable for development (i.e., not available for sale). In 1985, 25 percent of the land will not be available for development because of owners' holdings, but this is estimated to decrease to 10 percent by the year 2000.

(3) A portion of the planning area will not be available for development because of natural hazards such as flooding and the need to preserve natural areas such as wetlands, river and streambanks.

(4) A portion of the planning area will not be available for development because of the need to provide corridors for roads and utilities.

(5) Traffic congestion and the ease of providing water and sewer services will constrain the amount and direction of growth within the planning area.

(6) There is a need for land in the planning area to provide for a population in the year 2000 of between 22,000 and 29,000 people, depending on the adoption of a controlled growth program and future density assumptions made in subsequent Plan revisions. Adoption of a controlled growth program will be difficult to achieve because of interest groups and state agency opposition.

(7) There will be a solution to Tualatin's flood problem that will create additional buildable land at an indefinite time before the year 2000.

(8) Existing land use will necessarily be a strong locational influence on the land use map to avoid future land use conflicts.

(9) There is no need to expand the City's area to provide additional land for new commercial and industrial development.

(10) The amount and location of additional residential development will be based on the objectives and density assumptions described by Chapter 5.

### Section 4.050 General Growth Objectives.

The following are general objectives used as a guide to formulate the Plan. The objectives are positive statements to describe the Plan's intent to:

(1) Provide a plan that will accommodate a population range of 22,000 to 29,000 people.

(2) Cooperate with the Metropolitan Service District to reach regional consensus on population growth projections within the Tualatin area.

(3) Conform to Metropolitan Service District (Metro) procedures for initiating amendments to the Metro Urban Growth Boundary.

(4) Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.

(5) Convert agricultural land only if needed for urban uses.

(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

(7) Prepare a balanced plan meeting, as closely as possible, the specific objectives and assumptions of each individual plan element.

(8) Define the urban growth boundary.

(9) Prepare a plan providing a variety of living and working environments.

(10) Encourage the highest quality physical design for future development.

(11) Coordinate development plans with regional, state, and federal agencies to assure consistency with statutes, rules, and standards concerning air, noise, water quality, and solid waste. Cooperate with the U.S. Fish and Wildlife Service to minimize adverse impacts to the Tualatin River National Wildlife Refuge from development in adjacent areas of Tualatin.

(12) Adopt measures protecting life and property from natural hazards such as flooding,

high groundwater, weak foundation soils and steep slopes.

(13) Develop regulations to control sedimentation of creeks and streams caused by erosion during development of property.

(14) Develop a separate growth program that controls the rate of community growth and is acceptable to the Land Conservation and Development Commission.

(15) Arrange the various land uses in a manner that is energy efficient.

(16) Encourage energy conservation by arranging land uses in a manner compatible with public transportation objectives.

(17) Maintain for as long a period as possible a physical separation of nonurban land around the City so as to maintain its physical and emotional identity within urban areas of the region.

(18) Fully develop the industrial area located in Washington County west of the City only when adequate transportation facilities are available and the area has been annexed to the City and served with water and sewer services.

(19) Cooperate with Washington County to study the methods available for providing transportation, water and sewer service to the industrial area west of the City, designating this area as a special study area.

(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated "islands" of property surrounded by land annexed previously.

(21) Territories to be annexed shall be in the Metro Urban Growth Boundary. [Amended by Ord. 610-83, passed Nov. 15, 1983; Ord. 937-95, Sec. 2, passed Jan. 9, 1995.] (Ord. 1146-03, Amended, 07/28/2003)

## Section 4.060 Urban Growth Boundary.

(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City's intent to annex and provide urban services to spe-

cific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City's intent for the future uses of their land.

(2) This boundary was first established through a cooperative intergovernmental process established by the Columbia Region Association of Governments in 1976. The boundary is a line establishing the limits of urban and agricultural use within the metropolitan Portland area.

(3) The Urban Growth Boundary is defined by applying the following criteria to the data developed by the Phase I - Technical Memoranda.

(a) Land needed to accommodate urban growth to the year 2000 using the assumption of this Plan:

(i) Urban land needs criteria.

(b) Agricultural land as defined by Statewide Goal 3 must conform to one of the following categories:

(i) Land developed for nonagricultural purposes.

(ii) Land irrevocably committed to nonfarm use.

(iii) Land justified under exception procedures of Statewide Goal 2.

(c) Urban Growth Boundary feature determinants are as follows and shall be used whenever possible:

(i) Creeks with narrow flood plains, due to their barrier effect and definability.

(ii) The edge of a wide flood plain, due to its limiting effect on urban land use. This criterion may be unsuitable if the flood plain is in agricultural use.

(iii) Railroad tracks, due to their barrier effect, especially where road or highway crossings are involved.

(iv) Power lines or easements due to their definability.

(v) Roads due to their definability and barrier effect, but unsuitable with respect to service provision.

(vi) Rear property lines, due to their definability and service provision.

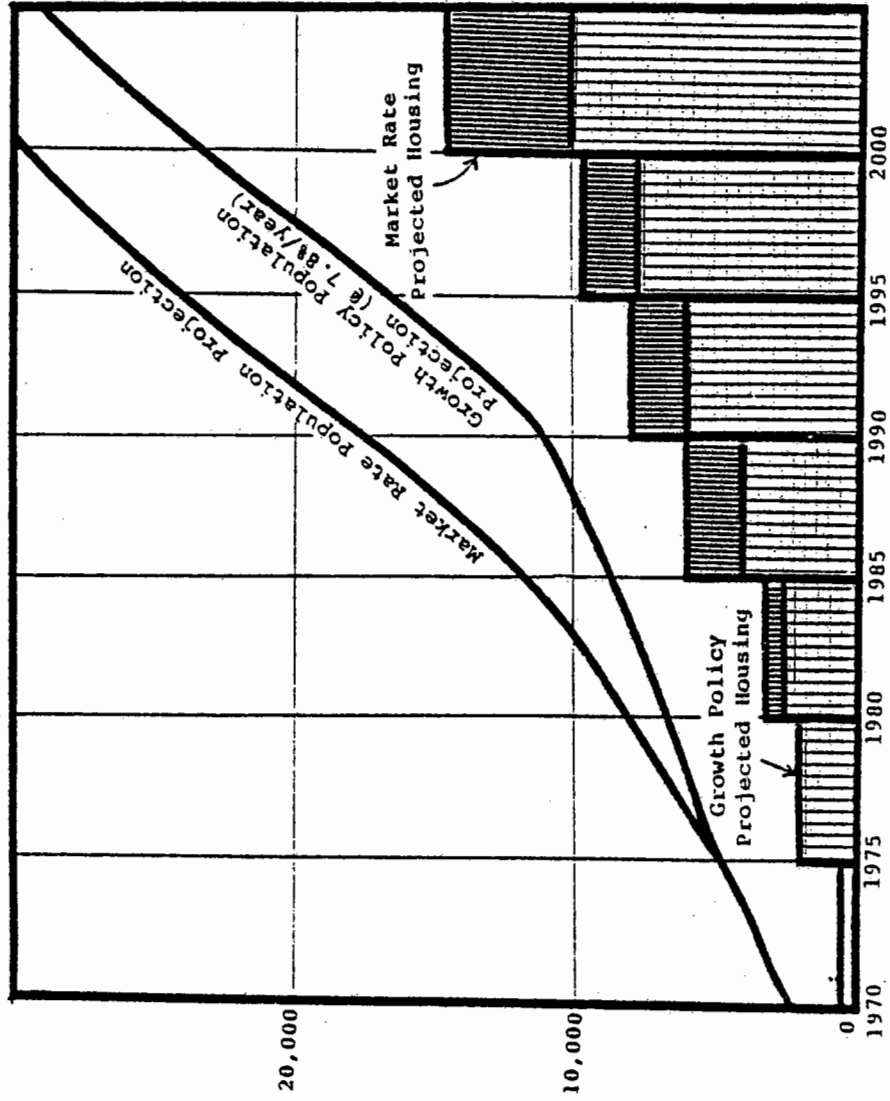
**Section 4.070 Urban Reserve Plans**

(1) The Metropolitan Service District (Metro) Code requires the Urban Reserve Plans for Urban Reserve Areas to be adopted as a component of the comprehensive plan of the city to which the Urban Reserve Area will be annexed.

(2) The Urban Reserve Plan for Urban Reserve Area 43 (SE corner of Grahams Ferry Road and Helenius Road; 23000 Block of Grahams Ferry Road; 2S1 35CB, Tax Lot 100) prepared by Matrix Development and dated October 27, 1998, is incorporated as a separate document into the Tualatin Development Code. Although the Urban Reserve Plan was developed in 1998 to meet the Metro Code requirements for Urban Reserve Plans and it was known the property was considered a site for residential development, the specific type of development was not known. Development of the property need not be in conformance with the Urban Reserve Plan. The property can be used for any of the permitted outright or conditional uses allowed in the planning district applied to it. Once annexed to the City of Tualatin, development of the property shall be in conformance with the applicable City standards, and other applicable standards, for the type of development proposed. [Added by Ord. 1051-00 §1, passed Mar. 13, 2000.]

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Figure 4-1  
COMPARISON OF POPULATION PROJECTIONS AND HOUSING PROJECTIONS,  
CITY OF TUALATIN, OREGON, 1970 TO 2000.



Source: The Leland Company.

## Chapter 5 Residential Planning Growth

**Sections:**

- 5.010 Background.**
- 5.020 Assumptions.**
- 5.030 General Objectives.**
- 5.040 Planning District Objectives.**

**Section 5.010 Background.**

(1) The most controversial issue discussed during the preparation of the Plan was housing, particularly the issues of housing type and density. Over the last two years, the community has seen extremely rapid apartment growth in the City that has created considerable negative feelings toward additional apartment development. These feelings are related to the community's concern about the aesthetic quality of existing apartment development; concern about a large transient population within the City; concern about the effect of apartments on traffic congestion; and a concern about the effect apartment development has on single-family neighborhoods and the general livability of the City.

(2) Community feelings have coalesced into an increasing demand for fewer multi-family housing units and even demand for a moratorium on additional apartment development. At the same time community concern has increased over the amount and type of apartment construction, interest groups such as the 1000 Friends of Oregon have shown concern for any action that would narrow the housing opportunities available to the region's residents. Statewide Planning Goal 10, the Housing Goal, states that "plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

(3) (a) To meet the community's concern for the increasing amount of multi-family housing and to meet the State Housing Goal, the Plan proposes five residential land use categories, one single-family and four multi-family. For

background, the following figures show single-family to multi-family proportions in the region as well as the City of Tualatin:

	Single-Family	Multi-Family
	% of Dwelling Units	% of Dwelling Units
Portland Metro Region*		
Existing	72	28
Year 2000	65	35
City of Tualatin		
Existing - Built (City Limits)	55	45
Existing - Potential (City Limits)	40	60
Year 2000 (City Limits and Urban Growth Boundary)	68	32

\*Source: Metropolitan Service District

(b) It is clearly shown in the above numbers that the City is more than accommodating the region's share of multi-family housing. The long-term objective of the Plan is to produce housing units that meet the regional projections as well as the community's desire for multi-family units that minimize any adverse impacts within the City's single-family neighborhoods. This has been accomplished by reviewing various housing density alternatives and other technical data that are defined in the Phase I - Technical Memoranda. This analysis indicated that the amount of land available for multi-family housing is nearing depletion, and the present amount of land planned and zoned for this type of housing is minimal compared to demand. As evidenced by the regional figures, there will be an increasing need for multi-family residential units because of the national trend toward



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smaller families, more single-parent families, and the sharply rising costs of new single-family residential construction.

(4) To accommodate this need for additional multi-family land, the Plan proposes four medium-to-high density housing categories, as follows:

	Plan Density
RML - Residential Medium-Low Density	6-10 dwelling units per acre
RMH - Residential Medium-High Density	11-15 dwelling units per acre
RH - Residential High Density	16-25 dwelling units per acre
RH/HR - Residential High Density/ High Rise	26-30 dwelling units per acre

5) The multi-family areas described on the Plan Map referred to in Chapter 9 indicate that, wherever possible, multi-family areas were located close to the City's commercial core area where supporting commercial and transportation

services are readily available. The multi-family areas are also located close to the City's arterial and collector street system and have good access to the City's park and open space system.

(6) For an overall perspective on housing density, please refer to Tables 5-1, 5-2, 5-3, 5-4, 5-5, 5-6 and 5-7, which summarize the acreage requirements, dwelling unit proportions, and population, as shown on the Plan Map, for each residential plan designation. The figures in these tables were derived from the variables of housing density, vacancy rates, buildable land, land not available for sale, and the need for road and utility corridors.

(7) As evidenced by these figures, the City in the year 2000 will be predominantly a city of low-density residential development. Low-density residential development will comprise 68 percent of the City's dwelling units and 79 percent of its population. Multi-family development in the year 2000 will comprise 32 percent of the City's dwelling units and 21 percent of its population. [Amended by Ord. 868-92, Sec. 1, passed May 11,

1992.]

Table 5-1  
BUILDABLE RESIDENTIAL LAND WITHIN CITY LIMITS (1977)

Use	Gross Buildable Acres		Percent		Market Factor -.25 (25%)	Net Available Acres (rounded)
RL	369.9		70%		277.4	277
RML	58.3		11.0		43.7	44
RMH	49.0		9.3		36.7	37
		= 158.5		= 30.0		
RH	13.2		2.5		9.9	10
RH/HR	38.0		7.2		28.5	29
TOTALS	528.4		100.0			397

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5.010

Table 5-2  
RESIDENTIAL UNIT AND POPULATION PROJECTIONS WITHIN CITY LIMITS\*

Use	Gross Buildable Acres		Number of Units	Percent	Vacancy Deduction	Population Projections	Percent	
RL	277		1,385 @5 du/ac	39.6	1,343 @.970 (3%)	4,029 @3.0/unit	54.8%	
RML	44		440 @10 du/ac	12.6	418 @.950 (5%)	1,003 @2.4/unit	13.6	
RMH	37		555 @15 du/ac	15.8	522 @.940 (6%)	992 @1.9/unit	13.5	
		= 120						= 45.2
RH	10		250 @25 du/ac	7.1	239 @.955 (4.5%)	335 @1.4/unit	4.8	
RH/HR	29		870 @30 du/ac	24.9	831 @.955 (4.5%)	997 @1.2/unit	13.5	
TOTAL S	528.4		3,500	100.0			100.0	

\*Revised November 1980.

Table 5-3  
TOTAL EXISTING RESIDENTIAL UNITS AND POPULATION WITHIN CITY LIMITS

Use	Net Acres	Number of Units	Per- cent	Vacancy Deduction	Population Estimate	Percent
<u>Existing, as of August 1977:</u>						
RA	62.22					
LDR	498.80	1,014	54.9%	973 @ 4%	3,062	64.9%
MDR	12.29					
HDR	19.34	834	45.1	801 @ 4%	1,658	35.1
M	14.22					
TOTALS	606.87	1,848	100.0	1,774	4,720	100.0
<u>Approved, not under construction in 1977, to December 1978:</u>						
SF	*	234	34.4	191 @ 6%	601	55.3
MF	*	447	65.6	242 @ 20%	485	44.7
TOTALS		681	100.0		1,086	100.0

\*Included in acreage above.

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Table 5-4  
COMBINED SUMMARY, TABLES 5-2 AND 5-3, WITHIN CITY

Use	Net Acres	Number of Units	Percent	Vacancy Deduction	Population Estimate	Percent
SF	838	2,633	46.0%	2,507	7,692	58.4%
MF	166	3,396	64.0	3,053	5,470	41.6
TOTALS	1,004	6,029	100.0	5,560	13,162	100.0

Table 5-5  
BUILDABLE RESIDENTIAL LAND WITHIN CITY AND  
URBAN GROWTH BOUNDARY TO THE YEAR 2000

Use	Gross Buildable Acres		Percent		Market Factor -.2 (20%)	Net Available Acres (rounded)
RL	1,792.5		89.0%		1,434.0	1,434
RML	120.5		6.0		96.4	96
RMH	49.0		2.4		39.2	39
		= 220.7		=11.0%		
RH	13.2		.7		10.6	11
RH/HR	38.0		1.9		30.4	30
TOTALS	2,013.2		100.0			1,600

Table 5-6  
RESIDENTIAL UNIT AND POPULATION PROJECTIONS WITHIN  
CITY LIMITS AND URBAN GROWTH BOUNDARY TO THE YEAR 2000

Use	Gross Buildable Acres		Number of Units	Percent		Vacancy Deduction	Population Projections	Percent
RL	1,434		7,170 @5 du/ac	72.5%		6,955 @.970 (3%)	20,865 @3.0/unit	81.8%
RML	96		960 @10 du/ac	9.7		912 @.950 (5%)	2,189 @2.4/unit	8.6
RMH	39		585 @15 du/ac	5.9		550 @.940 (6%)	1,045 @1.9/unit	4.1
		= 176			= 27.5			
RH	11		275 @25 du/ac	2.8		263 @.955 (4.5%)	368 @1.4/unit	1.4
RH/HR	30		900 @30 du/ac	9.1		860 @.955 (4.5%)	1,032 @1.2/unit	4.1
TOTALS	1,600		9,890	100.0			25,499	100.0

Table 5-7  
 COMBINED SUMMARY, TABLES 5-3 AND 5-6, WITHIN  
 CITY LIMITS AND URBAN GROWTH BOUNDARY

Use	Net Acres	Number of Units	Percent	Vacancy Deduction	Population Estimate	Percent
SF	1,995	8,418	67.8%	8,119	24,528	78.3%
MF	212	4,001	32.2	3,628	6,777	21.7
<b>TOTALS</b>	<b>2,207</b>	<b>12,419</b>	<b>100.0</b>	<b>11,747</b>	<b>31,305</b>	<b>100.0</b>

**Section 5.020 Assumptions.**

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.
- (3) Cooperate with the Housing Authority of Washington County and the Housing Division of Clackamas County to identify sites, projects and developers to provide the City's fair share of assisted housing units for low and moderate income households, and participate in the region's Housing Opportunity Plan.
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.
- (5) Provide areas that are suitable for manufactured dwelling parks and areas that are suitable for subdivisions that will accommodate manufactured homes.
- (6) Provide areas that will accommodate small-lot subdivisions.
- (7) Develop specific and enforceable design standards for multi-family developments, townhouses, manufactured homes, manufactured dwelling parks and small-lot subdivisions.

(8) Encourage owner occupancy of multi-family developments and other housing units within the City.

(9) Encourage subdividers and other residential developers to consider the need for solar access on residential construction sites.

(10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.

(11) Require that all residential development adjacent to Expressways be buffered from the noise of such Expressways through the use of soundproofing devices such as walls, berms or distance. Density transfer to accommodate these techniques is acceptable.

(12) Encourage the development of attached housing in accordance with the RML Planning District in the area of the Norwood Expressway/Boones Ferry Road intersection.

(13) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

(14) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of adjacent industrial use.

(15) Protect adjacent land uses from noise impacts by adopting industrial noise standards.

(16) Protect the Tonquin Scablands from adverse impacts of adjacent development. This includes the main Scabland area in the vicinity of the Burlington Northern Railroad tracks which is preserved through the use of the Wetlands Protection District and the Greenway and Riverbank Protection District. This also includes other elements of the Scabland forma-

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tions found farther to the east. These latter areas will be preserved on a case-by-case basis as development occurs through preservation in their natural state, allowing residential density transfer through the small lot subdivision, common wall housing, and condominium conditional use processes.

(17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state, by integrating the major trees into the design of the parking lots, buildings, or landscaping areas of multi-family complexes and non-residential uses, or in low density areas through the small lot, common wall, or condominium conditional use. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process, except for conventional single family subdivisions.

(18) Permit home occupations in a residence that do not detract from the residential character of an area. [Amended by Ord. 592-83, Sec. 24, passed June 13, 1983; Ord. 635-84, Sec. 3, passed June 11, 1984; Ord. 818-91, Secs. 4 & 5, passed Jan. 14, 1991; Ord. 988-97, Sec. 2, passed Dec. 8, 1997; Ord 1026-99, Sec 3, passed Aug. 9, 1999; Ord 1062-00, Sec 1, passed December 11, 2000.] (Ord. 1129-03, Amended, 02/24/2003)

### Section 5.030 General Objectives.

The following are general objectives used to guide the development of the residential housing element of the Plan. They describe the Plan's intent to:

(1) Provide for the housing needs of existing and future City residents.

(2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock.

(3) Cooperate with the Housing Authority of Washington County and the Housing Division of Clackamas County to identify sites, projects and developers to provide the City's fair share of assisted housing units for low and moderate income households, and participate in the region's Housing Opportunity Plan.

(4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.

(5) Provide areas that are suitable for manufactured dwelling parks and areas that are suitable for subdivisions that will accommodate manufactured homes.

(6) Provide areas that will accommodate small-lot subdivisions.

(7) Develop specific and enforceable design standards for multi-family developments, townhouses, manufactured homes, manufactured dwelling parks and small-lot subdivisions.

(8) Encourage owner occupancy of multi-family developments and other housing units within the City.

(9) Encourage subdividers and other residential developers to consider the need for solar access on residential construction sites.

(10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.

(11) Require that all residential development adjacent to Expressways be buffered from the noise of such Expressways through the use of soundproofing devices such as walls, berms or distance. Density transfer to accommodate these techniques is acceptable.

(12) Encourage the development of attached housing in accordance with the RML Planning District in the area of the Norwood Expressway/Boones Ferry Road intersection.

(13) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

(14) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of adjacent industrial use.

(15) Protect adjacent land uses from noise impacts by adopting industrial noise standards.

(16) Protect the Tonquin Scablands from adverse impacts of adjacent development. This includes the main Scabland area in the vicinity of the Burlington Northern Railroad tracks which is preserved through the use of the Wetlands Protection District and the Greenway and Riverbank Protection District. This also includes other elements of the Scabland formations found farther to the east. These latter areas will be preserved on a case-by-case basis as development occurs through preservation in their natural state, allowing residential density transfer through the small lot subdivision, common wall housing, and condominium conditional use processes.

(17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state, by integrating the major trees into the design of the parking lots, buildings, or landscaping areas of multi-family complexes and non-residential uses, or in low density areas through the small lot, common wall, or condominium conditional use. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process, except for conventional single family subdivisions. [Amended by Ord. 592-83, Sec. 24, passed June 13, 1983; Ord. 635-84, Sec. 3, passed June 11, 1984; Ord. 818-91, Secs. 4 & 5, passed Jan. 14, 1991; Ord. 988-97, Sec. 2, passed Dec. 8, 1997; Ord 1026-99, Sec 3, passed Aug. 9, 1999; Ord 1062-00, Sec 1, passed December 11, 2000.] (Ord. 1062-00, Amended, 01/03/2001)

### **Section 5.040 Planning District Objectives.**

This section describes the purpose of each residential planning district.

(1) Low Density Residential Planning District (RL). To provide areas of the City suitable for single family dwellings and manufactured homes. Common-wall dwelling units and small-lot subdivisions may be allowed by conditional use permit. Residential development less than 80% of the allowed maximum density shall not be permitted. Except for retirement housing and nursing and convalescent homes which shall not exceed 10 dwelling units per net acre and small-lot subdivisions and partitions and subdivisions affected by

TDC 40.055, which shall not exceed 7.5 dwelling units per net acre, the maximum density of any residential use in this district shall not exceed 6.7 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

(2) Medium-Low Density Residential Planning District (RML). To provide areas of the City suitable for common-wall dwellings such as condominiums, townhouses, duplexes, triplexes, and other multi-family dwellings. Residential development less than 80% of the allowed maximum density shall not be permitted. Condominiums and small-lot subdivisions may be allowed by conditional use permit. Owner occupancy of dwelling units shall be encouraged. Parks for manufactured dwellings shall be allowed in those portions of the district designated on the Plan Map. Except for retirement housing and nursing and convalescent homes which shall not exceed 15 dwelling units per net acre and manufactured dwelling parks with single wide manufactured dwellings which shall not exceed 12 dwelling units per net acre, the maximum density of any residential use shall not exceed 10 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

(3) Medium-High Density Residential Planning District (RMH). To provide areas of the City suitable for townhouses, garden apartments and condominium developments. Residential density less than 80% of the allowed maximum density shall not be permitted. Except for retirement housing and nursing and convalescent homes which shall not exceed 22.5 dwelling units per net acre, the maximum density of any residential use shall not exceed 15 dwelling units per net acre. The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the district designated on the Plan Map.

(4) High Density Residential Planning District (RH). To provide areas of the City suitable for

townhouse, high density garden apartment and condominium development. Residential density less than 80% of the allowed maximum density shall not be permitted. Except for retirement housing and nursing and convalescent homes which shall not exceed 37.5 dwelling units per net acre, the maximum density of any residential use shall not exceed 25 dwelling units per net acre.

(5) High Density Residential/High Rise Planning District (RH-HR). To provide areas of the City suitable for high density apartment or condominium tower development to provide a maximum amount of preserved open space. Residential density less than 80% of the allowed maximum density shall not be permitted. Except for retirement housing and nursing and convalescent homes which shall not exceed 45 dwelling units per net acre, the maximum density of any residential use shall not exceed 30 dwelling units per net acre.

[Amended by Ord. 818-91, Secs. 6 & 7, passed January 14, 1991; Ord. 828-91, Sec. 1, passed March 25, 1991; Ord. 868-92, Sec. 2, passed May 11, 1992; Ord. 921-94, Sec. 1, passed April 25, 1994; Ord. 956-96, Sec. 3, passed January 8, 1996; Ord. 956-96, Sec. 3, passed Feb. 8, 1996; Ord. 1026-99, Sec 4, Passed Aug. 9, 1999.]

## Chapter 6

### Commercial Planning Districts

#### Sections:

- 6.010 Background.**
- 6.020 Assumptions.**
- 6.030 Objectives.**
- 6.040 Commercial Planning District Objectives.**

#### Section 6.010 Background.

(1) Commercial development in Tualatin has occurred primarily in the downtown area and near the City's two Interstate 5 Freeway interchanges at Lower Boones Ferry Road and Nyberg Street. Downtown development consists mostly of retail, service, and office uses ranging in size from small, locally owned firms to large national chain stores such as K-Mart. Development near the interchanges is predominantly automobile-oriented and includes motels, automobile service stations, and restaurants. [Amended by Ord. 849-91, Sec. 3, passed Nov. 25, 1991.]

(2) At present, there are approximately 165 acres of land zoned for commercial use, but only a little over 1/3 of this land is developed. Two factors account for the bulk of the undeveloped commercial land. First, much of this land is in large parcels (10 or more acres) owned by a few major developers such as Schnitzer Investment Corporation. These firms have held their land in anticipation of economic conditions favorable to large-scale commercial development. Second, much of the undeveloped commercial land is in the 100-year flood plain of the Tualatin River and is thus subject to additional development costs necessary to comply with applicable flood plain regulations.

(3) Despite the large amount of undeveloped commercial land, a number of factors suggest that this land will be needed for commercial use during the planning period. First, the demand for additional goods and services will increase as Tualatin's population increases. Greater concentrations of population and the relatively high incomes of the area's residents will support increasingly specialized types of re-

tail and service establishments. It should be noted that the adjoining communities of Durham, Rivergrove and Lake Grove are predominantly residential in character, with relatively little commercial development. Consequently, growth of these cities will increase the demand for available commercial land in Tualatin, particularly near the Lower Boones Ferry Road interchange with I-5. Second, the Lower Boones Ferry Road interchange area is subject to continued development pressure because of its accessibility for freeway travelers looking for gasoline, food, or lodging on their way to and from Portland. And finally, the City is located adjacent to three of the region's major transportation routes, the Interstate 5 and 205 Freeways and the State Highway 217 Expressway. This access to the remainder of the region and to the Willamette Valley provides an opportunity for larger-scale commercial and freeway-oriented developments.

(4) It should be noted that while most of Tualatin's residents work elsewhere, they will more likely work in the City if diversified job opportunities are available. Tualatin's supply of commercial land will thus eventually create additional diverse job opportunities and hopefully decrease Tualatin residents' needs to travel out of the community to find jobs.

(5) As mentioned above, the area north of the Tualatin River around the Lower Boones Ferry Road interchange is attractive for freeway-oriented commercial development. The present Comprehensive Plan designates most of the area as General Commercial, and considerable development has occurred in the area since 1970. However, a number of industrial firms are located throughout the area as a result of zoning established prior to the adoption of the existing Comprehensive Plan, creating land use conflicts between existing and potential commercial development. This Plan expands commercial use in two areas and preserves for light industrial use those areas that are already committed to industrial development. This was



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done because it was felt that the City had sufficient industrial land in the Western Industrial District and that proximity to the freeway interchange and the residential character of the area better lent itself to commercial use than industrial use.

(6) As much of the City's commercial land area is visible from the Interstate 5 Freeway and because all residents of Tualatin must pass through a commercial area before reaching their homes, it is important that aesthetic design in commercial areas be sensitively handled. Generally, the design of a community's commercial area defines much of the community's character. Fortunately, the City has an Architectural Review process and an Urban Renewal Agency to help prevent inappropriate, unattractive development, but much more could be done to increase the quality of architectural and landscape design in commercial areas. Because much of Tualatin's commercial land is forested, is visible from the freeway, or is adjacent to residential uses, land-extensive commercial uses, such as automobile, truck and machinery sales and rental, would be more appropriately located in the City's Western Industrial District where there are relatively large, flat and unforested parcels of land. This area will have good access to freeways, and land-extensive commercial uses would not affect the industrial uses planned for this area.

(7) The Roamer's Rest commercial area is unique in its character and history. It has served the needs of the traveling and recreating public for many years and forms a part of the history of the Portland metropolitan area. It is appropriate to continue the general land use pattern of highway and recreation oriented commercial activity in this area, even including the provision of housing in a mixed-use type of development. A specialized Planning District is necessary to accommodate the desired commercial activity without allowing other uses that are not oriented either to the river or the highway.

(8) As Tualatin grows in terms of residents and employees, and as these individuals disperse more throughout the City rather than

concentrating near the downtown area, there is an ever-increasing demand for commercial services in close proximity to the people. This demand is primarily for day-to-day shopping and service needs such as small grocery purchases, hair cutting and styling, etc. The creation of neighborhood commercial centers, through the use of the new Neighborhood Commercial (CN) Planning District, will not only provide these services to the residents and employees, it will work to reduce traffic by eliminating trips to the downtown commercial areas. This concept is not seen as having any negative impact on the downtown area, as the types of goods and services to be provided are small and limited in nature. It is critical, however, that the design of neighborhood commercial uses be such that they are of a residential character and enhance rather than detract from neighborhoods. [Amended by Ord. 592-83, Sec. 25, passed June 13, 1983.]

(9) The provision of medical services to health care customers has changed rapidly since 1970. New equipment and procedures are now used as a result of fast-developing medical technology. More services and new community outreach activities are provided to customers. The doctor/hospital concept has evolved into a health-care-provider/medical center system. Stand-alone hospitals cannot now provide the facilities and services expected and needed by health care customers. In their place are multi-use medical centers providing a full range of medical facilities and health care services. The Meridian Park medical facility at SW 65th Avenue and SW Borland Road is an example of the conversion from individual hospital to full service medical center. In addition to the traditional hospital facilities, community outreach programs such as personal counseling, weight control, post operative rehabilitation and substance abuse counseling are provided. Doctors now prefer their offices adjacent to the hospital building, rather than in a distant office district or in a downtown location as in the past.

A medical center should be located in a Medical Center Planning District. Medical centers are major employment centers which pro-

vide a stable employment base that is not as vulnerable to economic swings as most commercial and industrial employment centers. Meridian Park Hospital is a major employment center in Tualatin. It serves the City's residents as well as thousands of people in the south metropolitan Portland area and beyond. The City of Tualatin has but one medical center providing a large number of medical facilities and health care services. It will expand in the future. A Medical Center District is provided to ensure that today's medical services and tomorrow's new medical technology will be available to the residents of Tualatin and the surrounding area.

[Added by Ord. 827-91, Sec. 1, passed March 25, 1991.]

### Section 6.020 Assumptions.

The following are general assumptions used to formulate this Plan:

- (1) Demand for the City's commercial land will increase.
- (2) Large-scale commercial enterprises will find Tualatin an increasingly attractive location.
- (3) The City will become a commercial center serving a population much larger than its own.
- (4) Retail commercial enterprises will locate primarily in the City's downtown area.
- (5) Freeway service establishments and offices will locate adjacent to the City's freeway interchanges or will be visible from the Interstate 5 Freeway.
- (6) Demand for hospital-related commercial development will occur near Meridian Park Hospital.
- (7) The creation of residential and employment concentrations away from the downtown core will create the need for neighborhood commercial centers. These centers are intended to provide for day-to-day shopping and service needs and are not intended to be serious competition with businesses in the downtown area.

[Amended by Ord. 592-83, Sec. 26, passed June 13, 1983.]

### Section 6.030 Objectives.

The following are general objectives used to guide the development of this Plan:

- (1) Encourage commercial development.
- (2) Provide increased employment opportunities.
- (3) Provide shopping opportunities for surrounding communities.
- (4) Locate and design commercial areas to minimize traffic congestion and maximize access.
- (5) Continue to utilize specific and enforceable architectural and landscape design standards for commercial development.
- (6) Encourage developers to consider solar access when designing commercial development projects.
- (7) Provide for limited and carefully designed neighborhood commercial centers.
- (8) Provide for the continued development of major medical services facilities in the City of Tualatin, especially at the Meridian Park Hospital site. The Medical Center Planning District shall be applied only to a property, or a group of contiguous properties, of no less than 25 acres and shall have frontage on an arterial as designated in Chapter 11, Tualatin Community Plan.
- (9) To work with the applicable jurisdictions and agencies to develop the Durham Quarry Site and Durham Quarry Area with high quality development. It is appropriate to apply an overlay district on the Durham Quarry Site and Durham Quarry Area to allow mixed commercial/residential uses. It is appropriate to enter into an intergovernmental agreement with the City of Tigard and Washington County to allow the City of Tualatin to review and decide land use applications and building permit applications for the portion of the Durham Quarry Site in the City of Tigard. [Amended by Ord. 592-83, Sec. 27, passed June 13, 1983; Ord. 827-91, Sec. 2, passed March 25, 1991; Ord 1062.00, Sec 2, passed December 11, 2000.] (Ord. 1133-03, Amended, 03/24/2003; Ord. 1062-00, Amended, 01/03/2001)

### Section 6.040 Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

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(1) Office Commercial Planning District (CO). To provide areas suitable for professional office uses adjacent to or across from residential areas. Restaurants may be allowed by conditional use permit when designed as an integral part of a major office complex. It is the intent of this district to provide for office development ranging in size from small buildings with one or two tenants to large complexes housing business headquarters offices. In the design of development in this district, care shall be taken to preserve significant natural resources and to provide extensive perimeter landscaping, especially adjacent to residential areas and streets.

(2) Neighborhood Commercial Planning District (CN). To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area.

(3) Recreational Commercial Planning District (CR). To recognize the unique and valuable physical, scenic, cultural, and historic character of the Roamer's Rest area located between the Tualatin River and Pacific Highway (99W) north of the highway's intersection with Tualatin Road. It is intended to preserve that area by allowing and encouraging commercial and related uses that are oriented to the traveler on the highway or that are oriented toward and relate well with the river.

(4) Central Commercial Planning District (CC). To provide areas for a full range of retail,

professional and service uses of the kinds usually found in downtown areas patronized by pedestrians. Civic, social and cultural functions that serve the general community are also appropriate. The Central Commercial Planning District is almost entirely within the downtown portion of the urban renewal area. The Urban Renewal Plan contains extensive development policies and design standards that apply to this district. These policies and standards are intended to help create a village atmosphere in the downtown area. Multiple-family housing is appropriate in certain areas of this district, as specified in the Urban Renewal Plan.

(5) General Commercial Planning District (CG). To provide areas suitable for a full range of commercial uses, including those uses that are inappropriate for neighborhood, office or central commercial areas. This district is particularly suitable for automobile/service-oriented businesses, excluding automobile, truck and machinery sales and rental, located along the freeway and major arterials. Because of their location, these uses are highly visible to large numbers of passing motorists. Commercial development along the freeway provides perhaps the only lasting impression of Tualatin for many travelers. Therefore, careful attention shall be given to site and structure design for development in this district, including signs, choice of materials, and landscaping, particularly in and around parking areas. This District is suitable for mixed commercial and residential uses through the Mixed Use Commercial Overlay District on the Durham Quarry Site and in the Durham Quarry Area.

(6) Mid-Rise/Commercial Office Planning District (CO/MR). To provide areas suitable for professional Class A Mid-Rise offices. The CO/MR District shall be applied to appropriate lands west of Interstate 5 and south of the Tualatin River. Since the potential application of this district extends over most of the City's incorporated area, considerations such as proximity to established residential districts and preservation of significant views and visual corridors shall be encouraged.

(7) Medical Center Planning District (MC). To provide areas for major medical centers providing medical facilities and health care services for the residents of Tualatin and the surrounding area, and to provide limited supporting retail and service uses for the convenience of patients, patient visitors and staff. The Medical Center District shall be no less than 25 acres and front on an arterial as designated in Chapter 11, Tualatin Community Plan. [Amended by Ord. 592-83, Sec. 28, passed June 13, 1983; Ord. 783-89, Sec. 1, passed October 23, 1989; Ord. 827-91, Sec. 3, passed March 25, 1991; Ord. 1026-99, Sec 5, passed Aug. 9, 1999; Ord 1062.00, Sec 3, passed December 11, 2000.](Ord. 1062-00, Amended, 01/03/2001)

## Chapter 7

### Manufacturing Planning Districts

#### Sections:

- 7.010 Background.**
- 7.015 Manufacturing Planning Area Overview.**
- 7.016 Planning Context.**
- 7.017 Planning Concept for the Manufacturing Planning Area.**
- 7.020 Assumptions.**
- 7.030 Objectives.**
- 7.040 Manufacturing Planning District Objectives.**

#### Section 7.010 Background.

(1) Tualatin's relationship to road and rail access has provided a favorable environment for industrial development. The City's industrial area is bisected by two railroads, the Burlington Northern and the Southern Pacific, and is served by the Interstate 5 Freeway which, in turn, provides access to the Interstate 205 Freeway and the State Highway 217 Expressway. These transportation facilities provide good multi-mode access to the whole of the Portland Metropolitan Area, the Willamette Valley, and to national markets. Because the area has good access to the transportation system, large areas of land have been zoned for industrial use, both in the City and west of the City in Washington County.

(2) Most of the existing industrial land use in the Tualatin area is located between or adjacent to the Burlington Northern and Southern Pacific rail lines. Smaller pockets of industrial land occur immediately north of downtown Tualatin and in the vicinity of the Lower Boones Ferry Road/Interstate 5 Freeway interchange. The amount of land zoned for industrial use is substantial. The amount actually used is small. Data developed in the Phase I - Technical Memoranda, together with supplementary information developed by the City's economic consultants, indicate that the Portland region annually absorbs 240 acres and Tualatin can be expected to utilize 9 to 15 acres of industrial land per year. There are 1,975 acres of industri-

ally zoned land within the Tualatin Study Area, and 304 acres are currently being used. The City contains 650 acres of industrially zoned land, with 577 of those acres now vacant. While some of Tualatin's industrially zoned land is poorly drained or has weak foundation soils, the majority of the industrially zoned land is either buildable or can be made buildable. Subtracting existing industrial uses and the worst-drained areas, the City has approximately 450 acres of vacant industrial land within its City limits. While this industrial land supply exceeds that needed to meet the City's needs for the year 2000, few land parcels that were originally planned for industrial use were converted to other uses in the Plan. This was because industries that owned the land were committed to future development of their particular sites, and because most of the area is impacted by existing scattered industrial development. Additionally, the City wishes to maximize industrial development within the City to produce revenue for public amenities in the City. A surplus of additional industrial land will help to maintain Tualatin's competitiveness in the industrial land market.

(3) The existing scattered distribution of industrial uses is a problem because it restricts choice of land use alternatives and makes it expensive to provide appropriate urban services such as public water and sewer service and fire protection. Consequently, this Plan emphasizes the short-term concentration of industrial development within the City limits.

(4) Industrial development in Washington County will affect Tualatin's industrial future. This area west of the City now contains scattered industrial development without public water or sewer services and minimum fire protection. While current County zoning allows only uses that have a minimum capital equipment investment and are not labor-intensive, the amount of industrially zoned land exceeds 1,000 acres, and the aggregate effect on traffic could impact the development of industrial land within

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the City. This is because most traffic traveling to and from this outlying industrial area must pass through the City's Nyberg Street/Tualatin-Sherwood Road corridor to reach the region's freeway system. As stated in the Transportation Plan, additional transportation access must be developed to minimize the effect of industrial development west of Tualatin. The proposed I-5/Norwood Road interchange would help to alleviate a portion of this problem. Additionally, it is anticipated that, because land values for land without standard urban public services are approximately 1/2 those values inside the City, there will be pressure to develop inexpensive County land before land in the City. More industrial growth west of the City could eventually place the City's roadway system at capacity before it has developed its proportionate share of industrial land, thus making it difficult to develop the remainder of the City's industrial land. In other words, the continued availability of inexpensive County industrial land could place City industrial land at a competitive disadvantage in the industrial land marketplace.

(5) Despite the problems described above, it is expected that lower-intensity industrial growth will continue to occur in Washington County west of the City, and that there will be increasing pressure to convert this land to full industrial development. Consequently, this area is eventually expected to become a part of the City of Tualatin, if the problems of transportation access can be solved. Consequently, it is an objective of this Plan to study methods of eventually accommodating, within the City, the industrial growth that is expected to occur in this area.

(6) Specific problems related to the development of land inside the City include poor drainage, poor north/south roadway access, lack of sewer and water services, and noise and other environmental problems. The central portion of the industrial area between Herman and Tualatin/Sherwood Roads is poorly drained and contains the Hedges Creek Marsh, the largest wetland area in Washington County. The Plan proposes the preservation of a portion of this ap-

proximately 80-acre natural area and anticipates the definition of an area surrounding the Marsh in which industrial development would be allowed. Currently, industrial traffic in Tualatin's central industrial area must travel long distances through downtown or on Cipole Road to travel from southern to northern industrial areas. As many local industries utilize each others' services, it is inconvenient and uneconomic to continue this arrangement of roadways. Consequently, the Transportation Plan proposes a new north-south roadway through the central industrial area in the 102nd - 104th corridor. Lack of sewer services in the northwestern portion of the City's main industrial area also has been a handicap to industrial development. Two newly formed local improvement districts, one for new roadway, sewer and water improvements in the 102nd - 104th corridor, and one for a major interceptor sewer paralleling Tualatin and Herman Roads, have been implemented to solve the major utility and traffic circulation problems in the industrial area. Industrial noise and odors have already begun to affect adjacent residential areas. One of the objectives of this Plan element and other elements is to develop specific and enforceable design standards that minimize future environmental conflicts between industrial, commercial and residential land uses.

(7) One of the most efficient methods of minimizing industrial impacts on commercial and residential uses is to restrict the types and location of uses that are allowed in the City's industrial districts. The types of industrial uses contemplated by the Plan eliminate those uses which are considered most obnoxious, such as creosote treatment of products, manufacture of harmful chemicals, forge plants, and auto wrecking. Uses that are allowed will be in the medium-to-light intensity range, although they will be specifically referred to as "light" and "general" for ease of understanding. The light industrial uses are arranged in the Plan to be adjacent to residential areas to minimize environmental conflicts as much as possible. Because industrial processes change rapidly due to new technology, it is also intended that some indus-

trial uses proposed in the general use category may be appropriate in a lighter use area, if properly designed to mitigate adverse environmental impacts.

(8) While most of Tualatin's industrial land is located between Tualatin Road and Avery Street in the western portion of the City, there are small amounts of industrial land located in the northern portion of the City and lying on either side of the Lower Boones Ferry Road/ Interstate 5 Freeway interchange. The Plan has maintained, as industrial use, those areas that are now committed to industrial development. However, some land previously zoned industrial has been converted to a commercial designation because of the residential character of the area and proximity to the freeway. The industrial land in this area is designated on the Plan as light industrial because of the area's proximity to commercial and residential areas.

(9) In December 2002 METRO expanded the Urban Growth Boundary adding land west of Cipole Road and south of the north right-of-way line of SW Pacific Highway for industrial development to assist in meeting the overall regional need for a 20-year supply of industrial land. [Amended by Ord 1191-05; passed 6/27/05]

### **Section 7.015 Manufacturing Planning Area Overview.**

This section describes the history and nature of the Manufacturing Planning Area.

(1) The Industrial Planning Area is located in the southeastern portion of Washington County and immediately west of the developed portion of the City of Tualatin. It is within the Urban Growth Boundary and was annexed to Tualatin in November, 1982, except for a few individual parcels.

(2) The Industrial Planning Area is served by Pacific Highway (Highway 99W) as a direct route to Portland. It also is tied directly by Tualatin-Sherwood Road, and indirectly by Tualatin Road and Herman Road, to Interstate 5 with direct ties to the east via Interstate 205. It is crossed by Southern Pacific and Burlington Northern railroad lines.

(3) The area lies in the relatively flat lowlands of the Tualatin Valley, with farmland scattered throughout. Although the area is currently rural and suburban in nature, increasing pressure for development is occurring. This is noted by the construction of several new industrial uses within the planning area during the last 10 years and the rapid growth of industrial use in the western portions of the City.

(4) The first settlement in the area was established in the mid-1800's. By the 1850's, all the land along the Tualatin River bank had been claimed and settlement began in earnest. The Technical Memoranda of The Tualatin Development Code provides a more detailed history of the City and its surrounding area.

(5) The Industrial Planning Area encompasses approximately 1,096 acres. Coupled with the industrial land that was already in the western portion of the City, the total Western Industrial District has 1,775 acres of land.

(6) The Tualatin area has experienced tremendous growth in the last decade. Population increased rapidly due to several factors, including land availability and buildup of employment opportunities through industrial development.

(7) The economy of the planning area is tied directly to that of Washington County and the Portland metropolitan area. At this time only 12 percent of Tualatin residents work in the City, while approximately 75 percent of the employees within the community live outside. Again, the City has determined that it is a community goal to expand as a regional employment center, increasing its percentage of total jobs in the region, and at the same time, providing additional residential and commercial opportunities so that more people can both live and work in Tualatin. [Added by Ord. 592-83,

Sec. 29, passed June 13, 1983. Amended by Ord. 1026-99, Sec 6, passed Aug. 9, 1999.]

### **Section 7.016 Planning Context.**

This section describes the legal and political context for the planning work leading to the adoption of the Industrial Planning Area Plan Amendment.

(1) Introduction. The preparation of the West Tualatin Industrial Planning Area Plan Amendment is not an isolated planning effort. There are

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many other policies on the local, regional and state level that provide the framework for this planning effort.

(2) Local Plans. Of primary importance is the City's comprehensive plan, the Tualatin Community Plan. This plan amendment must be set in a direction that complies with and helps to implement the goals, policies and objectives of that document. Since the plan was adopted on October 22, 1979, the City has continued to experience a high rate of growth and has maintained an aggressive posture toward economic development. The addition of these industrial lands to the City is a direct result of the Goals and Objectives of the Plan. This amendment is designed to continue the advances that the Plan charted and the City has followed.

(3) Regional Plans.

(a) The Industrial Planning Area and the entire City are part of the Metropolitan Service District (METRO), a regional government with jurisdiction for the urban portion of the tri-county metropolitan area. METRO is authorized by state law (ORS 197) to: 1) establish regional planning goals; 2) develop various functional plans for the district concerning housing, transportation, solid waste, drainage, and other region-wide issues; and 3) ensure that member jurisdictions conform to any regional planning elements which have been adopted by the METRO Council.

(b) METRO is responsible, specifically, for regional transportation planning and for defining and maintaining a regional Urban Growth Boundary (UGB). The UGB essentially delineates urban lands from rural and natural resource lands. Designed to include those lands needed to accommodate growth to the year 2000, the UGB must be respected and supported by METRO counties and cities in order for their comprehensive plans to achieve compliance with LCDC Goal 14 - Urbanization. The UGB forms the southwest boundary of the Industrial Planning Area.

(c) Another regional planning effort that helps define this plan amendment is the work of Washington County embodied in the Comprehensive Framework Plan. This plan "allocates" the

growth anticipated within the County to various geographic areas. This growth, in terms of both resident population and employment, was "assigned" on the basis of land availability, opportunities for economic development, transportation and utility availability, and other locational factors. The City will use these allocations as one of the bases for developing this plan amendment.

(d) In order to require and maintain effective coordination between Washington County and its various cities, including Tualatin, Urban Planning Area Agreements (UPAAs) have been drawn up. These identify areas of mutual planning interest and establish procedures allowing the cities and the County to exchange information and comments on development and to coordinate planning for development in these areas.

(4) Statewide Planning Goals. Finally, at the State level, are the Statewide Planning Goals and Guidelines adopted by the Land Conservation and Development Commission (LCDC). The comprehensive plans of all cities and counties in the state must be directed towards meeting the goals. This amendment will address each of these goals as appropriate. However, it is not organized goal by goal, rather, it follows the format of the existing Community Plan and will deal with each goal in that framework. The Goals include:

- (a) Citizen Involvement
- (b) Land Use Planning
- (c) Agricultural Lands
- (d) Forest Lands
- (e) Open Spaces, Scenic and Historic Areas, and Natural Resources
- (f) Air, Land and Water Resources Quality
- (g) Areas Subject to Natural Disasters and Hazards
- (h) Recreation
- (i) Economy of the State
- (j) Housing
- (k) Public Facilities & Services
- (l) Transportation
- (m) Energy Conservation
- (n) Urbanization

[Added by Ord. 592-83, Sec. 30, passed June 13, 1983.]



**Section 7.017 Planning Concept for the Manufacturing Planning Area.**

This section describes the general intentions or concept for the Manufacturing Planning Area Plan:

(1) Land Use Pattern.

(a) Washington County has been working for many years in determining appropriate locations and configurations for various land uses throughout the County. The basic concept decisions have involved the major delineation between rural and urban land uses, and the appropriate locations for the various urban uses. These concepts, which are included in the Comprehensive Framework Plan, are based on professional analysis and input from a series of public hearings held in the fall of 1981. The conclusions for the basic concept all indicated that industrial development was and continues to be the most appropriate land use for the study area.

(b) With the annexation of the Industrial Planning Area to the City of Tualatin, the responsibility for determining this planning concept has shifted from the County to the City. However, Tualatin has determined that the County's basic analysis and conclusions are sound, and will continue to support and plan for future industrial use in this area. This is recognized as being totally in compliance with the City's goal of becoming a major employment center, and forms a natural extension of the existing industrial areas bordering the western edge of the former City limits.

(2) Housing and Employment Allocations

(a) Allocations of new housing units and employment opportunities in terms of residential, commercial and industrial acreage have been made for each community planning area within the entire METRO UGB by METRO with the cooperation of each local government. This distribution of potential growth is necessary to show how future growth can be made compatible with the development concept and consistent with state, regional, and local plans and regulations.

(b) These area allocations together reflect the total County's share of the regional growth estimated for the year 2000 and beyond. For the existing unincorporated area of the County within the UGB (i.e., all land inside the UGB but outside

the City limits of all cities in the county) approximately 90,000 additional people, 39,500 new homes, and 38,800 new jobs are expected by the year 2000. This allocation applies to the incorporated study area as it was prepared prior to the annexation.

(c) The Tualatin Development Code contains population projections that formed a basis of that planning effort and are also used in this process.

Those projections indicated that, if market trends are followed, the City of Tualatin will have a population of 28,721 by the year 2000, or an increase of 22,331 from the year 1980. This indicates that the City, meaning all lands within the total planning area, will absorb 24.8% of the growth that is projected for the unincorporated portions of the County within the UGB.

(d) The growth allocations are basically intended to be a planning tool that assures that the projected growth is accommodated in a manner that provides for adequate housing, public facilities and services and employment opportunities, "spreading" the need to absorb this growth fairly throughout the metropolitan area. Every jurisdiction has a legal responsibility to allocate enough land to meet the projected needs. Each community is to designate land in various use categories to accommodate the acreage totals assigned to it by METRO for a variety of housing densities and employment opportunities.

(e) In order to help assure that the rapidly changing needs for housing options were being met, the LCDC adopted an administrative rule setting certain "standards" for planning for new housing within the Portland metropolitan area, (known as the Metro Housing Rule). The City must provide the opportunity for a new residential construction mix of 50% detached units to 50% attached units. In addition, the housing rule established an average residential density target for new construction of at least 8 units per net buildable [acre].

(f) The County draft of the plan for the study area included an allocation of 8,372 new employees. This is distributed mostly at a density of five employees per acre. The City finds that this density projection is extremely low based on

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the current pattern in the area which is approximately 15 employees per acre. With the acreage available, the transportation and utility facilities available, and the very supportive attitude of the City, industrial land uses are anticipated that will generate three or more times the number of employees within the industrial planning area within the planning period.

(g) Therefore, the City recognizes the employment allocations of the County, but, finding them too small, will not be bound by them in planning for the industrial area or in encouraging and fostering economic development. [Added by Ord.

592-83, Sec. 31, passed June 13, 1983. Amended by Ord. 1026-99, Sec 7, passed Aug. 9, 1999]

### Section 7.020 Assumptions.

The following are general assumptions used to formulate the Plan:

(1) The City can be expected to use a minimum of 25 acres of industrial land annually.

(2) Traffic access and sewer and water service problems associated with the Western Industrial District will be remedied as the area is developed.

[Amended by Ord. 592-83, Sec. 32, passed June 13, 1983.]

### Section 7.030 Objectives.

The following are general objectives used to guide development of the Plan and that should guide implementation of the Plan's recommendations:

(1) Encourage new industrial development.

(2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City, and in particular the Western Industrial District, a major regional employment center.

(3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.

(4) Preserve, with minor exceptions, the City's existing industrial land.

(5) Cooperate with Washington County, METRO, and the State of Oregon to study the methods available for providing transportation, water, and sewer services to the Western Industrial District.

(6) Fully develop the Western Industrial District, providing full transportation, sewer, and water services prior to or as development occurs.

(7) Improve traffic access to the Western Industrial District from the Interstate 5 freeway through a new interchange at Norwood Road or a suitable and adequate alternative.

(8) Cooperate with the Department of Environmental Quality and METRO to meet applicable air quality standards by 1987.

(9) Construct a north/south major arterial street between Tualatin Road and Tualatin-Sherwood Road in the 124th Avenue alignment to serve the industrial area.

(10) Rebuild the Tualatin Road/Pacific Highway intersection to allow for substantially greater traffic flows.

(11) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.

(13) Protect adjacent land uses from noise impacts by adopting industrial noise standards.

(14) Continue to protect the Hedges Creek Wetland and Tonquin Scablands from adverse impacts of adjacent development.

(15) Continue to administer specific and enforceable architectural and landscape design standards for industrial development.

(16) Encourage industrial firms to use cogeneration as a means to utilize waste heat from industrial processes and consider solar access when designing industrial facilities.

(17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state or by integrating the major trees into the design of the parking lots, buildings, or more formal landscaping areas of an industrial development. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process. [Amended by Ord. 592-83, Sec. 33,

passed June 13, 1983.]

**Section 7.040 Manufacturing Planning District Objectives.**

This section describes the purpose of each manufacturing planning district.

(1) Manufacturing Park Planning District (MP).

(a) The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities. Such permitted uses shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity.

(b) It also is to protect existing and future sites for such uses by maintaining large lot configurations and limiting uses to those that are of a nature to not conflict with other industrial uses or surrounding residential areas.

(c) It also is intended to provide for a limited amount of commercial uses designed for the employees of the primary uses and to provide for a limited amount of retail selling of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) Light Manufacturing Planning District (ML).

(a) Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke. Also suitable, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas, subject to the Special Commercial Setback from arterial streets and Commercial Services Overlay as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Also

suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035. Rail access and screened open storage allowed in these areas will conform to defined architectural, landscape and environmental design standards.

(b) The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Certain heavier manufacturing uses may be allowed as conditional uses.

(c) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035.

(3) General Manufacturing Planning District (MG).

(a) Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities. Such areas could be expected to be more unsightly and to have more adverse environmental effects. Rail access and screened open storage would be allowed in this area, conforming to defined architectural, land-

scape and environmental design standards. Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

(b) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and allow selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

(c) The heaviest manufacturing uses that are environmentally adverse or pose a hazard to life and safety will not be allowed. [Amended by Ord. 592-

83 §34, passed June 13, 1983; Ord. 942-95 §1, passed March 27, 1995; Ord. 1003-98 §1, passed April 27, 1998; Ord. 1026-99 §8, passed Aug 9, 1999; Ord. 1046-00 §1, passed February 14, 2000 (Ord. 1133-03, Amended, 03/24/2003)]

## Chapter 8

### Public, Semi-Public and Miscellaneous Land Uses

#### Sections:

- 8.010 Background.**
- 8.020 General Government Services.**
- 8.030 Utility Facility.**
- 8.040 Schools.**
- 8.050 Churches, Retirement Homes, Residential Facilities and Hospitals.**
- 8.060 Solid Waste Disposal Sites.**
- 8.070 Day Care Facilities.**
- 8.080 Wireless Communication Facilities.**

#### Section 8.010 Background.

There are several land uses that do not neatly fit into the normal residential, commercial or industrial land use categories. These are uses such as government offices, utility facilities, schools, churches and retirement homes. TDC 8.020 to 8.060 define the objectives for these miscellaneous facilities. [Amended by Ord. 849-91, Sec. 4, passed Nov. 25, 1991.]

#### Section 8.020 General Government Services.

This category includes a variety of dissimilar uses from general offices to public works shops. The objectives for the location of these uses are to:

- (1) Locate, when possible, general government offices in the Urban Renewal Area, preferably in a common building on the City's proposed Civic Center site.
- (2) Locate facilities such as the City's Operations Center in the City's western industrial area.

#### Section 8.030 Utility Facility.

This category includes land uses such as public utility facilities, e.g., water reservoirs, water and sewerage pump stations, pressure reading stations; electrical substations; telephone exchange or switching facilities; and natural gas pumping facilities owned, operated and maintained either by a public agency or for profit entity. These facilities generally cannot be placed in a single planning district, but must be placed to best serve the utility system. Consequently,

these uses may be located in any planning district, but must meet the following objectives:

(1) Be designed attractively to blend with adjacent development, particularly in residential areas.

(2) Be located and designed, if of a hazardous nature, to protect adjacent development from potential harm or damage.

(3) Subject aboveground utility facilities, i.e., buildings, tanks, fencing, screen walls and landscaping, to review through the City's Architectural Review process. [Amended by Ord. 965-96, Sec. 1, passed

Dec. 9, 1996.]

#### Section 8.040 Schools.

(1) This category includes land uses associated with services generally provided by the public school system, although in some cases educational services may be provided by religious or business organizations. The objectives for these facilities are to:

(a) Cooperate with local school districts to plan for adequate educational services commensurate with the growth of the City.

(b) Locate elementary school sites, wherever possible, adjacent to neighborhood park sites, and integrate the location of such schools into the residential neighborhoods they are designated to serve.

(c) Locate junior high or high school sites adjacent to arterial or collector streets.

(d) Locate all schools providing primary and secondary education as far as possible from commercial and industrial districts, unless the education provided would be vocational in nature.

(e) Locate vocational schools in commercial or industrial districts commensurate with the type of education being provided.

(f) Work collaboratively with the Tigard-Tualatin School District, the City of Tigard, Washington County and other interested parties to address the requirements of Senate Bill 908 passed by the 1993 Legislature (Oregon Revised Statutes 195.110). The City of Tualatin shall

(Revised 05/03)

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work collaboratively to revise the Tigard-Tualatin School District's School Facility Plan adopted November 2, 1995.

(g) The City shall enter into an intergovernmental agreement with the Tigard-Tualatin School District to agree, to the greatest extent possible, on the criteria for the capacity of school facilities.

(h) The City accepts those school facility capacity criteria as set forth in the School Facility Plan as its own for purposes of evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

(i) The City shall provide notice to the Tigard-Tualatin School District when considering a plan or land use regulation amendment that significantly impacts school capacity.

(2) It should be noted that a discussion of public schools in the Tualatin area occurs within TDC 3.080(8) of this Plan. The general locations of neighborhood elementary school/park sites are indicated on the Park, Greenways and Bikeways Map contained in Chapter 15, Parks and Recreation. [Amended by Ord. 964-96, Sec. 3, passed June 24, 1996.]

### **Section 8.050 Churches, Retirement Homes, Residential Facilities and Hospitals.**

This range of land uses has varied locational requirements because of the frequency of use, the nature of the use, and other factors. None of these uses should be located in an industrial planning district. They should be located in commercial and residential districts, with certain restrictions. Congregate care facilities, assisted living facilities, residential care facilities, and hospitals should also be located in the Medical Center District. Because their locational possibilities and character are so varied, they should be considered as conditional uses in all commercial and residential planning districts, except where such a requirement would violate land use or other provisions of Oregon state statutes or federal laws such as the Fair Housing Amendments Act of 1988, should be located with good access to arterial or collector streets,

and should be close to the City's park areas. Congregate care facilities, assisted living facilities and residential care facilities and hospitals should be considered as permitted uses in the Medical Center District. Consequently, the objectives for these uses are to:

(1) Prohibit uses such as residential facilities, retirement homes and hospitals in industrial planning districts.

(2) Allow uses such as churches, retirement homes and hospitals in commercial and residential planning districts, subject to conditional use approval, and allow congregate care facilities, assisted living facilities and residential care facilities and hospitals as permitted uses in the Medical Center District.

(3) Allow residential facilities and residential homes as permitted uses in all residential planning districts, and allow residential facilities as a conditional use in planning districts where multiple family development is a conditional use.

(4) Locate uses such as churches, retirement homes and hospitals that are in residential planning districts adjacent to arterial or collector streets and close to the City's park areas.

(5) Cooperate with the appropriate federal, state and regional agencies to assess health care services for the area. [Amended by Ord. 827-91, Sec. 4, passed March 25, 1991; Ord. 849-91, Sec. 5, passed Nov. 25, 1991; Ord. 970-97, Secs. 1 and 2, passed Feb. 10, 1997.] (Ord. 1133-03, Amended, 03/24/2003)

### **Section 8.060 Solid Waste Disposal Sites.**

(1) Solid waste disposal is a regional concern requiring regional solutions. The City recognizes MSD's responsibility and authority to prepare and implement a solid waste management plan, supports the MSD "Procedures for Siting Sanitary Landfills," and will participate in these procedures as appropriate.

(2) The City contains one identified solid waste site north of Bridgeport Road. This site is known as the "Durham Pits" site, as identified in an MSD report entitled "Disposal Siting Alternatives."

**Section 8.070 Day Care Facilities.**

Because day care is needed both by residents and employees who commute into the City, day care facilities should be located in areas convenient for commuters as well as residents, including commercial, residential, and some industrial areas. Day care centers should be located with good access to arterial or collector streets, and should be close to the City's park areas. Day care facilities should not be located close to automobile service stations, or where they will be surrounded by industrial uses. However, industrial perimeter areas where they can easily serve both residents and employees of nearby firms are suitable. The impact of a day care center on a residential neighborhood, in terms of noise and traffic generation, differs from that of residences and should be reviewed before it is permitted there. Consequently, the objectives for day care centers are to:

(1) Facilitate creation of adequate child care facilities within the community by limiting local requirements, recognizing the role of the state's Children's Services Division in certifying such facilities. Accordingly, day care centers should be allowed as permitted uses in commercial and light industrial areas.

(2) Encourage family day care providers to operate in residential and commercial areas by permitting them outright.

(3) Protect residential areas from potential adverse impacts of day care centers through the conditional use process.

(4) Locate day care centers adjacent to arterial or collector streets and close to the City's park areas. [Added by Ord. 849-91, Sec. 6, passed Nov. 25, 1991.]

**Section 8.080 Wireless Communication Facilities.**

This category includes land uses that transmit or receive radio frequency signals through the airwaves. The objectives for these facilities are:

(1) To minimize the visual impacts associated with wireless communication facilities.

(2) To provide a wide range of locations for wireless communication facilities.

(3) To encourage creative approaches in locating wireless communication facilities that will blend with their surroundings.

(4) To coordinate the review of new wireless communication facilities with the Federal Communication Commission, Federal Aviation Administration and Oregon Department of Transportation Aeronautics Division.

(5) To comply with the requirements of the 1996 Federal Telecommunications Act.

(6) To encourage co-location of wireless communication facilities to reduce the number of facilities in the community. [Added by Ord. 965-96, Sec.

2 passed Dec. 9, 1996.]

## Chapter 9

### Plan Map

#### Sections:

- 9.010 Background.**
- 9.020 Planning District Boundaries.**
- 9.025 Tualatin Design Type Boundaries.**
- 9.030 Area Descriptions.**
- 9.031 Area 1.**
- 9.032 Area 2.**
- 9.033 Area 3.**
- 9.034 Area 4.**
- 9.035 Area 5.**
- 9.036 Area 6.**
- 9.037 Area 7.**
- 9.038 Area 8.**
- 9.039 Area 9 Leveton Industrial Area.**
- 9.040 Area 10 Walgraevae Industrial Area.**
- 9.041 Area 11 Koch Industrial Area.**
- 9.042 Area 12 Roamer's Rest.**
- 9.043 Area 13 Hazelbrook Planning Area.**
- 9.044 Area 14 Graham's Ferry Planning Area.**

#### **Section 9.010 Background.**

This Plan section includes the Plan Map, (Map 9-1) classification of planning district boundaries, and brief descriptions of the land uses in each Plan area. The Plan Map is a synthesis of the objectives contained in each Plan element that can be portrayed graphically in map form. The Map is based on an analysis of data contained in the Phase I - Technical Memoranda, Northwest Tualatin Concept Plan 2005 and an analysis of Plan objectives and the Statewide Planning Goals of the Land Conservation and Development Commission. [Amended by

Ord. 635-84, Sec. 4, passed June 11, 1984; Ord 1191-05, passed 6/27/05.]

#### **Section 9.020 Planning District Boundaries.**

The boundaries between planning districts, as portrayed on the Plan Map, are intended to follow property lines (or extensions thereof), roadways, or natural features such as creeks. Where such definition was not possible, the Map is drawn to scale and district boundaries can be determined by using this scale. It should be noted that property lines shown on the Plan

Map were derived from County Assessor's Maps and are therefore relatively accurate. Consequently, the planning districts shown on the Plan shall be considered zoning districts, as normally termed. This eliminates the need for two sets of maps and simplifies the understanding of what land uses may be allowed on an individual property.

#### **Section 9.025 Tualatin Design Type Boundaries.**

(1) Map 9-4, Tualatin Design Type Boundaries, shows the City's final location of the Metropolitan Service District's Growth Concept Design Types. Metro adopted the general location of the Design Types as part of adopting the Urban Growth Management Functional Plan (UGMFP) (Metro Code, Chapter 3). The UGMFP, Title 1, says, "For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:..." Map 9-4 shows the location of the applicable Design Types consistent with the general locations shown on the 2040 Growth Concept Map. The boundaries are intended to follow the Planning District Boundaries, property lines, rights-of-way centerlines and water features.

(2) Rural Reserves and Green Corridors. The City recognizes that green corridors, as described in the 2040 Growth Concept, are critical to interurban connectivity. If the City, at some future date, annexes an area that includes a green corridor, it will be the City's policy to do the following:

- (a) Allow access, in a controlled manner, to the green corridor to maintain the function, capacity and level of service of the transportation facility and to enhance safety and minimize development pressures on rural reserve areas; and
- (b) Provide appropriate vegetative screening and buffering of adjacent development and limit



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signage in such a way as to maintain the rural character of the green corridor. [Adopted by Ord. 1026-99, Sec 9, passed Aug. 9, 1999]

## Section 9.030 Area Descriptions.

To clarify the Plan Map, the Map has been divided into 14 plan areas, and the following describes, in narrative form, the permitted uses for each plan area. All Plan Areas with the exception of those comprising commercial and industrial lands, provide the framework for neighborhood organizations. It was with this in mind that the plan areas were drawn. Each area, with the exception stated above, was viewed as a potential neighborhood unit, having its own area of interest, comprising a population of 3,000 to 5,000 persons and served, as much as possible, by common facilities such as schools or parks.

[Amended by Ord. 635-84, Sec. 5, passed June 11, 1984.]

## Section 9.031 Area 1.

This portion of the Plan comprises the City's central area and is described in the City's adopted Central Urban Renewal Plan. The Central Urban Renewal Plan is a separate plan, but considered an element of this Plan. This Plan has been drafted to minimize any land use conflicts between uses on the periphery of the Central Urban Renewal Area. Map 9-3, "Central Tualatin Urban Renewal Area Planning Districts," shows the Central Urban Renewal boundary, the Core Area Parking District boundary, land use blocks within the Central Urban Renewal Area, minimum lot sizes for blocks within the Central Urban Renewal Area, and the designation of which blocks require a Master Plan to be submitted for development.

[Amended by Ord. 694-86, Sec. 1, passed May 27, 1986.] (Ord. 1109-02, Amended, 04/22/2002)

## Section 9.032 Area 2.

Located directly south of the Urban Renewal Area and west of the Interstate 5 Freeway (I-5), this area comprises most of the City's residential land west of I-5 and north of Avery Street. Being close to downtown, the area has a higher proportion of multi-family dwellings than other

areas, with the northern and eastern portions of the area comprising medium-low, medium-high and high density multi-family residential development. The southern portion of the area is predominantly low density residential. The Tualatin Elementary School is located in the center of the area at the intersection of Boones Ferry Road and Sagert Streets. The northeasterly portion of the area includes large-scale commercial uses that are included in the Schnitzer Investment Corporation Planned Unit Development (PUD). The commercial uses in this section of the PUD are proposed to include primarily headquarters office space for major firms and supporting commercial services such as restaurants. The western side of this area is bordered by a Light Industrial Plan designation, while a portion of the area's northern boundary is bordered by the Burlington Northern Railway tracks and mixed industrial and commercial designations.

## Section 9.033 Area 3.

This area is characterized by low density residential development. Part of the City's greenway loop system traverses the area. A new neighborhood park is proposed for this area. The area's northwestern corner is bordered by a Light Manufacturing Planning District, while the western and southwestern boundaries are bordered by land outside the Urban Growth Boundary.

## Section 9.034 Area 4.

This area lies south of Avery Street, between the Interstate 5 Freeway and Boones Ferry Road. The predominant land use is low density residential. A new elementary school located east of Boones Ferry Road, between Blake and Ibach Streets, is currently being constructed and will serve students from the south Tualatin area. A large greenway loop passes through this area to connect with the remainder of the loop in Area 3. The area is bordered on the east by the Interstate 5 Freeway and on the south by land outside the Urban Growth Boundary.

**Section 9.035 Area 5.**

Located east of the Interstate 5 Freeway, this area is primarily designated for low density residential uses, but contains substantial multi-family and commercial use north of Sagert Street and west of SW 65th Avenue. Meridian Park Hospital is located in this area on the northeast corner of SW 65th Avenue and Borland Road. Commercial land uses are located along the Interstate 5 Freeway, and on Nyberg Street from I-5 to SW 65th Avenue. A major greenway loop surrounds a majority of the area's perimeter, including a greenway shown along the Tualatin River frontage. A new neighborhood park is proposed. The eastern and southern boundaries of this area are adjacent to land outside the Urban Growth Boundary.

**Section 9.036 Area 6.**

Encompassing the northwestern quadrant of the City, this area's land uses are predominantly low density residential. An area designated medium-low density residential paralleling SW 108th Avenue is shown as appropriate for mobile residential unit parks. A greenway extends along the Tualatin River, and a new neighborhood park is proposed. Lands north of Hazelbrook Road are within the 100-year and 10-year flood plain area and thus have restricted development potential.

**Section 9.037 Area 7.**

This area comprises the majority of the City's industrial land. The edges of this area are designated light industrial where the area abuts residential use. The central portion of this area is designated heavy industrial and surrounds a portion of the Hedges Creek Marsh, which is proposed for preservation. The eastern portion abuts the Urban Renewal Area.

**Section 9.038 Area 8.**

This area includes the portion of the City and study area located north of the Tualatin River. Interstate 5 bisects the area and crosses SW Lower Boones Ferry Road at one of the City's two interchanges. The area is characterized by mixed land uses, with commercial and industrial

uses being the predominant types of development. Automobile-oriented uses such as motels, restaurants and automobile service stations are concentrated adjacent to the interchange, together with some commercial office buildings. Industrial uses are located further away from the interchange. Except for two mobile home parks, a duplex subdivision (Pipers Run) and mixed residential uses in the Mixed Use Commercial Overlay District on the Durham Quarry Site in the Durham Quarry Area, no new residential development is planned for Area 8. The Plan proposes additional general commercial and light manufacturing uses south of Jean Road, and general commercial, light manufacturing and heavy manufacturing uses north of Jean Road.

[Amended by Ord. 849-91, Sec. 7, passed Nov. 25, 1991; Ord 1062.00, Sec 4, passed December 11, 2000.] (Ord. 1062-00, Amended, 01/03/2001)

**Section 9.039 Area 9 Leveton Industrial Area.**

The Leveton area is marked by a great diversity of land uses and opportunities. Much of the frontage along Highway 99W has been developed for many years. The largest single undeveloped parcel within the Industrial Planning Area, and, at 217 acres, one of the largest in the entire Portland metropolitan region, is here. There is a great deal of vacant land available in a variety of acreage. The area includes approximately 522 acres of land of which approximately 33 are developed. In 2002 an additional 23 acres were added to the area. A detailed discussion of the existing land uses, and planning issues and considerations is given in the Technical Memorandum and Northwest Tualatin Concept Plan 2005. There are three sub-areas in this area. Each has a different character and is described separately below:

(1) The Highway 99W Frontage - This area is marked by industrial uses as listed in the planning district standards and includes the Quarry Sector subarea and Northwest Tualatin Concept Plan 2005 area. It is important to recognize the character of these properties as industrial, but to assure that the land use does not conflict with or

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conflict with or discourage development on nearby properties. The properties are designated General Manufacturing (MG) and Light Manufacturing (ML) on the plan map. The right-of-way area of Highway 99W west of Cipole Road is not developable and is designated as General Manufacturing (CG) on the plan map.

(2) Herman Road Frontage - This area is largely undeveloped with industrial activities. The General Manufacturing (MG) Planning District is assigned here since this area is well separated from the residential areas. The MG designation will give the area maximum flexibility for development.

(3) Leveton Property - The Leveton property presents unique planning opportunities that must be protected in order to assure the greatest benefit to the community from development of the property. Neither the ML nor the MG planning districts are appropriate for the property as they include uses that are not compatible with a campus industrial setting. Also, the ML and MG districts have development standards that neither encourage nor mandate the campus environment. It is clear that a special district needs to be created for this property. This plan amendment includes the creation of the Manufacturing Park (MP) Planning District and applies it to the Leveton property as a way to encourage a campus industrial environment. [Added by Ord. 592-83, Sec. 35, passed June 13, 1983. Amended by Ord. 1023-99, Sec 1, passed June 28, 1999; Ord. 1191-05, passed 6/27/05.]

### **Section 9.040 Area 10 Walgraeve Industrial Area.**

The Walgraeve area has excellent development potential. This is described in detail in the Technical Memorandum. It contains a very high percentage of large lots of over 10 acres and is largely undeveloped. It contains approximately 380 acres with approximately 86 acres developed. Some of the largest industrial users within the community are in this area. The General Manufacturing (MG) Planning District is to be used in this area, as it reflects many of the existing land uses and gives maximum

development flexibility. There are no residential areas adjacent to the Walgraeve area. [Added by Ord. 592-83, Sec. 36, passed June 13, 1983.]

### **Section 9.041 Area 11 Koch Industrial Area.**

The Koch Industrial Area has some of the most intense industrial development of the Industrial Planning Area, and at the same time, some of the most significant land in natural states. A detailed analysis of the area is given in the Technical Memorandum. The area is oriented on a north/south basis generally lying between the Burlington Northern Railroad on the east and the Metro UGB on the west. There are approximately 198 acres of which 54 are developed. The Tri-County Industrial Park, which straddles the rail line, makes up all of the developed property. There are two major sub-areas that are described below:

(1) The northern half of the property will probably continue to develop in a pattern similar to that found within the industrial park. With proper street and utility improvements, this will form a solid land use foundation for the total industrial planning area. On the western side of the railroad tracks, the existing development has taken place under the provisions of the more intensive County zoning designation. Since the vacant properties in this area are buffered from the residential area, the General Manufacturing (MG) Planning District is used. On the eastern side of the tracks, the Light Manufacturing (ML) Planning District is applied, reflecting the existing land uses and the immediate proximity to residential areas.

(2) The need for sensitive treatment of the natural features of the southern area, coupled with its immediate proximity without buffering to residential areas, leads to use of the Light Manufacturing (ML) Planning District. [Added by Ord. 592-83, Sec. 37, passed June 13, 1983.]

### **Section 9.042 Area 12 Roamer's Rest.**

This planning area has two distinct portions, the residential area to the west and the commercial area to the east.

(1) The residential area is identified as an ideal and critical location for higher density housing. The flat land, relationship to the river, proximity to major employment centers, and excellent transportation access all lend themselves to a higher density development pattern. As it is necessary for the City to create the opportunity to develop a city-wide average, on vacant, buildable land, of at least eight dwelling units per acre and with a 50:50 ratio of attached to detached units, these properties are critical in meeting this goal. Their higher density pattern offsets lower density patterns for vacant lands in other parts of the community. Table 9-1 shows how the three Residential Planning Areas from the 1983 plan amendment work with the existing density pattern of the City to reach the standards. A "density gradient" approach is used in the Roamer's Rest area, with RML used on the west adjacent to the agricultural lands, RMH in the center portion, and RH in the west adjacent to the commercial area. This pattern allows for a transition from light to intense land uses on the north side of the Highway. Mobile homes are allowed in this RML area.

(2) It has been documented elsewhere in this Plan that the commercial portion of the Roamer's Rest Planning Area is an important community resource. It is important to protect it and encourage its continued use as an area that provides commercial activities relating to the Tualatin River and the Highway. The Commercial Recreation (CR) Planning District is used in this area. [Added by Ord. 592-83, Sec. 38, passed June 13, 1983.]

#### **Section 9.043 Area 13 Hazelbrook Planning Area.**

The Hazelbrook area has three main components: the higher density residential area, the single family area, and the commercial facilities.

(1) The higher density residential area is located along the north side of Tualatin Road extending from the commercial area at the highway intersection to approximately the east end of the manufacturing park area to the south. This area is designated for higher residential

densities due to its proximity to the major employment center and its excellent transportation access. A density gradient approach is used with the RMH and RML Planning Districts in order to provide for a transition from the commercial uses to the single family areas. This area works well to help meet the City's overall housing objectives, as can be seen in [Table 9-1].

(2) North and east of the higher density development is a large area slated for the RL district. Much of the land north of Hazelbrook Road is in the 100-year floodplain. Development will be limited due to this physical limitation and the regulations of the City's Floodplain District. Along and south of the road, however, the lands will be available for low density residential development involving traditional single family subdivisions, and, through the conditional use process, clustered housing styles.

(3) A Neighborhood Commercial node is planned for the northeast corner of 115th Avenue and Tualatin Road. This two acre parcel is ideally suited for this type of convenience commercial use. It is on the intersection of an arterial and a collector. It has a relatively square shape and flat topography. Most importantly, it is located at the center of the proposed higher density area and immediately across from a major employment center. [Added by Ord. 592-83, Sec. 39, passed June 13, 1983.]

#### **Section 9.044 Area 14 Graham's Ferry Planning Area.**

The Graham's Ferry area contains three basic components: the higher density area around the Norwood/Boones Ferry intersection, the higher density area on the east side of SW Grahams Ferry Road at SW Helenius Road, and the lower density residential balance of the area.

(1) An area with the RML Planning District is planned north of the Norwood Expressway in the vicinity of Boones Ferry Road and on the east side of SW Grahams Ferry Road at SW Helenius Road. This land lends itself to a slightly higher density than traditional single-family due to the excellent transportation access and the close relationship to the employment

centers in Wilsonville. It is the determination of this Plan that it is appropriate to "spread" the higher density areas throughout the community, rather than concentrating them, such as in the Roamer's Rest and Hazelbrook Planning Areas. The use of the RML District in this area provides for the needed higher densities with a District that will allow development that is similar in character and density to the RL lands.

(2) The Tonquin Scablands area has three special provisions. First is the Wetland Protection District. It prohibits building in the defined wetland area and provides a setback from that area. Second is the Greenway and Riverbank Protection (GRP) District. It covers the steep cliff immediately east of the wetlands. The GRP District will allow residential density transfer to developable portions of an affected property. The third provision impacting the Scablands involves the various steep sided channels between 108th Avenue and Boones Ferry Road. It is the policy of this Plan to protect these areas on a case by case basis as development occurs by prohibiting building within the channels and allowing residential density transfer to other portions of the affected properties.

(3) The balance of the Graham's Ferry Planning Area is designated in the Residential Low Density (RL) Planning District. This land will develop either in the traditional single-family subdivision pattern, or, through the conditional use process, in mobile homes or clustered housing patterns. [Added by Ord. 592-83, Sec. 40, passed June 13, 1983;

Amended by Ord. 1051-00 §2, passed March 13, 2000.]

Table 9-1  
RESIDENTIAL DENSITIES IN THE  
ROAMER'S REST, HAZELBROOK, AND GRAHAM'S FERRY  
PLANNING AREAS

AREA AND DISTRICT	NET ACRES	DWELL- ING UNITS PER ACRE	DWELL- ING UNITS	ATTACHED TO DE- TACHED RATIO
<b>ROAMER'S REST</b>				
RML	16.35	10	163	100:0
RMH	8.87	15	133	100:0
RH	13.74	25	340	100:0
subtotal	38.96	16.32	636	100:0
<b>HAZELBROOK</b>				
RL	66.11	5	330	0:100
RML	11.68	10	116	100:0
RMH	19.54	15	293	100:0
subtotal	97.33	7.59	739	55:45
<b>GRAHAM'S FERRY</b>				
RL	201.69	5	1,008	0:100
RML	42.24	10	421	100:0
subtotal	243.93	5.88	1,429	29:71
<b>TOTAL OF PLANNING AREA</b>	380.22	7.37	2,804	52:48
<b>TOTAL OF EXISTING CITY</b>	283.80	8.95	2,539	62:38
<b>GRAND TOTAL - PLANNING AREA AND CITY</b>	664.02	8.05	5,343	57:43

## Chapter 10

### Community Design

#### Sections:

- 10.010 Background.**
- 10.020 Design Objectives.**
- 10.025 Design Guidelines - Central Design District**
- 10.030 Design Improvements.**
- 10.040 Implementation.**
- 10.050 Tree Cutting and Street Tree Objectives.**

#### **Section 10.010 Background.**

In 1972 the City adopted an ordinance establishing an Architectural Review Board with powers to review the functional and aesthetic aspects of each new City structure, excluding single family dwellings and minor remodeling. When adopting this ordinance, the City Council found that, "excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and, the lack of proper attention to site development and landscaping in the business, commercial industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use and value of land and improvement, adversely affects the stability and value of property, produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor."

#### **Section 10.020 Design Objectives.**

The City Council also adopted the following objectives as a part of the ordinance establishing the Architectural Review Board.

(1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

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

(3) Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements. [10.020(3) amended by Ord. 960-96, Sec. 1, passed May 28, 1996.]

(4) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

(5) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.

(6) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.

(7) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.

(8) Sustain the comfort, health, tranquillity and contentment of residents and attract new residents by reason of the City's favorable environment; and thus promote and protect the peace, health and welfare of the City.

#### **Section 10.025 Design Guidelines - Central Design District**

The Design Guidelines in TDC 73.600 and 73.610 apply to properties in the Central Design District as shown on Figure 73-4. The Design Guidelines are to be considered when evaluating development in the Central Design District. (Ord.

1097-02, Add, 02/11/2002)

## Tualatin Development Code

### Section 10.030 Design Improvements.

While the City has been successful in improving the aesthetic quality of the City, there remains considerable room for improvement. Weaknesses in the current design review program include the following:

- (1) Lack of strong community support for design excellence.
- (2) Lack of comprehensive and definitive architectural and landscape design standards for City development.
- (3) Lack of qualified staff and sufficient staff time to work with developers to achieve well-designed projects and enforce construction conformance with plans approved through the Architectural Review process.
- (4) Lack of underground electrical wiring program or other program to deal with overhead utility wiring.
- (5) Small but ineffective street tree program.

[Amended by Ord. 960-96, Sec. 2, passed May 28, 1996.]

### Section 10.040 Implementation.

To improve the City's appearance, it will be necessary to implement steps that will increase the effectiveness of the design review process. To accomplish this, the following specific community design objectives are described. These objectives are in addition to those included in the enabling ordinance of the Architectural Review Board and are intended to aid implementation of those objectives. These additional objectives are to:

- (1) Build strong community support for design excellence.
- (2) Prepare and adopt specific and enforceable design standards for all private and public development.
- (3) Retain additional qualified City staff to work with developers to achieve well-designed projects and enforce construction conformance with plans approved by the Architectural Review Board.
- (4) Develop a long-term underground wiring program for all streets, or develop other means of screening overhead wires, in cooperation with private utilities.

- (5) Develop a strong street tree program.

[Amended by Ord. 960-96, Sec. 3, passed May 28, 1996.]

### Section 10.050 Tree Cutting and Street Tree Objectives.

- (1) Develop a program for tree conservation within the City including control over tree removal or cutting.
- (2) Develop a program for street tree planting along public rights-of-way within the City. [Added by Ord. 963-96, Sec. 1, passed June 24, 1996.]



## Chapter 11

### Transportation

#### Sections:

- 11.600 Background**
- 11.610 Transportation Goals and Objectives**
- 11.620 Street System Plan**
- 11.630 Local Streets Plan**
- 11.640 Pedestrian Plan**
- 11.650 Bicycle Plan**
- 11.660 Transit Plan**
- 11.670 Pipeline and Transmission Plan**
- 11.680 Rail Plan**
- 11.690 Aviation Plan**
- 11.700 Marine Plan**
- 11.710 Freight Plan**
- 11.720 Parking Plan**
- 11.730 Implementation Plan**

#### Section 11.600 Background

(1) The City of Tualatin, in conjunction with the Oregon Department of Transportation (ODOT), initiated a study of the City's transportation system in 1999. The transportation system plan (TSP) report that resulted from the study incorporates the community's vision, while remaining consistent with state, regional, and other local plans. State of Oregon planning rules stipulate the TSP must be based on the current comprehensive plan land use map and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan.

The contents of the TSP are guided by Oregon Revised Statute (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR). These laws and rules require that jurisdictions develop the following:

- (a) a road plan for a network of arterial and collector streets;
- (b) a public transit plan;
- (c) a bicycle and pedestrian plan;
- (d) an air, rail, water, and pipeline plan;
- (e) a transportation financing plan; and

(f) policies and ordinances for implementing the transportation system plan.

The TPR requires that alternative travel modes be given equal consideration with the automobile, and that reasonable effort be applied to the development and enhancement of the alternative modes in providing the future transportation system. In addition, the TPR requires that local jurisdictions adopt land use and subdivision ordinance amendments to protect transportation facilities and to provide bicycle and pedestrian facilities between residential, commercial, and employment/institutional areas. It is further stipulated that local communities coordinate their respective plans with the applicable county, regional, and state transportation plans.

In addition to addressing the policies and requirements outlined in the statewide Transportation Planning Rule, the Tualatin TSP process focused on compliance and coordination with Metro's Regional Transportation Plan (RTP). Of specific interest are the projects and strategies presented in Chapter 5 of the 2000 RTP: Growth and the Priority System.

(2) The Transportation System Plan (TSP) report was adopted by City Council resolution on July 9, 2001 (Resolution 3878-01). Ordinance 1151-03 rescinded this resolution. The Transportation System Plan, June 2001 (as amended), is adopted by reference as a supporting technical document to the Tualatin Development Code. The TSP report was prepared in compliance with the requirements of the Transportation Planning Rule and includes the following sections:

- Section 1: Introduction
- Section 2: Plan and Policy Review
- Section 3: Existing Conditions
- Section 4: Future Transportation Needs
- Section 5: Alternatives Analysis
- Section 6: Transportation System Plan
- Section 7: Transportation Funding Plan

The Transportation System Plan element (Section 6) of the Transportation System Plan

(Revised 09/05)

## Tualatin Development Code

report addresses those components necessary for the development of the future transportation network. Section 6 of the TSP report was adopted as the transportation element of the Tualatin Community Plan in the Spring of 2002. This chapter is intended to provide policy guidance for transportation improvements, which is then implemented by the Tualatin Development Code.

(3) The TSP planning process provided the citizens of Tualatin with the opportunity to identify their priorities for future transportation projects within Tualatin. Expressing a community vision of the future in terms of TSP goals and objectives was a central element of the public involvement process. These goals and objectives identified by the community were used as guidelines for developing and evaluating alternatives, selecting a preferred transportation plan, and prioritizing improvements.

Two committees guided the planning process: The Tualatin Planning Advisory Committee (TPAC), an existing group that serves the function of the City's planning commission, and the Technical Advisory Committee (TAC). The TPAC served as the citizen advisory committee for the City on the TSP, and was responsible for evaluating the TSP from a policy perspective. This included reviewing the TSP goals and objectives, as well as the transportation evaluation criteria. The TAC was made up of representatives from the surrounding cities and counties, plus the Oregon Department of Transportation, Metro, Tri-Met, and Tualatin Valley Fire & Rescue. The TAC was responsible for reviewing the technical aspects of the TSP.

In addition to the established advisory committees, several public involvement programs were used to inform citizens and businesses in Tualatin of the TSP project goals and process, to obtain information from the community on transportation issues and concerns, to incorporate community feedback into the TSP, and to review TSP products and receive comments. Two key pieces of the public involvement program that directly involved public outreach and input were newsletter articles and community

open houses. Three newsletters were distributed and three open houses were held during the course of the project.

(4) In December 2002, Metro expanded the Portland Urban Growth Boundary. This expansion included lands bordering Tualatin's Planning Area boundary that are intended to develop in the future for industrial uses. Following studies of impacts of these expansions, the city's TSP was amended to incorporate these new lands.

(a) The City of Tualatin, in conjunction with ODOT, initiated a study of a 23 acre area south of Highway 99W and west of SW Cipole Road in 2004. The Northwest Tualatin Concept plan addressed the impacts of developing this area for industrial uses. A technical analysis was prepared for the Concept Plan, following requirements of the TPR, that specifically addressed the transportation needs associated with developing the concept plan area at urban densities. Development of the Concept Plan was guided by input from an 11-member TAC that met four times during the planning process. The TAC included representatives from the City of Tualatin, ODOT, Washington County, Bonneville Power Administration (BPA), Metro, U.S. Fish and Wildlife Service (representing the Tualatin River National Wildlife Refuge), Portland General Electric (PGE), Clean Water Services (CWS), and TriMet. Mailing to stakeholders and a public open house were used to obtain community feedback on the draft plan. The TSP amendments relating to the Northwest Tualatin Concept Plan area were accepted by the City Council on June 13, 2005. (Ord. 1151-03,

Amended, 11/10/2003; Ord. 1103-02, Add, 03/25/2002; Amended by Ord. 1191-05, passed 6/27/05)

### Section 11.610 Transportation Goals and Objectives

(1) Established at the outset of the TSP planning process, the transportation goals and objectives provide guidance and direction for the development of the City of Tualatin's transportation system over the next twenty years. A total of eleven goals have been developed in the categories of mobility, livability, coordination, public transportation, pedestrian and bicycle fa-

cilities, accessibility, environment, system preservation, capacity, transportation funding, and safety. Under each of these goals are sets of objectives that help define how each specific goal will be accomplished.

(2) Goal 1: Mobility

Provide a transportation system that serves the travel needs of Tualatin residents, businesses, and visitors.

Objectives

(a) Provide an interconnected system of streets, pedestrian and bicycle facilities, and other forms of transportation which will link the community; minimize travel distances and vehicle-miles traveled; and safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit vehicles, trucks, and trains to and through the area when it is fully urbanized.

(b) Act within the police power of the City as the City Road Authority and in conjunction with the State and Washington and Clackamas County road authorities to protect the safety of the general public by regulating the flow, access and movement of traffic within the City.

(c) Encourage and support programs that help the City meet Metro’s 2040 mode share targets, including, but not limited to, ridesharing, flexible work hours and the Transportation Management Association.

(d) Discourage residential development patterns, such as single-entrance subdivisions and gated communities, which reduce connectivity and mobility options for all members of the community.

(e) For Plan Map and Text Amendments adopt a Level of Service standard F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types. For development applications, including, but not limited to subdivisions and architectural reviews, a LOS of at least D and E are encouraged for signalized and unsignalized intersections, respectively.

(3) Goal 2: Livability

Provide a transportation system that balances user needs with the community’s desire to remain a pleasant, economically vital city.

Objectives

(a) Provide a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage industrial development, the preservation of existing residential neighborhoods, the minimization of industrial traffic and congestion in the Town Center area, and the successful implementation of the City's economic development goals.

(b) Minimize the adverse social, economic and environmental impacts created by the transportation system, including balancing the need for street connectivity with the need to minimize neighborhood cut-through traffic.

(c) Work with surrounding local governments, Washington and Clackamas Counties, Metro, Oregon Department of Transportation, and Tri-Met to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown.

(d) Incorporate a landscape element into the development plans of arterials, collectors and local streets.

(e) Preserve and protect Tualatin’s historic sites, where practicable, when developing new transportation facilities.

(f) Ensure safe and efficient access to the Tualatin Town Center.

(4) Goal 3: Coordination

Maintain a transportation system plan that is consistent with the goals and objectives of the community, the region, and the state.

Objectives

(a) Provide a City transportation system that is consistent with other elements and objectives of the Tualatin Community Plan.

(b) Coordinate planning of the City transportation system with the Regional Transportation Plan prepared by the Metro, working toward a plan that is consistent with the RTP.

(c) Work with Metro, ODOT, Tri-Met, Washington County, Clackamas County, and other surrounding organizations/jurisdictions to

## Tualatin Development Code

resolve regional and statewide transportation issues that impact Tualatin, including developing one or more arterial routes connecting I-5 and Highway 99W south of Highway 217, ensuring adequate capacity on the freeway system, and improving access to and the capacity of I-5 interchanges between Highway 217 and the North Wilsonville Interchange.

### (5) Goal 4: Public Transportation

Improve public transportation service both within Tualatin and to the surrounding area, to reduce reliance on the private automobile.

#### Objectives

(a) Support and assist whenever practicable, the development of the metropolitan public transportation system through cooperation with the Tri-County Metropolitan Transportation District (Tri-Met).

(b) Working through Tri-Met, develop transit systems and stations, park and ride systems, and related facilities in convenient and appropriate locations that adequately and efficiently serve the residential and employment populations.

(c) Work to create or improve local transit service within Tualatin either through Tri-Met or other local agencies; quick, direct transit service to adjacent communities; and high capacity intercity transit service, where appropriate.

### (6) Goal 5: Pedestrian and Bicycle Facilities

Provide for an interconnected system of pedestrian and bicycle facilities throughout Tualatin to serve short-distance and recreational trips.

#### Objectives

(a) Provide sidewalks on both sides of all fully developed streets within the City, except where it would be unsafe to do so.

(b) Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly-owned land intended for general public use.

(c) Maintain and update official map showing existing and future street rights-of-way with bicycle lanes and bikeways.

(d) Develop a continuous multi-use pathway along the Tualatin River, and provide opportunities for pedestrian and bicycle movement across the river.

(e) Adopt development standards that support pedestrian and bicycle access to commercial, industrial, and institutional development. These include, but are not limited to direct pathway connections, bicycle racks and lockers, and shower facilities.

(f) Allow curb extensions and pedestrian crossing refuges where appropriate.

### (7) Goal 6: Accessibility

Provide a transportation system that serves the needs of all members of the community.

#### Objectives

(a) Provide for the transportation disadvantaged by complying with state and federal regulations concerning this matter and cooperating with local, county and regional agencies providing transportation services for the disadvantaged.

(b) Upgrade existing transportation facilities and work with public transportation providers to ensure services that improve access for all users.

### (8) Goal 7: Environment

Provide a transportation system that protects the environment of the community and region.

#### Objectives

(a) Provide a transportation system which encourages energy conservation, in terms of efficiency of the road network and in the standards developed for street improvements.

(b) Cooperate with the Department of Environmental Quality, Clean Water Services, and Metro to meet applicable air and water quality and traffic noise standards.

(c) Encourage use of the existing transportation facilities by increasing use of alternative modes of transportation and encourage development that decreases reliance on the automobile.

(d) Balance transportation improvements with the need to protect natural resources.

### (9) Goal 8: System Preservation

Ensure that development does not preclude the construction of identified future transportation improvements, and ensure that development mitigates the transportation impacts it generates.

## Objectives

(a) Preserve adequate right-of-way for a new freeway interchange on Interstate 5 between Interstate 205 and north Wilsonville for an expressway connection between this interchange and Highway 99W.

(b) Preserve adequate right-of-way for an arterial street connecting Tualatin-Sherwood Road and Highway 99W in the western portion of the industrial area at the general 124th Avenue alignment.

(c) Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way, and by constructing half or full street improvements needed to serve new development and to mitigate the impacts of new development.

(d) Require developers to mitigate the impacts of development on the transportation system by constructing off-street pedestrian, bicycle and transit facilities.

(e) Establish local street plans for contiguous vacant and redevelopable areas of five acres or more planned or zoned for development that identify local street access points to the collector and arterial street system, and local street connections to adjacent development.

## (10) Goal 9: Capacity

Provide a transportation system that has sufficient capacity to serve user needs.

## Objectives

(a) Establish an arterial street system which will attract and effectively accommodate all “through” trips to relieve residential collectors and local streets from heavy and hazardous traffic burdens.

(b) Locate proposed rail spur lines to minimize conflicts with adjoining land uses and streets.

(c) Minimize new railroad grade crossings to reduce time losses due to traffic delays and accidents, and to produce increased efficiency of railroad operation and increased public convenience.

(d) Maintain and update the City’s access management standards in the Tualatin Development Code to preserve the safe and efficient operation of the City’s roadways, consistent with their functional classification.

## (11) Goal 10: Transportation Funding

Provide reasonable and effective funding mechanisms for citywide transportation improvements identified in the transportation system plan.

## Objectives

(a) Develop a Capital Improvements Program and funding mechanisms for all transportation facilities that complies with the requirements of Statewide Planning Goal 12, Transportation, and the Transportation Planning Rule, including making provisions for alternative modes of transportation that will reduce reliance on the automobile, and reduce air pollution and traffic congestion.

## (12) Goal 11: Safety

Provide a transportation system that maintains adequate levels of safety for all users.

## Objectives

(a) Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.

(b) Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.

(Ord. 1103-02, Add, 03/25/2002)

## Section 11.620 Street System Plan

(1) The Tualatin street plan reflects the anticipated operational and circulation needs through the year 2020 and provides guidance on how to best facilitate that travel over the next 20 years. The plan was completed in two steps. First, the current functional classification system was reviewed and, where appropriate, recommendations were made for changing classifications and design standards associated with each facility type. Based on this initial step, roadway cross-sections and design standards were developed for the future modernization of existing roadways, and the future construction of new roadways. Second, the key issue of roadway

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connectivity was addressed, to provide for adequate circulation for both auto and other modes.

### (2) Tualatin Functional Classification Plan

The purpose of classifying roadways is to create a mechanism through which a balanced transportation system can be developed that facilitates mobility for all modes of transportation. A roadway's functional classification determines its intended purpose, the amount and character of traffic it is expected to carry, the degree to which non-auto travel is emphasized, and the roadway's design standards. It is imperative that a roadway's classification considers the adjacent land uses and the transportation modes that should be accommodated. The public right-of-way must also provide sufficient space for utilities to serve adjacent land uses.

The functional classification system for the City of Tualatin establishes fifteen functional categories to address the City's needs for mobility and accessibility. These categories include: freeways, expressways, major arterials, minor arterials, major collectors, minor collectors, residential collectors, local commercial industrial streets, and local streets. Table 11-1 provides a detailed description of each category.

Figure 11-1 presents the functional classifications for all existing and future roadways within the Tualatin planning area. The alignment for future streets should be considered conceptual: the end points of the streets are fixed, but the alignments between intersections may vary depending on design requirements at the time the street is constructed. Table 11-2 presents a summary of the streets assigned to each functional classification (except local).

### (3) Street Design Standards

Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

The proposed street design standards are implemented by the standards in TDC Chapter 75

and shown in Figures 75-2A through 75-2G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. The B-skinny typical street section shows a 46-foot right-of-way with a 4-foot plant strip, but it also could be a 50-foot right-of-way with a 6-foot plant strip. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets. TDC Chapter 75, Table 75-1 presents the standards in tabular form. As more than one standard may exist for a given functional class, Figure 11-1 indicates the standard assigned to each roadway segment.

Where a variable sidewalk width is shown for a particular facility, the greater width is used for sidewalks within the pedestrian district shown on the Tualatin Pedestrian Plan (Figure 11-4), and for sidewalks along streets with potential transit service shown on the Tualatin Transit Plan (Figure 11-6). The greater width may also be appropriate for sidewalks adjacent to significant pedestrian generators including but not limited to parks and schools.

[Text continues following Table 11-1]

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11.620

TABLE 11-1  
TUALATIN FUNCTIONAL CLASSIFICATION DESCRIPTIONS

Functional Classification	Description
Freeway	Primary function is to carry high levels of regional vehicular traffic and public transit at high speeds; full access control with access limited to interchanges and street crossings with grade separations; widely spaced access points; serves motorized vehicle traffic only; contains a median.
Expressway - (F)	Primary function is to carry high levels of regional vehicular traffic and public transit at high speeds, but to a lesser extent than freeways; provides a limited number of grade-separated interchanges (preferred) and at-grade intersections; high access control; serves motorized vehicle traffic only; contains a median.
Major Arterial - (Ei) - (Eb&t)	Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit.
Minor Arterial - (Db&t) - (Db&t – Downtown)	Primary function is to serve local and through traffic between neighborhoods and to community and regional facilities; distributes traffic from major arterials to collectors and local streets, higher degree of access than major arterials; trip lengths, traffic volumes, and speeds are lower than on major arterials; sidewalks and bicycle lanes required; likely to be used by public transit.
Major Collector - (Cb&t)	Primary function is to serve local traffic between neighborhoods and community facilities, principal carrier between arterials and local streets; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two to three lanes; may contain some on-street parking; pedestrian and bicycle facilities are required; may be used by public transit.
Minor Collector - (Cb&p) - (Cs&2p) - (Cs&p) - (Cb)	Primary function is to connect neighborhoods with major collector streets to facilitate movement of local traffic; has slower speeds to ensure community livability and safety for pedestrians and bicyclists; on-street parking is prevalent (except Cb, which must have bicycle lanes on both sides of the street, with no on-street parking); pedestrian and bicycle facilities are required; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel; may be used by public transit.
Residential Collector - (Cr)	Provides primary routes into residential neighborhoods; carries higher volumes than local streets, but is not intended to serve through traffic; provides direct access to adjacent land uses; characterized by moderate roadway distances and slow speeds, serves passenger cars, public transit, pedestrians, and bicyclists, but not truck traffic; pedestrian facilities are required.
Local Commercial Industrial - (B-CI)	Primary function is to provide direct truck, public transit, and vehicular access to commercial and industrial land uses; characterized by short to moderate roadway distances and slow speeds; offers a high level of accessibility; pedestrian facilities are required.
Local Street - (B-D) - (B) - (B-Skinny)	Primary function is to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not trucks; may be used by public transit, pedestrian facilities are required.
Note: (Xx&xx): Street design standard – See Figures 75-2A through 75-2G	

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TABLE 11-2  
STREET FUNCTIONAL CLASSIFICATION SUMMARY

Freeways	Expressway (F)
I-5 – <i>north city limits to south city limits</i> I-205 – <i>from I-5 to east city limits</i>	I-5/Highway 99W connector
Major Arterials (Ei) - applies to the following intersections	
Lower Boones Ferry Road/SW 65 <sup>th</sup> Avenue/McEwan Road Lower Boones Ferry Road/Bridgeport Road Tualatin-Sherwood Road/Martinazzi Avenue/Nyberg Street	Highway 99W/SW 124 <sup>th</sup> Avenue Highway 99W/Cipole Road
Major Arterials (Eb&t)	
Highway 99W – <i>north city limits to south city limits</i> Tualatin-Sherwood Road – <i>west city limits to Nyberg St.</i> Nyberg Street – <i>Tualatin-Sherwood Rd. to SW 65<sup>th</sup> Ave.</i> SW 124 <sup>th</sup> Avenue – <i>Hwy 99W to Tualatin-Sherwood Rd.</i> Herman Road - <i>Teton to 108th</i> 108th Avenue - <i>Herman to Leveton</i> Leveton Drive - <i>108th to 118th</i> Martinazzi Avenue - <i>Nyberg to Sagert</i> 90th Avenue - <i>Tualatin-Sherwood to Tualatin Rd.</i> 72nd Avenue - <i>Bridgeport to north City limits</i>	Bridgeport Road - <i>City limits to Lower Boones Ferry Road</i> Boones Ferry Road – <i>T-S Road to south city limits</i> Boones Ferry Road - <i>Martinazzi Avenue to Lower Boones Ferry Rd.</i> Lower Boones Ferry Road – <i>Bridgeport Road to east city limits</i> Borland Road – <i>SW 65<sup>th</sup> Avenue to east city limits</i> Sagert Street – <i>Martinazzi to SW 65<sup>th</sup> Avenue</i> SW 65 <sup>th</sup> Avenue – <i>Sagert Street to Nyberg</i> Tualatin Road - <i>Herman to Hall Blvd extension</i>
Minor Arterials (Db&t, Db&t – Downtown)	
Boones Ferry Rd – <i>Tualatin-Sherwood Rd to Martinazzi Ave</i> Martinazzi Avenue – <i>Nyberg to Boones Ferry Rd</i> Tualatin Road – <i>Boones Ferry Rd to Hall Blvd extension</i> Lower Boones Ferry Rd – <i>Boones Ferry Rd to Bridgeport Rd</i>	Hall Boulevard – <i>Tualatin Road to north city limits</i> Tualatin Road Extension - <i>Chinook to Lower Boones Ferry</i>
Major Collectors (Cb&t)	
Tualatin Road – <i>SW 124<sup>th</sup> Avenue to Herman</i> Cipole Road – <i>Pacific Drive to Tualatin-Sherwood Road</i> Herman Road – <i>Cipole Road to 108th and Teton to Tualatin Road</i> Teton Road – <i>Tualatin Road to Avery Street</i> Myslony Street – <i>SW 124<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue</i> SW 112 <sup>th</sup> Avenue – <i>Myslony Street to Tualatin-Sherwood Road</i>	McEwan Road – <i>East city limits to Lower Boones Ferry Road</i> Avery Street – <i>Tualatin-Sherwood Road to Boones Ferry Road</i> SW 105 <sup>th</sup> Avenue – <i>Avery to Blake Street curves</i> Tualatin Road - <i>Chinook to Tualatin Road over the tracks</i> Sagert St - <i>Boones Ferry Road to Martinazzi</i>
Minor Collectors (Cb&p, Cs&2p, Cs&p, Cb)	
Leveton Drive – <i>SW 124<sup>th</sup> Avenue to SW 118<sup>th</sup> Avenue</i> SW 108 <sup>th</sup> Avenue – <i>Tualatin Road to Leveton Dr.</i> SW 118 <sup>th</sup> Avenue – <i>Leveton Drive to Myslony Street</i> Hazelbrook Road – <i>Highway 99W to Jurgens Avenue</i> SW 115 <sup>th</sup> Avenue – <i>Hazelbrook Road to Tualatin Road</i> Jurgens Avenue – <i>Hazelbrook Road to Tualatin Road</i> SW 108 <sup>th</sup> Avenue – <i>Blake Street curves to Helenius Road</i> Ibach Street – <i>SW 108<sup>th</sup> Avenue to Grahams Ferry Road</i> Grahams Ferry Road – <i>Boones Ferry to south City limits</i> Pacific Drive – <i>Cipole Road to Highway 99W</i> Helenius Road – <i>SW 108<sup>th</sup> Avenue to Grahams Ferry Road</i> SW 103 <sup>rd</sup> Avenue – <i>Ibach Street to Grahams Ferry Road</i> 65th Avenue - <i>Nyberg St north to river</i>	Iowa Drive – <i>Grahams Ferry Road to Stono Drive</i> Martinazzi Avenue – <i>Maricopa Drive to Sagert St</i>  Warm Springs Street – <i>Boones Ferry Road to Martinazzi Avenue</i> SW 65 <sup>th</sup> Avenue – <i>Sagert Street to south city limits</i> Nyberg Lane – <i>SW 65<sup>th</sup> Avenue to SW 50<sup>th</sup> Avenue</i> SW 50 <sup>th</sup> Avenue – <i>Nyberg Lane to Wilke Road</i> Wilke Road – <i>Borland Road to SW 50<sup>th</sup> Avenue</i> Sagert Street – <i>Boones Ferry Road to SW 95<sup>th</sup> Avenue</i> Stono Drive – <i>Iowa Drive to Vermillion Drive</i> Vermillion Drive – <i>Stono Drive to Maricopa Drive</i> Maricopa Drive – <i>Vermillion Drive to Martinazzi Avenue</i> Loop Road - <i>Nyberg Road to Martinazzi Avenue</i> 95th Avenue - <i>Tualatin-Sherwood Road to Avery Street</i>



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11.620

Residential Collector (Cr)	
<p>Avery Street – <i>Boones Ferry Road to Martinazzi Avenue</i>                      Blake Street – <i>Martinazzi Avenue to Boones Ferry Road</i>                      Marilyn Road – <i>SW 112th Avenue to SW 108h Avenue</i>  <i>unnamed east/west roadway – SW 108<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue</i>                      Alsea Drive – <i>SW 99th Avenue to Boones Ferry Road</i>                      SW 99th Avenue – <i>Paulina Drive to Alsea Drive</i>                      SW 112th Avenue – <i>Marilyn Road to Helenius Road</i></p>	<p>Sagert Street – <i>east of SW 65<sup>th</sup> Avenue</i>                      Sweek Drive – <i>Tualatin Road to SW 90<sup>th</sup> Avenue</i>                      Helenius Road – <i>SW 108<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue</i>                      Paulina Drive – <i>SW 105<sup>th</sup> Avenue to Coquille Drive (west)</i>                      Paulina Drive – <i>Coquille Drive (east) to SW 99<sup>th</sup> Avenue</i>                      Coquille Drive – <i>Paulina Drive (west) to Paulina Drive (east)</i></p>
Local Commercial Industrial (B-CI)	
<p>Tonka Road – <i>Boones Ferry Road to Warm Springs Street</i>                      SW 65<sup>th</sup> Avenue – <i>Lower Boones Ferry Road to Rosewood Street</i>                      Rosewood Street – <i>SW 65<sup>th</sup> Avenue to SW 63<sup>rd</sup> Avenue</i>                      SW 63<sup>rd</sup> Avenue – <i>Rosewood Street to Lower Boones Ferry Road</i>                      Leveton Drive – <i>SW 124<sup>th</sup> Avenue to SW 130<sup>th</sup> Avenue</i>                      SW 130<sup>th</sup> Avenue – <i>Leveton Drive to Highway 99W</i>                      SW 125<sup>th</sup> Place – <i>north of Leveton Drive</i>                      SW 128<sup>th</sup> Avenue – <i>Leveton Drive to Cummins Street</i>                      Cummins Street – <i>SW 128<sup>th</sup> Avenue to Cipole Road</i>                      Spokane Court – <i>east of Teton Avenue</i>                      115th Avenue - <i>Tualatin-Sherwood Rd to 112th</i></p>	<p>Manhasset Drive – <i>west of Teton Avenue</i>                      unnamed roadway – <i>SW 124<sup>th</sup> Avenue to Myslony Street</i>  <i>(could potentially become a private roadway)</i>                      unnamed roadway – <i>SW 124<sup>th</sup> Avenue to Tualatin-Sherwood Road</i>  <i>(could potentially become a private roadway)</i>                      SW 120<sup>th</sup> Avenue – <i>south of Tualatin-Sherwood Road to Blake Street ext.</i>                      SW 115<sup>th</sup> Avenue – <i>Tualatin-Sherwood Road to McCamant Road</i>                      Blake Street – <i>west of SW 105<sup>th</sup> Avenue to SW 120<sup>th</sup> Avenue extension</i>                      unnamed east/west roadway – <i>east of SW 120<sup>th</sup> Avenue past SW 115<sup>th</sup> Ave</i>                      unnamed east/west roadway - <i>120th Ave. to Tri-County Industrial Park</i>                      unnamed east/west roadway - <i>east of 112th Avenue</i>                      unnamed roadway west of Cipole across from Cummins Street  <i>(could potentially become a private roadway)</i></p>
Local Street Downtown (B-D)	
<p>Seneca Street – <i>west of Martinazzi Avenue</i>                      Seneca Street – <i>east of Boones Ferry Road</i>                      Nyberg Street – <i>west of Martinazzi Avenue</i>                      Nyberg Street – <i>east of Boones Ferry Road</i>                      SW 84<sup>th</sup> Avenue – <i>Boones Ferry Road to Nyberg Street</i></p>	

(a) RTP Consistency

The RTP’s Regional Street Design System describes typical features of its street design designations. For comparison purposes, Metro’s Regional Street Design System map has been recreated in Figure 11-2. The Tualatin TSP’s street design standards for roadways shown on the RTP Regional Street Design System map are generally in conformance with the RTP’s concepts, particularly in the areas of pedestrian and bicycle lanes, landscape strips, and medians or center turn lanes. The following streets are consistent with the RTP concepts, but do not have a “usual” cross-section:

(i) Lower Boones Ferry Road and Bridgeport Road — Both of these roads are classified as an Urban Road by the RTP, which includes

four travel lanes and a median or center turn lane. Bridgeport Road is designated a Major Arterial which is consistent with Urban Road. Tualatin’s Minor Arterial classification (Lower Boones Ferry Road) calls for two travel lanes and a median or center turn lane, which is not precluded by the RTP concept.

(ii) Boones Ferry Road (Martinazzi Avenue to Tualatin-Sherwood Road) — Metro’s classification is a Regional Boulevard, which includes four travel lanes and a median, center turn lane, or pedestrian refuge. Because of right-of-way and environmental constraints in this section, including railroad tracks, Hedges Creek, a historic building, and other existing buildings, Boones Ferry Road will not be able to be expanded to more than two travel lanes, and a me-

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dian or center turn lane and possibly bike lanes. The RTP concept does not preclude this cross-section.

(iii) Tualatin Road — The entire length of Tualatin Road is classified as an Urban Road by the RTP, which includes four travel lanes and a median or center turn lane. The section west of Herman Road is designated Major Collector which calls for two travel lanes and a median or center turn lane, which is not precluded by the RTP concept. The section west of Herman Road is not forecast to have travel demands that would require a five-lane section. The section between Herman Road and a future Hall Boulevard extension is designated Major Arterial, but it is constrained by railroad tracks and a golf course and may not be widened to a five-lane section.

(iv) Borland Road and the section of SW 65th Avenue between Nyberg Street and Borland Road are classified as a Community Street by the RTP, which calls for four travel lanes and a median or center turn lane, or three lanes with on-street parking when volumes are low enough. Tualatin's Major Arterial classification calls for four travel lanes and a median or center turn lane, with no on-street parking. These streets should remain at three lanes until: (1) I-205 is widened to six lanes, or (2) former Urban Reserve Area (URA) 34 is brought into the Urban Growth Boundary, at which time the widening should be considered. If these streets are widened before I-205 is expanded, the TSP's traffic forecasts show that they will attract regional traffic from the freeway, causing operational problems on the City's street system. Locally generated traffic that would require a five-lane section will not occur until the development of former URA 34 occurs. On-street parking is incompatible with the current and future function of these streets; an RTP "regional street" designation would be more appropriate. Neither the "community street" nor the "regional street" designations preclude a three-lane cross-section.

(b) I-5/Highway 99W Connector

The need for a limited-access connector connecting I-5 to Highway 99W has been identified in the Tualatin Community Plan since 1979, and is shown as a priority project in the RTP. The current federal transportation funding program (TEA-21) has earmarked money for environmental reporting for this project. In addition, the Oregon Legislature has identified this connector as one of three corridors outside the Portland UGB that can be developed as a toll facility with ODOT participation (ORS 383.007).

Nevertheless, because the project would lie partly, if not entirely, outside the urban growth boundary, a state goals exception is required, pursuant to the state's Transportation Planning Rule (OAR 660-012-0070). At the time the TSP was prepared, Metro and the Oregon Department of Land Conservation and Development (DLCD) were working towards, but had not yet agreed upon, RTP amendment language that would fulfill the goals exception requirements, which would allow DLCD to grant the exception and acknowledge the section of the RTP allowing the I-5/Highway 99W Connector.

The modeling conducted for this TSP analyzed both the northern and southern alignments for the connector, with several variations of expressway and freeway alignments. ("Northern" and "Southern" refer to where the connector joins Highway 99W in relation to the City of Sherwood.) The TSP makes the following findings with regard to the alignment alternatives.

The TSP modeling showed Tualatin-Sherwood Road with five lanes in 2020 will be at level of service "F" if the connector is not built. The City designates Tualatin-Sherwood Road as Eb&t which is a five-lane facility; and opposes a seven-lane facility as it will reduce livability, be a barrier acting to separate the City, and about .25 mile is in the floodplain at the Martinazzi Avenue intersection .

(i) Northern Alignment

(A) The northern alignment, in conjunction with widening Tualatin-Sherwood Road to five lanes from Teton Avenue to Highway 99W, results in under-capacity operations on Tualatin-Sherwood Road west of the Tuala-

tin Town Center, and a 40% reduction in traffic demands on Highway 99W through Tualatin, although Highway 99W will still remain congested entering the City from both Tigard and Sherwood.

(B) Tualatin-Sherwood Road remains congested west of the point where the connector joins it. As a result, congestion would likely spill back onto both facilities during the p.m. peak hour, partly negating the effects of both the Tualatin-Sherwood Road widening and the connector project. Analyzing the connector's alignment through Sherwood was beyond the scope of this TSP, but it appears that the connector would need to be a parallel facility to Tualatin-Sherwood Road all the way to Highway 99W, and that congestion issues on Highway 99W through Sherwood south of the junction of the connector would still need to be resolved.

(C) A possible route for the connector is running parallel to, and west of Cipole Road. The modeling found that the connector segment between Tualatin-Sherwood Road and Highway 99W, under this alignment, would be little-used.

(D) More than half of the northern connector's traffic volume consists of traffic coming from Wilsonville or points south via Grahams Ferry or Boones Ferry Roads, which is destined for Tualatin's industrial area, or points further west in Washington County.

(E) A direct connection to SW 124th Avenue, rather than an extension of SW 124th Avenue to meet the connector further west, provides the most efficient utilization of the capacities of the connector, SW 124th Avenue, and Cipole Road. However, it also lengthens the portion of Tualatin-Sherwood Road that experiences traffic demands exceeding its capacity.

#### (ii) Southern Alignment

(A) The southern alignment, which was modeled as a freeway with a single intermediate interchange serving Sherwood's Old Town, consistent with Metro's RTP Priority Model, carries 35-40% less traffic in general than the northern alignment. The majority of the traffic using the connector consists of longer-

distance traffic between the Portland area and points southwest of Sherwood along Highways 99W and Highway 18.

(B) Traffic volumes on Highway 99W through Tualatin are almost half of the no-build volumes, but the section crossing the Tualatin River will still experience traffic demands exceeding its capacity. Traffic demands on Tualatin-Sherwood Road are generally higher, and traffic operations generally worse, under a southern alignment, compared to a northern alignment, assuming widening of Tualatin-Sherwood Road to five lanes between Teton Avenue and Highway 99W.

(C) The southern alignment does not serve north-south traffic from Wilsonville to and through western Tualatin. As a result, Boones Ferry Road experiences significantly higher traffic volumes than under the northern alignment, and the Ibach Street-SW 108th Avenue-Blake Street-SW 105th Avenue-Avery Street corridor becomes congested with through traffic cutting through residential areas in southwest Tualatin.

#### (iii) Expressway vs. Freeway

The I-5/Highway 99W connector was modeled as both an expressway (with a number of at-grade, signalized intersections) and as a freeway (with a limited number of grade-separated interchanges). The modeling showed that if the connector were to be built as an expressway, the locations of the intersections would have to be carefully considered. For example, providing intersections at Martinazzi Avenue and Boones Ferry Road, as called for in the current Tualatin Community Plan, generated significant traffic volumes on both facilities, as motorists used those streets as an alternative to I-5. In addition, ODOT access management policies for expressways restrict the intersection spacing allowed. An expressway would also result in slower overall travel speeds, due to the delays produced by signalized intersections.

On the other hand, the modeling also showed that some Tualatin access is required for a freeway alignment, to avoid undesired neighborhood cut-through impacts resulting from traffic traveling to and from Wilsonville. An inter-

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change at Grahams Ferry Road would serve traffic bound for northern Wilsonville and the prison vicinity, as well as provide freeway access to southern Tualatin without requiring travel through the Tualatin Town Center, but would be located sufficiently far enough west to avoid impacts to Boones Ferry Road. An interchange at a southern extension of SW 124th Avenue is required to provide access to Tualatin's western industrial area, and serve the Wilsonville traffic; auxiliary lanes would probably be needed on the connector between Grahams Ferry and SW 124th Avenue because of this travel demand. An additional goals exception would be required for the SW 124th Avenue extension. Finally, an interchange serving Sherwood's Old Town would be required.

It is recognized that ODOT has expressed a desire to have the I-5/Highway 99W connector serve as a regional route, with a minimum (zero or one) of intermediate interchanges. However, the modeling shows that the demand for this facility would be far less than its capacity (demand-to-capacity ratio of 35%), and that significant north-south regional traffic would be routed through the residential areas of southern Tualatin. In order to avoid generating this cut-through traffic, new roadway facilities would be needed connecting Day Road, Morgan Road, Tonquin Road, and SW 124th Avenue, all of which would require state land use goals exceptions.

#### (iv) Neighborhood Concerns

Public opinion expressed at the TSP open houses, particularly from residents of southern Tualatin, was uniform that the I-5/Highway 99W should run as far south of the existing neighborhoods as possible (even as far as the North Wilsonville interchange), and in particular, should not run along the existing Norwood Road and Helenius Road alignments, which would place the I-5/Highway 99W connector immediately adjacent to existing houses.

In contrast, the modeling showed that the more indirect the route from I-5 to the western industrial area via the connector, the lower the usage, and the greater the traffic that remained on Tu-

alatin-Sherwood Road. This would call for keeping the connector as close as possible to the south edge of Tualatin to maximize the connector's transportation benefits. Consequently, some trade-offs will be required to preserve neighborhood livability, while maximizing the benefit of the public's investment in a connector.

#### (v) Recommendations

A final decision on the construction and alignment of the I-5/Highway 99W Connector will occur at a regional level. Because a goals exception has not yet been granted for this facility, in order to comply with the state's Transportation Planning Rule, the Tualatin Functional Classification Plan map (Figure 11-1) shows an alignment connecting within the Urban Growth Boundary and an approximate alignment running along the edge of the UGB. However, this is not the City's preferred alignment.

The TSP's recommendations for the I-5/Highway 99W Connector, subject to change based on further analysis resulting from the environmental reporting process for the connector, are as follows:

(A) A four-lane freeway or toll road facility, departing I-5 south of, but close to Norwood Road, connecting to Highway 99W south of Sherwood. Auxiliary lanes or braided ramps may be required along I-5 between the connector and I-205 interchanges.

(B) The connector alignment should not incorporate existing sections of Norwood Road or Helenius Road, nor should it run adjacent to existing urban residential development within Tualatin. Freeway noise impacts upon Tualatin's residential neighborhoods should be mitigated.

(C) Interchanges serving Grahams Ferry Road, a southern extension of SW 124th Avenue, and Sherwood's Old Town. Auxiliary lanes may be required between Grahams Ferry Road and SW 124th Avenue. The Grahams Ferry Road and SW 124th Avenue interchanges will serve north-south traffic to and from Wilsonville that would otherwise create regional traffic impacts through the residential areas of

southern Tualatin. The SW 124th Avenue interchange will also serve traffic to and from Tualatin's western industrial area that would otherwise use Tualatin-Sherwood Road. The Sherwood interchange will serve Sherwood traffic that would otherwise use Tualatin-Sherwood Road.

(D) The southern alignment is preferred to a northern alignment, subject to the provision of the interchanges described above, as it removes regional traffic between the Portland metropolitan area and Yamhill County, Polk County, and the Oregon Coast that would otherwise use Tualatin-Sherwood Road. Even with future widening, Tualatin-Sherwood Road will not be able to accommodate both local traffic needs and regional through traffic.

#### (4) Access Management

Managing access to the City's road system is necessary to preserve the capacity of the City's arterial street system, by minimizing the number of points where traffic flow may be disrupted by traffic entering and exiting the roadway, and to enhance safety along all City roadways by minimizing the number of potential conflict points. The City of Tualatin has developed specific descriptions of where access will occur on the City's arterial street system, which can be found in Chapter 75 of the Tualatin Development Code.

Where a facility is maintained by Washington County, Clackamas County, and/or ODOT, or is within the influence area of an interchange, as defined by ODOT, the City should coordinate with the appropriate agencies about whether or how access will be provided.

#### (5) Urban Business Area and Special Transportation Area

The 1999 Oregon Highway Plan allows cities and ODOT to jointly designate certain areas as Special Transportation Areas (STAs), Urban Business Areas (UBAs), or Commercial Centers, subject to meeting certain requirements, including identification in the TSP. Designation as one of these areas allows ODOT's access spacing standards to be relaxed. (Outside Metro's jurisdiction, the traffic operations standards are also relaxed.)

STA designations are applicable for compact areas on a state highway in which growth management considerations outweigh the need to limit access. Inclusion in an STA allows for development to occur with access less than the standard spacing. STA designations do not apply to whole cities or strip development areas along individual highway corridors.

The only facility within Tualatin that is eligible for one of these designation is Boones Ferry Road (the Beaverton-Tualatin Highway), from the Tualatin River to Warm Springs Street. Either an STA or an UBA designation could apply. However, the City has already developed access spacing standards for this roadway that would not change as a result of this designation. Also, ODOT's operating standards for this roadway are already at the minimum allowed (v/c of 1.10 or less), because the roadway is within a Town Center. This stretch of road is designated in Map 11-1 as an STA.

#### (6) Traffic Operations Considerations

Metro has adopted lowered traffic operations standards in the RTP, in recognition that insufficient funding is available to improve all of the region's roadways to provide desirable peak hour levels of service. Metro uses a two-hour standard, allowing higher levels of congestion during the peak hour in key areas such as the Tualatin Town Center, as long as better operations can be achieved during the hour-hour periods on either side of the peak hour. The Metro peak hour standard for the Tualatin Town Center is a peak hour volume-to-capacity (v/c) ratio of 1.10 or less, with a v/c ratio of 1.00 allowed during the second hour. Appendix G (Transportation System Plan, Resolution 3878-01) describes current standards in more detail.

The RTP identifies the Tualatin Town Center area as an "area of special concern", as key roadways within the Town Center area will not meet even Metro's lowered operations standards in the long term. The RTP calls for the TSP to develop a traffic management plan addressing the ability of local streets in the area to absorb some of the traffic demand, and to establish specific plans and benchmarks for facilities determined to exceed the LOS policy. Because the

RTP was adopted after the TSP project was scoped and funded, this plan was not developed through the TSP and will need to be developed separately at a later date. The TSP's implementation plan calls for a Transportation Growth Management Program project to address this need. The City's long-term LOS standards for the Town Center area will be determined through this project.

The City of Tualatin has decided to use the Regional Transportation Plan's Level of Service (LOS) for the area of Town Center 2040 Design Type of F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour, and E/E for the rest of the area in the rest of the 2040 Design Types in the City's planning area. The LOS E/F and E/E will be used for transportation system planning and plan text and plan map amendments, but not for development applications. Development applications, including but not limited to subdivisions and architectural reviews, are encouraged to meet at least a LOS D and E for signalized and unsignalized intersections, respectively.

The City of Tualatin has decided to maintain its current practice of using LOS "D" as its minimum standard for signalized intersections and LOS "E" as its minimum standard for unsignalized intersections, as defined by the Highway Capacity Manual, for areas outside the Tualatin Town Center. The intent of the higher standard is to maintain reasonable operations for all transportation modes operating on public roadways, and to allow development to continue to pay its share of traffic impacts. A volume-to-capacity ratio greater than 1.00 should also be considered to be below the minimum standard, regardless of level of service. Where a facility is maintained by Washington County, Clackamas County, or ODOT, the more restrictive of the City's or the other agency's standards should apply.

The projects included in the TSP's Implementation Plan (TDC 11.730) collectively achieve this LOS standard. However, the financially constrained plan does not achieve the standard.

(Ord. 1151-03, Amended, 11/10/2003; Ord. 1103-02, Add, 03/25/2002; Ord. 1191-05; passed 6/27/05)

### **Section 11.630 Local Streets Plan**

#### **(1) Street Connectivity**

(a) The RTP calls for cities to identify all contiguous areas of vacant and re-developable parcels of five or more acres planned or zoned for residential or mixed-use development and to prepare a conceptual new streets plan map. Figure 11-3 presents the City of Tualatin's Local Streets Plan. The intent of this map is to identify the locations of future street connections and desired connections within future development that promote a connected street system. The endpoints of the connections should be considered fixed, unless the City Engineer determines that an alternate connection point is preferable due to safety, operations, improved connectivity concerns, or environmental impacts. The routes connecting endpoints may vary, as long as a reasonably direct route between the two points is provided.

(b) The City adopts the RTP's street connectivity requirements for future residential and mixed-use development [RTP section 6.4.5 (2)] as stated in TDC 74.410.

#### **(2) Commercial and Industrial Access**

The Tualatin Functional Classification Plan map (Figure 11-1) identifies local commercial industrial streets within Tualatin's industrial area. These streets are intended to provide public street access to parcels that have to take access from the City's collector and arterial street system. Additional local commercial industrial streets may need to be developed to serve parcels created through future subdivisions or partitions. (Ord. 1103-02, Add, 03/25/2002)

### **Section 11.640 Pedestrian Plan**

(1) Providing a connected network of pedestrian facilities is important for:

(a) serving shorter pedestrian trips from neighborhoods to area activity centers, such as schools, churches, and neighborhood commercial uses;

(b) providing access to public transit;

(c) meeting residents' recreational needs; and

(d) providing circulation within the Tualatin Town Center.

(2) The City's street standards call for sidewalks to be provided along all new streets. As development and redevelopment occurs, and as City funding permits, gaps in the existing sidewalk system will be filled. The Tualatin Pedestrian Plan, depicted in Figure 11-4, identifies the sections of the City's arterial and collector system where gaps currently exist.

(3) The need to develop a recreational pathway and trail system carries forward into this TSP. Although transportation funding constraints do not allow the development of this system through TSP projects, the City may wish to consider alternative funding sources, such as parks and recreation bonds or SDCs. Of particular interest are a multi-use path along the south bank of the Tualatin River, and future pedestrian and bicycle bridges across the Tualatin River along the SW 65th, SW 108th, and the Hall Boulevard connection alignments. The future locations of these facilities are shown in Figure 11-4.

(4) The RTP identifies the Tualatin Town Center area as a Pedestrian District, as shown on Figure 11-4. These districts are "areas of high, or potentially high, pedestrian activity where the region places priority on creating a walkable environment... These areas will be characterized by buildings oriented to the street and boulevard-type street design features such as wide sidewalks with buffering from adjacent motor vehicle traffic, marked street crossings at all locations with special crossing amenities at some locations, special lighting, benches, bus shelters, awnings, and street trees." (RTP, p. 1-57, 8-10-00)

(5) The code language and ordinances that implement this TSP incorporate these design elements into the applicable development standards. The Tualatin Street Design Standards (see TDC Chapter 75) provide for wider (8-12 foot sidewalks) along the more important roadways within the Pedestrian District. In addition, the Tualatin Transit Plan calls for incorporating

bus shelters and street lighting provisions for development occurring adjacent to existing transit stops. The City's development standards call for direct pedestrian connections from adjacent sidewalks into developments.

(6) As traffic volumes grow, it becomes more difficult for pedestrians to cross streets. Two common means of improving pedestrian crossing safety are constructing pedestrian refuges and curb extensions. Pedestrian refuges, such as those installed on Tualatin Road in 2001, are provided in the middle of streets, allowing pedestrians to cross one direction of traffic at a time. Curb extensions extend the sidewalk into the parking lane, shortening the crossing distance for pedestrians. (Ord. 1103-02, Add, 03/25/2002)

### **Section 11.650 Bicycle Plan**

The bicycle plan establishes a network of bicycle lanes and routes that connect the City's bicycle trip generators to provide a safe, interconnected bicycle system. Bicycle lanes are designated on arterial and collector street segments with anticipated future volumes of over 3,000 daily vehicles. Bicycle routes, where bicyclists share a lane with other vehicles, are designated on other lower-volume collector streets, and certain local streets that provide connectivity within neighborhoods or to future multi-use recreation paths.

Figure 11-5 shows the City's bicycle plan. As portions of the City's streets are widened, either through adjacent development or a public works projects, bicycle lanes will be provided where indicated on the plan. (Ord. 1103-02, Add, 03/25/2002)

### **Section 11.660 Transit Plan**

(1) Although the City of Tualatin does not provide public transportation services, it can provide policies and facilities that support the provision and usage of transit service. This section outlines the steps Tualatin plans to take to support increased transit usage, as part of its efforts to work towards Metro's 2040 mode split targets. It must be recognized that in order for these targets to be met, the region must provide greater support for increased local transit service

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than provided for in the financially constrained RTP.

### (a) Transit Streets

Figure 11-6 depicts the streets that are designated as transit streets: streets that are expected to have fixed-route transit service operating along them at some point prior to 2020. Transit streets generally provide a wider-than-normal sidewalk width, as shown in Tualatin's recommended Street Design Standards (see TDC Chapter 75). The City should provide notice to Tri-Met of development applications adjacent to existing Tri-Met stops or at intersections located along future transit streets. The City's development standards may allow the conditioning of the following transit-related improvements of such developments, upon request by Tri-Met:

(i) a paved landing pad, conforming to current Americans with Disabilities Act (ADA) standards;

(ii) a bus shelter or bench, at inbound bus stops; and/or an easement for either of these, where transit service does not currently exist.

(2) The City should work with Portland General Electric and with Tri-Met to provide street lighting at stops where adequate lighting does not currently exist.

(3) The transit streets shown in Figure 11-6 are based on the transit streets identified in the RTP, the results of Tri-Met's Transit Choices for Livability project, and public feedback from the open house. Desired bus service by the year 2020 includes:

(a) Increased service on Routes 12 and 96 to accommodate increased ridership as Tualatin's population grows, and to maintain headways as congestion increases within the region.

(b) New local service along Tualatin Road and Leveton Drive, serving the residential areas in northwest Tualatin, and the northern portion of the industrial area. Service should be provided at 30-minute headways, and more frequently during shift change times at major employers within the industrial area.

(c) New local service on Tualatin-Sherwood Road, at 30-minute headways, serv-

ing intercity trips and the southern portion of the industrial area.

(d) Rapid bus service between Oregon City, Tigard, and Washington Square. Although the RTP shows this service remaining on I-205 and I-5 to the Lower Boones Ferry Road interchange, consideration should be given to serving the hospital and downtown Tualatin, particularly after Hall Boulevard is extended across the Tualatin River.

(4) The City of Tualatin should work with Tri-Met to develop these new services, as demand warrants and funding permits. The Tualatin Transportation Management Association (TMA) is also a potential operator of all-day fixed-route service within the industrial area; however, this service is contingent on obtaining an ongoing source of operations funding, as well as maintaining the TMA's current funding that supports its other activities. The TMA has applied for a grant to cover start-up costs associated with this service. The City should support the TMA's efforts to expand its transit-related services.

### (5) Commuter Rail

A commuter rail line between Wilsonville and downtown Beaverton, with stops in downtown Tualatin, downtown Tigard and near Washington Square, is currently being planned. The alignment through Tualatin is shown in Figure 11-6. The location of the downtown Tualatin station is currently planned for the west side of Boones Ferry Road, north of Tualatin-Sherwood Road. A small (100-150 vehicle) park-and-ride lot is planned to serve the station. The City's programmed improvements on Boones Ferry Road will improve pedestrian and sidewalk facilities in the station vicinity.

Design elements associated with the commuter rail line that should be considered as planning moves forward include:

(a) Providing transit feeder service to serve the new station. No Tri-Met lines currently pass by the station. Two significant constraints exist: (1) the locally historic building on the southeast corner of the Tualatin Road/Boones Ferry Road intersection, which



prevents curb radius widening that would permit regular Tri-Met buses to turn the corner, and (2) a shortage of right-of-way along Boones Ferry Road that would provide room for buses to lay-over at the station out of the flow of traffic.

(b) Timing the departure of trains to coincide with the north-south green phase on Boones Ferry Road at Tualatin-Sherwood Road, in order to minimize traffic operations problems at the most important intersection in Tualatin.

(c) How transfers might be accommodated in the future between this line and a future line using the east-west tracks through Tualatin.

### (6) Major Transit Stops

The state’s Transportation Planning Rule requires jurisdictions to identify major transit stops. As implemented in the RTP, major transit stops “are intended to provide a high degree of transit passenger and access. Major transit stops are located at stops on light rail, commuter rail, rapid bus, frequent bus or streetcar lines in the central city, regional and town centers, main streets, and corridors. Major transit stops may also be located where bus lines intersect or serve intermodal facilities, major hospitals, colleges, and universities. Major transit stops shall provide schedule information, lighting, benches, shelters, video surveillance at park and ride and passenger rail stations and trash cans. Other features may include real-time information, special lighting or shelter design, public art, and bicycle parking.”

(7) Figure 11-6 identifies the major transit stops within Tualatin, which consist of:

- (a) Tualatin Park-and-Ride (north and south lots) at exit 290;
- (b) Tualatin City Center and Library on SW Martinazzi Avenue;
- (c) Mohawk Park-and-Ride at Mohawk and SW Sagert St;
- (d) Meridian Park Hospital at SW 65th and Borland Road; and
- (e) the future Tualatin commuter rail station.

### (8) Park-and-Ride Lots

Three park-and-ride lots currently exist within Tualatin (exit 290, Mohawk, Boones Ferry/Avery), with one new lot planned for the

future at the commuter rail station. The two lots listed below are of particular interest.

### (a) Tualatin Park-and-Ride

The Tualatin Park-and-Ride, located in the southwest quadrant of the I-5/Lower Boones Ferry Road interchange (exit 290), currently operates over capacity, with approximately 50-55 vehicles parked on the shoulders of nearby roadways. It is also divided into two sections, separated by Lower Boones Ferry Road, which creates potential vehicle-pedestrian conflicts. As the Durham Quarry, and possibly the surrounding area, redevelops, consideration should be given to reconfiguring the park-and-ride, so the entire lot is contiguous.

City of Tualatin staff believes that about 25% of the users of the Tualatin park-and-ride lot are from south of the City. While this use of the lot is positive from the perspective of the overall transportation system, this practice does add traffic through an already congested interchange area, and takes away parking that could be used by local Tri-Met customers. The City of Tualatin, City of Wilsonville, Tri-Met, SMART (Wilsonville’s transit provider), ODOT, and Metro should work together to explore the possibility of providing a park-and-pool lot in the vicinity of the North Wilsonville interchange. Such a lot would be more convenient to commuters arriving from I-5, would have as good—if not better—freeway access, and would not conflict with Tri-Met passengers who want to use the Tualatin lot. Enough land use activity already exists in the North Wilsonville interchange vicinity that lot security should not be a greater issue than usual.

Tri-Met and ODOT should also explore amending ODOT’s current administrative rules (OAR 734-051-0080(4)(a)) which prohibit all access to freeway ramps. Allowing Tri-Met and SMART buses that use I-5 to enter and exit the freeway via an access between the southbound on-ramp and the park-and-ride lot would significantly speed bus operations, particularly after road realignments are completed in the area. Transit (as well as general vehicle) access to park-and-ride lots from freeway ramps is an ac-

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cepted practice in other states, including Washington and California.

### (b) Mohawk Park-and-Ride

This park-and-ride is currently only about 50% utilized, due in part to its more difficult to get to location. Rerouting transit lines from this stop to serve the Tualatin commuter rail station could allow this lot to serve a feeder function, if demand exceeds capacity at the station park-and-ride and shared parking agreements cannot be executed with the adjacent shopping center. Pedestrian access issues between apartments on the west side of Martinazzi Avenue and the bus stops serving the lot are being addressed by a funded City project to, in part, provide a median refuge for pedestrians crossing Martinazzi Avenue.

### (9) Transit Signal Priority

The City of Portland and Tri-Met are currently working on a program, termed “Streamlining”, to improve transit service times on key routes. An important aspect of this program is giving buses that are behind schedule the ability to get priority at transit signals, either by extending a green phase to allow a bus to clear a signal, or by returning to green earlier than usual to shorten the delay to a bus. The system works with Tri-Met’s Bus Dispatch System equipment that is already installed on its buses. A Global Positioning System (GPS) unit on the bus tracks the bus’ location, and an on-board computer compares the bus’ location to where it should be on its schedule and, if the bus is behind schedule, activates an optical emitter attached to the bus (similar to those used by emergency vehicles) to request priority.

The City of Tualatin can support this program by including the necessary software and equipment in the traffic signal controller cabinet to respond to a bus priority request. The cost of this equipment is relatively low in comparison to the traffic signal itself, and can result in transit service becoming more attractive to passengers as a result of decreased travel times and less variability in arrival times. Figure 11-6 indicates current and future traffic signal locations where implementing transit signal priority

would be appropriate, based on bus frequency and patronage.

### (10) Tualatin Transportation Management Association

In addition to providing current peak-hour shuttle service to and within the industrial area, the Tualatin TMA helps reduce single-occupant vehicle trips within Tualatin through its carpool and vanpool ride-matching services, transportation fairs for local employers, and by serving as an outlet for Tri-Met’s PASSport program, which provides annual transit passes to member business employees at substantial discounts. The TMA also coordinates the Job Access program for Tualatin, which provides transportation to lower-income workers who must travel to and from work during hours when regular transit service is not offered. As mentioned above, the TMA is currently seeking grant funding to start up all-day fixed-route bus service for Tualatin’s industrial area. The City of Tualatin should continue to support the TMA’s efforts in these areas.

### (11) Intercity Service

No intercity passenger service is available from Tualatin. The nearest intercity bus and rail terminals are located in downtown Portland.

### (12) Special Needs Transportation

Passengers who are unable to use the regular Tri-Met service due to a mental or physical disability are served by Tri-Met’s door-to-door LIFT program. Clackamas County provides the Transportation Reaching People (TRP) Program, which provides volunteer drivers for eligible passengers.

No deficiencies have been identified with the provision of special needs services.

(13) Transportation Demand Management  
Transportation Demand Management (TDM) programs seeks to improve the efficiency of the transportation system by shifting single-occupant vehicle trips to other modes, or away from times of peak traffic volumes. When implemented by a number of employers, TDM measures may avoid the need for some roadway capacity improvement projects, or at least defer the need farther into the future. The Tualatin

TMA currently provides support to Tualatin employers wishing to participate. However, the modeling work used to develop this TSP assumes greater levels of TDM measures than currently exist. Examples of these measures include:

- (a) Providing reserved spaces near building entrances for carpools.
- (b) Subsidizing the cost of transit passes and tickets.
- (c) Allowing employees to work at home one day a week.
- (d) Scheduling shift changes to occur outside of peak travel periods.
- (e) Guaranteed-ride-home programs that provide emergency cab rides home, to a child's school or day care, etc., to employees that car-pool or use public transit.
- (f) Providing services on site, such as day care or a cafeteria, that reduce the need for a car to make other trips.

(14) Non-SOV Modal Targets

The City should adopt Metro's 2040 non-single occupant vehicle (SOV) goals presented in the RTP. These targets apply to trips to and within each 2040 Metro Design Type. The targets reflect conditions appropriate for the year 2040 and are needed to comply with Oregon TPR objectives to reduce reliance on single-occupancy vehicles.

- (a) Tualatin Town Center: 45-55%
- (b) Other areas: 40-45%

(15) Specific steps that the City has taken in this TSP to work towards these targets include:

- (a) Adopting a pedestrian plan that:
  - (i) includes sidewalks and landscape strips on all future streets
  - (ii) designates the Tualatin Town Center as a pedestrian district, with wider sidewalks and provision for pedestrian amenities
  - (iii) includes the pedestrian mode as a component of many capital projects listed in the TSP's financially constrained project list
- (b) Adopting a bicycle plan that designates a system of bicycle lanes and routes throughout the City

- (c) Adopting a transit plan that:
  - (i) designates future transit streets, which provide for wider sidewalks and the provision of transit amenities
  - (ii) supports a future commuter rail station in the Town Center area
  - (iii) supports the Tualatin TMA's efforts to reduce single-occupant commute trips by Tualatin employees
  - (d) Continuing previous pedestrian, bicycle, and transit-supportive provisions in the Tualatin Development Code that have been developed to comply with the TPR.
  - (e) Complying with TPR requirements for parking maximums.

(16) The City cautions that achieving these goals will require a commitment by its regional partners to fund transit service at higher levels than provided for in the RTP's financially constrained plan. (Ord. 1103-02, Add, 03/25/2002)

**Section 11.670 Pipeline and Transmission Plan**

The transmission of power and natural gas are services of importance to businesses, industry, and residents of Tualatin.

(1) Power Transmission

The Bonneville Power Administration (BPA) anticipates there will be adequate distribution capacity provided and anticipates no need to construct any new substations or major power lines within the City of Tualatin. Portland General Electric (PGE) anticipates upgrading and expanding existing substations at SW Avery/105th and SW Borland and a new substation being constructed to serve the industrial area of Tualatin to handle the increase in jobs for that area. Associated with the new substation will be transmission lines connecting into the transmission lines in the area.

(2) Natural Gas Pipeline Transmission

Natural gas is transmitted to Tualatin from high-pressure lines via smaller mains. There are no natural gas supply restrictions in Tualatin as the compressibility of natural gas results in highly variable pipeline capacities. Tualatin residents who live on a street where a natural gas distribution line already exists, can easily be connected

to that distribution line. As a result, there are no infrastructure capacity constraints with the existing or future natural gas pipeline system. (Ord. 1103-02, Add, 03/25/2002)

1103-02, Add, 03/25/2002)

### **Section 11.680 Rail Plan**

The Portland & Western Railroad (P&NWR) and Willamette and Pacific (W&P) operate two lines in Tualatin, a north-south line and an east-west line. The north-south line is currently undergoing planning for a commuter rail line that will coexist with current freight operations. The east-west line is also considered a candidate for future commuter services from McMinnville, Newberg, and Sherwood to Portland's Union Station via Milwaukie, and for commuter services from Salem, via a new connection between the two lines, although no planning is currently occurring for commuter rail use of the east-west line. Both lines currently meet State of Oregon goals for train speeds and activity.

A number of private grade crossings currently exist in Tualatin, particularly along the east-west line. As the lots served by these crossings redevelop over time, consideration should be given to working with the railroad companies which control the private grade crossings to eliminating the private grade crossings over time as alternative access becomes available, thus allowing safer and potentially higher-speed operations over the rail lines.

Two public grade crossings are currently only controlled by crossbucks: the SW 118th Avenue and SW 124th Avenue crossings immediately south of Herman Road. The SW 124th Avenue crossing will be gated, and the adjacent intersection signalized, in conjunction with the City's SW 124th Avenue extension project. The SW 118th Avenue crossing will be gated and signalized as part of the Leveton Tax Increment Financing District. In addition, a traffic signal with railroad interconnect is part of the TSP's 0-5 year improvement program. (Ord. 1103-02, Add,

03/25/2002)

### **Section 11.690 Aviation Plan**

The air passenger and freight transportation needs of the City of Tualatin are primarily served by a system of two airports owned and operated by the Port of Portland (Portland International Airport and Hillsboro Airport) and one owned and operated by ODOT (Aurora Airport). These airports are designed to meet the needs of commercial aviation and personal and business aircraft for passengers and freight movement. The city of Tualatin should continue to support the continued use and expansion of the regional air transportation facilities. (Ord. 1103-

02, Add, 03/25/2002)

### **Section 11.700 Marine Plan**

No economically navigable waterways are located within the City of Tualatin. The closest marine facilities are located in Portland along the Willamette and Columbia Rivers.

(Ord. 1103-02, Add, 03/25/2002)

### **Section 11.710 Freight Plan**

(1) Delays to freight movement caused by traffic congestion are a major concern to the business community, because of the added shipping costs and uncertainty in the arrival times of goods that truck delays generate. The Tualatin TSP addresses improving freight movement to and through the City in the following ways:

(a) a project to widen Tualatin-Sherwood Road to five lanes west of Teton Avenue;

(b) support for an I-5/Highway 99W Connector, which will facilitate high-speed through truck movements around Tualatin, while freeing up capacity for truck movements in and out of Tualatin's industrial area;

(c) projects to modernize Herman Road, which is a major access route into the industrial area;

(d) projects to complete SW 124th Avenue to Tualatin-Sherwood Road, opening a new access route into the industrial area; and

(e) planning an expanded network of local commercial/industrial streets to improve truck circulation and access within the industrial area.

(2) Figure 11-7 shows the City’s designated truck routes. (Ord. 1103-02, Add, 03/25/2002)

## Section 11.720 Parking Plan

The City of Tualatin previously updated its parking standards to implement the requirements of the Transportation Planning Rule (OAR 660-012-045(5)(c)). See TDC 73.320 to 73.390. (Ord. 1103-02, Add, 03/25/2002)

## Section 11.730 Implementation Plan

### (1) TSP Implementation Steps

This chapter outlines specific transportation system improvement policies and recommendations that are required to address the City of Tualatin’s long-term transportation needs and to comply with applicable state and regional plans, laws, and rules. This section lists the specific projects that form the TSP’s financially constrained capital project plan, and also lists unfunded projects that are required to fully address all of the transportation needs identified through the TSP planning process. New sources of funding, and/or increasing the revenue available from existing funding sources, will be required to meet all of the City’s transportation needs.

This TSP will be implemented in two ways. First, the policies set forth in this document will be developed into code language that will be adopted into Tualatin’s Community Development Code, and the TSP itself will be adopted as the transportation element of the City’s comprehensive plan. Second, the projects contained in the TSP’s list will be used to guide the City’s annual capital improvement planning efforts. The sequencing plan presented in the TSP is not detailed to the point of a schedule identifying specific years when infrastructure should be constructed, but rather ranks projects to be developed within near-term (0-5 years) and longer-term (6-10 and 11-20 years) horizon periods and by dollar value. In this manner, the implementation of identified system improvements has been staged to spread investment in the City’s transportation infrastructure over the 20-year life of the plan. The City will need to periodically update its TSP, and will review the need and timing for longer-term improvements at

those times. Prioritizing specific near-term projects will occur annually when the City updates its five-year financial plan and prepares its capital improvement plan for the following year. Future road improvements or related transportation projects listed or not listed in this chapter are not required to be reviewed and approved through a land use process.

The construction of roads, storm drainage, water, sewer, and electrical facilities in conjunction with local development activity should be coordinated if the City of Tualatin is to continue to develop in an orderly and efficient way. Consequently, the plans proposed in the TSP should be considered in light of developing infrastructure sequencing plans, and may need to be modified accordingly.

### (2) Financially Constrained Capital Project Summary

The projects listed in Table 11-3 reflect the trade-offs made by the City between addressing transportation needs identified through the TSP process and the financial constraints faced by the City. These projects do not address all of the City’s needs, but represent the most important projects that the City can reasonably expect to fund over the next 20 years, under the assumption of no new transportation revenue during that time.

The table is organized into four groups: short-term (0-5 years), mid-term (6-10 years), and long-term (11-20 years) projects, with an additional group of projects that will likely be funded when development occurs that triggers the need for that project. Each project is listed with a location, a short project description, the transportation modes served by the project, the project purpose, the project’s estimated cost, and the anticipated funding source. Cost estimates reflect 2001 dollars, are unadjusted for inflation, and generally were developed by the RTP or City staff through prior transportation planning efforts.

Figure 11-8 illustrates the project locations. Each project is described briefly afterwards. The projects that could affect rivers, streams and wetlands have not been analyzed in terms of Statewide Planning Goal 5 (natural resources) as

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required by Oregon Administrative Rule 660-12-0025(2) and (3)(b). Thus, prior to construction a Goal 5 analysis will be completed.

TABLE 11-3  
TRANSPORTATION IMPROVEMENT PROGRAM SUMMARY

Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
0-5 Years					
1	Wilsonville-Beaverton Commuter Rail capital costs to start up service	Transit	mode choice, connectivity	\$75,000,000*	MSTIP, STIP
2	124th Avenue new street, Leveton to Myslony, signal at Herman	auto, ped, bike, rail	connectivity, safety	\$6,500,000*	LTIP
3	Lower Boones Ferry Road center turn lane, bike lanes, sidewalks, Bridgeport to Boones Ferry	auto, ped, bike, transit	safety, connectivity, capacity	\$5,800,000*	MSTIP
4	Boones Ferry Road center turn lane, bike lanes, sidewalk, Lower Boones to Tualatin-Sherwood	auto, ped, bike, transit	safety, connectivity, capacity	\$7,000,000*	CURP
5	Nyberg/I-5 interchange (#289) southbound turn lanes, widen bridge	auto, ped, bike	capacity	\$4,000,000*	CURP, STIP, SDC
6	Martinazzi Avenue new southbound lane, Warm Springs to Sagert	auto, ped, transit	capacity, safety	\$300,000*	SDC
7	Grahams Ferry Road/Ibach Street realign, signalize intersection	auto, ped, bike	safety, capacity	\$700,000*	SDC
8	Herman Road/Teton Avenue signalize intersection, railroad interconnect	auto, ped, bike, rail	capacity, safety	\$425,000*	SDC
9	Sagert Street/Martinazzi Avenue signalize intersection	auto, ped, transit	capacity	\$600,000*	SDC
10	124th Avenue additional travel lane at Highway 99W	auto, transit	capacity	\$270,000*	LTIP
11	Tualatin-Sherwood Road/Boones Ferry Road second westbound left-turn lane	auto, transit	capacity	\$700,000*	SDC
12	Boones Ferry Road interconnect signals south of Tualatin-Sherwood	auto, transit	progress through traffic	\$50,000*	SDC (needs to be added)
13	Tualatin-Sherwood Road interconnect signals west of Boones Ferry	auto, transit	progress through traffic	\$50,000*	SDC (needs to be added)
14	Sagert Street construct sidewalks on I-5 overpass	ped	Pedestrian safety, connectivity	\$13,500*	SDC (needs to be added)

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Figure id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
15	Boones Ferry Road, Martinazzi Avenue driveway restrictions	auto, transit	safety, capacity	\$7,500*	SDC
16	Tualatin Town Center Refinement Plan to address RTP Area of Special Concern	Auto, transit, ped, bike	planning	\$20,000*	City
24	Sagert Street connect to 95th Place	auto, ped, bike	connectivity	\$75,000*	SDC
25	95th Place connect to Avery Street	auto, ped, bike	connectivity	\$250,000*	SDC
29	Nyberg Street/65th Avenue/Nyberg Lane signalize intersection or construct roundabout, sidewalks on Nyberg	auto, ped, bike	capacity, safety	\$650,000*	SDC
30a	Boones Ferry Road complete sidewalks, T-S Road to Avery Street	ped	safety, connectivity	\$250,000*	SDC (needs to be added)
<b>6-10 Years</b>					
17	124th Avenue new street, Myslony to T-S Road, signal at T-S Road	auto, ped, bike	connectivity	\$5,150,000*	LTIP
18	Herman Road reconstruct, 108th to 118th	auto, ped, bike, freight movement	modernization	\$2,720,290*	LTIP
35	Herman Road/108th Avenue signalize, railroad interconnect	auto, ped, bike, rail	capacity, safety	\$200,000*	LTIP
36	Herman Road/118th Avenue signalize, railroad interconnect	auto, ped, bike, rail	capacity, safety	\$200,000*	LTIP
19	Herman Road reconstruct, Teton to 108th	auto, ped, bike, freight movement	modernization	\$920,000*	SDC
20	Leveton Drive, 130th Avenue new streets	auto, ped, bike	connectivity, facilitate development	\$1,961,400*	LTIP & Development
21	SW 128th Avenue, Cummins Drive new streets	auto, ped, bike	connectivity, facilitate development	\$3,001,750*	LTIP & Development
22	105th Avenue-Blake Street-108th Avenue realign curves	auto, ped, bike	safety	\$860,000*	SDC
<b>11-20 Years</b>					
26	Tualatin-Sherwood Road widen to five lanes, Teton to Highway 99W	auto, transit	capacity, freight movement	\$25,000,000*	MSTIP
27	Hall Boulevard extend across Tualatin River	auto, ped, bike, transit	connectivity, recreation, capacity	\$25,000,000*	MSTIP, STIP, CURP, cities

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Figure 11-8 id #	Project Description	Modes Served	Purpose	Cost	Funding Source(s)
28	Herman Road reconstruct, Tualatin Road to Teton	auto, ped, bike	modernization	\$1,700,000*	SDC
30b	Boones Ferry Road complete sidewalks, Avery St to Tualatin High School	ped	safety, connectivity	\$250,000*	SDC (needs to be added)
31	Sagert Street/65th Avenue turn lane, signalize, interconnect with Borland Road/SW 65th Avenue intersection	auto, ped, transit	capacity	\$400,000*	SDC
32	Tualatin-Sherwood Road bike lanes, 90th-Nyberg	bike	connectivity	\$330,000*	SDC (needs to be added)
33	Avery Street/Teton Avenue signalize intersection	auto, ped, bike	capacity	\$200,000*	SDC (needs to be added)
39	Loop Road	auto, ped, bike	connectivity	\$2,500,000*	CURP
Development-Related					
40	Bridgeport Road widen to 5+ lanes, west city limits to Lower Boones Ferry Road	auto, ped, bike	capacity, connectivity, safety, facilitate development	TBD	Development
23	SW 125th Place new street	auto, ped, bike	connectivity, facilitate development	\$360,000*	Development
34	East West Street in southwest residential Tualatin new street, 108 <sup>th</sup> to 112 <sup>th</sup> Avenues	auto, ped, bike	connectivity, facilitate development	\$1,100,000*	Development
37	Tualatin Road/108th Avenue signalize	auto, ped, bike, transit	capacity, safety	\$200,000*	Development
38	Cummins Drive/Cipole Road/unnamed street west of Cipole signalize	auto, ped, bike	capacity	\$200,000*	Development
41	Cipole Road widening from Highway 99W to Cummins Drive modified signal phasing at Highway 99W intersection	auto, ped, bike	capacity, facilitate development	\$1,195,000**	Development
42	SW Herman Road/SW Cipole Road realign, signalize intersection, railroad interconnect	auto, ped, bike	capacity, safety	\$1,800,000**	Development, LID
<p>*2001 dollars; costs are not adjusted for inflation  ** 2005 dollars, costs are not adjusted for inflation.  MSTIP: Washington County Major Streets Transportation Improvement Program, STIP: Oregon Statewide Transportation Improvement Program, CURP: Central Urban Renewal Plan, LTIP: Leveton Tax Increment Plan, TGM: Oregon Transport-</p>					



tation Growth Management Program, SDC: Systems Development Charge, TBD: to be determined. The projects listed in each time period are for planning purposes only and may change by City Council direction to address development, funding opportunities, or community need.

(a) Wilsonville-Beaverton Commuter Rail (Table 11-3, No. 1)

Peak hour commuter rail service along the rail line between Wilsonville and Beaverton, connecting to light rail at the Beaverton Transit Center. A station and small (100-150 space) park-and-ride lot should be located in downtown Tualatin west of Boones Ferry Road, near Tualatin-Sherwood Road.

(b) SW 124th Avenue Extension – Northern Segment (Table 11-3, No. 2)

To accommodate development in the industrial sector of Tualatin and to de-emphasize Tualatin Road's role in serving trips to and from the industrial area, SW 124th Avenue should be extended as a three-lane roadway from Leveton Drive south to Myslonny Street, with right-of-way reserved for five lanes. The project should include bike lanes, sidewalks, and a traffic signal at Herman Road.

(c) Lower Boones Ferry Road Improvements (Table 11-3, No. 3)

To improve access to and from adjacent land uses, and to provide better accommodations for bicycle and pedestrian travel, Lower Boones Ferry Road between Bridgeport Road and Upper Boones Ferry Road should be widened from its current two-lane cross-section to provide a center turn lane, bicycle lanes, and sidewalks.

(d) Boones Ferry Road Widening (Table 11-3, No. 4)

Boones Ferry Road should be widened to four lanes with a turn lane or median of varying widths from Lower Boones Ferry Road to Martinazzi Avenue and then three lanes to Tualatin-Sherwood Road. Pedestrian facilities should be completed and bicycle lanes widened or constructed. Turn lanes at the Martinazzi Avenue intersection should be lengthened to provide more storage, and the Tualatin Road signal should be upgraded.

(e) Nyberg/I-5 Interchange (#289) Improvements (Table 11-3, No. 5)

As one of only two major access points from I-5 to Tualatin, the Nyberg Road/I-5 interchange is forced to accommodate the majority of traffic traveling in and out of Tualatin. Consequently, the interchange experiences periods of major congestion, both on the I-5 southbound off-ramp and the Nyberg Road approaches. This project increases the interchange's capacity by adding a second left-turn lane to the southbound off-ramp, and widens the overcrossing to accommodate an additional lane in each direction.

(f) Martinazzi Avenue Improvements (Table 11-3, No. 6)

To increase the capacity of Martinazzi Avenue, a new southbound lane should be constructed from Warm Springs Street to Sagert Street, and the median at Mohawk Drive should be closed and a pedestrian refuge provided in the median at the existing crosswalk locations.

(g) Grahams Ferry Road/Ibach Street Intersection Improvements (Table 11-3, No. 7)  
Ibach Street should be realigned to intersect Grahams Ferry Road at a 90-degree angle, and the intersection should be signalized.

(h) Herman Road/Teton Avenue Intersection Signalization (Table 11-3, No. 8)  
To address capacity and safety issues, the Herman Road/Teton Avenue intersection should be signalized and interconnected with the adjacent railroad grade crossing.

(i) Sagert Street/Martinazzi Avenue Intersection Signalization (Table 11-3, No. 9)

To address safety, existing capacity problems, and to facilitate pedestrian movement from residential areas south of Sagert Street to the Mohawk Park-and-Ride, the Sagert Street/Martinazzi Avenue intersection should be signalized.

(j) SW 124th Avenue Widening at Highway 99W (Table 11-3, No. 10)

An additional travel lane should be constructed on SW 124th Avenue between Tualatin Road and Highway 99W to provide additional capacity.

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(k) Tualatin-Sherwood Road/Boones Ferry Road Intersection Improvement (Table 11-3, No. 11)

To improve intersection operations, a second westbound left-turn lane should be constructed from Tualatin-Sherwood Road to Boones Ferry Road, and Boones Ferry Road should be widened for a short distance to accommodate the second lane.

(l) Boones Ferry Road Signal Interconnect (Table 11-3, No. 12)

The existing interconnected signal system on Boones Ferry Road should be extended from Tualatin-Sherwood Road to Avery Street. This project will help progress the peak direction flow of traffic throughout the day.

(m) Tualatin-Sherwood Road Signal Interconnect (Table 11-3, No. 13)

The existing interconnected signal system on Tualatin-Sherwood Road should be extended from Boones Ferry Road to Avery Street. This project will help progress the peak direction flow of traffic throughout the day.

(n) Sagert Street Pedestrian Improvement (Table 11-3, No. 14)

To improve pedestrian travel between the east and west sides of I-5, sidewalks should be constructed on the Sagert Street overpass.

(o) Boones Ferry Road, Martinazzi Avenue Access Management (Table 11-3, No. 15)

To reduce delay, and improve roadway capacity and safety, driveways along Boones Ferry Road and Martinazzi Avenue previously identified by the City Engineer should be restricted to right-in, right-out movements.

(p) Town Center Refinement Plan (Table 11-3, No. 16)

Addresses transportation system needs associated with development in the Town Center Design Type, or portions thereof.

(q) SW 124th Avenue Extension - Southern Segment (Table 11-3, No. 17)

SW 124th Avenue should be extended south from Myslony Street to Tualatin-Sherwood Road, providing an alternate truck route into the industrial area. Sidewalk, bike lanes, and a traffic signal at Tualatin-Sherwood

Road should be included. SW 124th Avenue should be extended as a three-lane roadway with right-of-way reserved for five lanes.

(r) Herman Road Reconstruction – Teton Avenue to SW 118th Avenue (Table 11-3, No's. 18, 19, 35)

Future development in the industrial sector of Tualatin will require improvements to Herman Road. This two-lane sub-standard roadway should be reconstructed between Teton Avenue and SW 118th Avenue to provide standard-width travel lanes, a center turn lane, bicycle lanes, a landscape strip, and a sidewalk on the side opposite the railroad tracks.

(s) New Streets in the Industrial Sector (Table 11-3, No's. 20, 21, 23)

To help facilitate additional development in the industrial sector of Tualatin, several new streets should be constructed to the local commercial/industrial standard. These streets include an extension of Leveton Drive west of SW 124th Avenue, and construction of other connecting streets (SW 130th Avenue, SW 128th Avenue, SW 125th Place, and Cummins Drive).

(t) SW 105th Avenue/Blake Street/SW 108th Avenue Improvements (Table 11-3, No. 22)

Two sharp curves where SW 105th Avenue transitions into SW 108th Avenue create a potential safety concern, particularly as residential development continues in southwest Tualatin. The roadway should be reconstructed to increase the curve radii and to provide wider travel lanes, sidewalks, and bicycle facilities.

(u) Sagert Street Extension (Table 11-3, No. 24)

To promote east-west travel connectivity and improve emergency access, Sagert Street should be extended at its current cross-section west to connect to SW 95th Place.

(v) SW 95th Place Extension (Table 11-3, No. 25)

To promote north-south connectivity and improve emergency access, SW 95th Place, which currently ends in a cul-de-sac just north of Avery Street, should be extended at its current cross-section to connect the two streets.

(w) Tualatin-Sherwood Road Widening (Table 11-3, No. 26)

To improve capacity along this busy major arterial, Tualatin-Sherwood Road should be widened to five lanes between Teton Avenue and Highway 99W. This project should include bike lanes and sidewalks.

(x) Hall Boulevard Extension (Table 11-3, No. 27)

To provide an alternative north-south route across the Tualatin River, to relieve the high traffic demands on Upper Boones Ferry Road, to facilitate future transit service, and to provide pedestrian and bicycle access to Tigard's Cook Park and Durham's City Park, Hall Boulevard should be extended south from its present terminus north of the Tualatin River at SW Durham Road in Tigard to connect to Tualatin Road on the south side of the river. This extension should be constructed as a three-lane cross-section and provide bike lanes and sidewalks.

(y) Herman Road Reconstruction – Teton Avenue to Tualatin Road (Table 11-3, No. 28)

Future development in the industrial sector of Tualatin will require improvements to Herman Road. This two-lane sub-standard roadway should be reconstructed between Teton Avenue and Tualatin Road to provide two standard-width travel lanes, a center turn lane, bicycle lanes, a landscape strip, and a sidewalk on the side opposite the railroad tracks.

(z) Nyberg Street/SW 65th Avenue/Nyberg Lane Intersection Improvement (Table 11-3, No. 29)

To improve the safety and operations at this existing unsignalized intersection, either a traffic signal or roundabout should be installed. The project should also include completing the sidewalk system along Nyberg Street.

(aa) Boones Ferry Road Sidewalk Completion (Table 11-3, No. 30a, 30b)

Several gaps in the sidewalk network exist at key points along Boones Ferry Road, which passes by two schools and also has transit service. To ensure a well-connected sidewalk network, new sidewalks should be constructed

to fill in these gaps from Tualatin-Sherwood Road to Tualatin High School.

(bb) Sagert Street/SW 65th Avenue Intersection Improvement (Table 11-3, No. 31)

To improve capacity, the Sagert Street/SW 65th Avenue intersection should be signalized, a new northbound left-turn lane should be constructed on SW 65th Avenue, and the signal should be interconnected with the Borland Road/SW 65th Avenue signal.

(cc) Tualatin-Sherwood Road Bike lanes (Table 11-3, No. 32)

To complete a system of east-west bike lanes between Sherwood and Tualatin, bike lanes should be constructed along Tualatin-Sherwood Road between SW 90th Avenue and Nyberg Street.

(dd) Avery Street/Teton Avenue Intersection Improvement (Table 11-3, No. 33)

To improve safety and intersection operations, a traffic signal would be installed at this intersection.

(ee) Herman Road/SW 118th Avenue Intersection (Table 11-3, No. 36)

To improve safety and intersection operations, a traffic signal would be installed at this intersection.

(ff) Loop Road (Table 11-3, No. 39)

To improve capacity, connectivity and circulation, extend Seneca Street east of Martinazzi Avenue then north between the City offices and the old Safeway, then east behind K-Mart and south on the east side of K-Mart. A connection to Boones Ferry Road may be appropriate on the north side of the City offices.

(gg) Development Related Improvement Projects

In addition to the above list of improvement projects, additional transportation improvement projects have been identified that would most likely be constructed as a result of development related projects. Some of these projects include:

(i) Construct SW 125th Place.

(ii) A new east west street connecting SW 108<sup>th</sup> Avenue to SW 112<sup>th</sup> Avenue (Table 11-3, no. 34). This project provides connectivity within a future residential development.

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(iii) Signalizing the Tualatin Road/SW 108th Avenue intersection (Table 11-3, No. 37). The signal would be warranted based on increasing traffic volumes and poor sight distance for northbound traffic.

(iv) Signalizing the SW Cummins Drive/SW Cipole Road intersection. (Table 11-3, No. 38)

(v) Improve SW 72nd Avenue as part of the Durham Quarry project.

(vi) SW Cipole Road widening (Table 11-3, No. 41). Widen to the Cb&t standard from Highway 99W to Cummins Drive, provide three northbound lanes & modified signal phasing at Highway 99W intersection.

(vii) SW Herman Road/SW Cipole Road Intersection (Table 11-3, No.42). Realign, signalize intersection, provide two inbound lanes on each approach, railroad interconnect.

(hh) For purposes of applying the Oregon Transportation Planning Rule’s section 660-012-0060(4), future development related land use amendments may not rely on the existence of projects listed in subsection (gg). Projects in subsection (gg) are intended to be conditioned on developments contributing to the need for them. [Amended by Ord. 1191-05,

passed 6/27/05]

### (3) Priority Project Summary

Table 11-4 identifies additional projects required to fully address the City’s long-term transportation needs, but for which no current funding sources have been identified. In some cases, potential alternative funding sources have

been identified. Should future transportation funding increase above the levels assumed in this TSP, this list can be used as a starting point to prioritize additional projects. Some projects on this list may also be appropriate for development-based funding, depending on the relationship of the development’s transportation impacts to the project. Figure 11-9 presents the Priority System TSP Projects. Table 11-4 does not specifically list a project for every segment of every street. It is the intent of this subsection and Table 11-4 to indicate that all segments of streets designated E, D, C and B-CI on Figure 11-1 are on a project for future construction and are permitted outright in each Planning District. The projects that could affect rivers, streams and wetlands have not been analyzed in terms of Statewide Planning Goal 5 (Natural Resources) as required by Oregon Administrative Rule 660-12-0025(2) and (3)(b). Thus, prior to construction a Goal 5 analysis will be completed.

#### (4) Traffic Signal Plan

Figure 11-10 shows Tualatin’s proposed future traffic signals. This list represents those traffic signals that have been identified as part of the Tualatin TSP. Due to the potential for shifting or unanticipated development, other traffic signal locations may be added based on the findings from a detailed traffic operations and safety analysis.

TABLE 11-4  
PROJECTS UNFUNDED OR REQUIRING NEW FUNDING SOURCES

Project Description	Modes Served	Purpose	Cost
Recreation SDC or Bond			
SW 108th Avenue ped/bike bridge	ped, bike	recreation, connectivity	\$450,000*
Tualatin River pathway	ped, bike	recreation	\$2,500,000*
SW 65th Avenue ped/bike bridge	ped, bike	recreation, connectivity	\$450,000*
Nyberg Creek pathway	ped, bike	recreation, connectivity	\$170,000*
Pedestrian trail system completion (6 projects)	Ped	recreation	\$625,000*
Unfunded Industrial Area Projects			

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Project Description	Modes Served	Purpose	Cost
Myslony Street (112th Avenue) extend to Tualatin-Sherwood Road	auto, ped, bike	connectivity	\$1,880,000*
Cipole Road widen to three lanes, Cummins Drive to T-S	auto, ped, bike, freight movement	capacity, modernization	\$5,500,000*
Herman Road reconstruct, Cipole Road to SW 124th Avenue	auto, ped, bike, freight movement	modernization	\$920,000*
Herman Road reconstruct, 118th Avenue to SW 124th Avenue	auto, ped, bike, freight movement	modernization	\$1,250,000*
Leveton Drive widen to five lanes, SW 108th to SW 118 <sup>th</sup>	auto, ped, bike, freight movement	capacity	\$1,000,000*
SW 108th Avenue widen to five lanes, Leveton to Herman	auto, ped, bike, freight movement	capacity	\$500,000*
Herman Road widen to five lanes, SW 108th to Teton	auto, ped, bike, freight movement	capacity	\$900,000*
Unnamed roadway extending west of Cipole Road/Cummins Drive intersection	auto, ped, bike, freight movement	capacity	\$840,000**
STIP/Federal Earmark			
I-5/Highway 99W Connector	auto, freight movement	capacity, reduce auto & truck delays	\$250,000,000*
I-205 widen to six lanes, I-5 to Stafford Road	auto, freight movement	capacity, safety	\$6,100,000*
Lower Boones Ferry Road interchange (#290) reconstruct with loop ramps	auto, transit	capacity	TBD
LID			
SW 93rd Avenue Complete to City standards	auto, ped, bike	modernization	\$150,000*
Unfunded, Other Priority Projects			
Boones Ferry Road/Blake Street Construct turn lanes, signalize	auto, ped, bike	safety, capacity	\$1,200,000*
Teton Avenue bike lanes, Herman Road to T-S	Bike	connectivity, safety	\$750,000*
McEwan Road widen to three lanes, Lower Boones Ferry to city limits	auto, ped, bike	capacity, modernization	\$2,300,000*
Avery Street/SW 105th Avenue Signalize	auto	capacity	\$150,000*
Unfunded, Other Desirable Projects			
Lower Boones Ferry Road extend across Tualatin River	auto, ped, bike	capacity, connectivity	\$14,000,000*+ right-of-way
Boones Ferry Road widen to five lanes, T-S to Ibach	auto, ped, bike, transit	capacity	\$3,000,000*
Nyberg Street bike lanes, T-S to SW 65th Avenue	bike	connectivity	\$850,000*
Borland Road bike lanes	bike	connectivity	\$1,500,000*

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Project Description	Modes Served	Purpose	Cost
SW 65th Avenue*** extend across Tualatin River	auto, ped, bike	capacity, connectivity	\$10,000,000*
SW 65th Avenue bike lanes, Nyberg to Borland	bike	connectivity	\$700,000*
SW 95th Avenue extend to SW 90th Avenue	auto, ped, bike	connectivity	\$500,000*
Highway 99W sidewalks, north city limits to south city limits	ped	connectivity	\$1,100,000*
SW 105th Avenue sidewalks, west side	ped	connectivity	\$84,000*
Tualatin Road/Teton Avenue Signalize	auto	capacity	\$150,000*
Leveton Drive/SW 108th Avenue Signalize	auto	capacity	\$150,000*
Borland Road/Wilke Road Signalize	auto	capacity	\$150,000*
Grahams Ferry Road/Helenius Road Signalize	auto	capacity	\$150,000*
Highway 99W/SW 130th Avenue Signalize	Auto	capacity	\$150,000*
Central design district pedestrian street en- hancements	pedestrian	safety	\$2,600,000*
Highway 99W widen to six lanes, Cipole Rd to the Tualatin River	auto	capacity	\$4,000,000*
Tualatin Road widen to five lanes, Herman to Boones Ferry	auto	capacity	\$2,500,000*
SW 65th Avenue widen to five lanes, Sagert to Nyberg	auto	capacity	\$2,300,000*
Borland Road widen to five lanes	auto	capacity	\$4,300,000*
Nyberg Road widen to seven lanes, Martinazzi to I-5	auto	capacity	\$700,000*
95th Avenue bike lanes, Avery to Tualatin-Sherwood Rd.	bike	connectivity	\$1,000,000*
Sagert Street widen to five lanes, Martinazzi to SW 65th	auto	capacity	\$2,300,000*+ bridge widen- ing
SW 90th Avenue widen to five lanes, Tualatin to Tualatin- Sherwood	auto	capacity	\$1,200,000*
All segments of streets designated E, D, C and B-CI in Figure 11-1 that are not specifically listed above.	auto, ped, bike	capacity, safety, con- nectivity, moderniza- tion	TBD

# Tualatin Development Code

11.730

Project Description	Modes Served	Purpose	Cost
<p>*2001 dollars; costs are not adjusted for inflation ** 2005 dollars, costs are not adjusted for inflation *** The project at 65th river crossing is designated as a study area. Alternate crossing locations will be considered as part of the design of this project. MSTIP: Washington County Major Streets Transportation Improvement Program, STIP: Oregon Statewide Transportation Improvement Program, CURP: Central Urban Renewal Plan, LTIP: Leveton Tax Increment Plan, TGM: Oregon Transportation Growth Management Program, SDC: Systems Development Charge, TBD: to be determined</p>			

(Ord. 1103-02, Add, 03/25/2002; Amended by Ord. 1191-05, passed 6/27/05)

## Chapter 12

### Water Service

#### Sections:

- 12.010 Introduction.**
- 12.020 Water Service Policies.**
- 12.030 Design Criteria.**
- 12.040 Population.**
- 12.050 Consumption.**
- 12.060 Fire Flows.**
- 12.070 Method of Analysis.**
- 12.080 Existing System.**
- 12.090 Proposed Improvements.**
- 12.100 Source of Supply.**
- 12.110 Pressure Levels.**
- 12.111 Service Level A.**
- 12.112 Service Level B.**
- 12.113 Service Level C.**
- 12.120 Storage.**
- 12.130 Cost Estimates.**
- 12.140 Method of Financing.**

#### Section 12.010 Introduction.

(1) In 1979, the City of Tualatin adopted the Tualatin Community Plan. R. A. Wright Engineering Company prepared the water service element. In 1982, the Tualatin Community Plan was reviewed due to the annexation of approximately 900 acres west of the city limits. City staff reviewed the water sewer service element. In 1983 the City Council amended the Plan, including the water service element. The Plan was changed from covering only the city limits to covering the city limits and the area out to the Urban Growth Boundary (UGB)(an “Active Plan”).

(2) In accordance with the Urban Planning Area Agreement between the City and Washington County and an Intergovernmental Agreement between the City and the City of Portland, the City of Tualatin is responsible for providing water service in the City of Tualatin. The City of Tualatin obtains its water from the City of Portland.

(3) In 1990 and 1999 minor amendments to TDC Chapter 12 were adopted. In 2000 and 2002 the City contracted with CH2M Hill to update the City’s water master plan. The 2000 update reflected Tualatin’s growth and refined the 1983 plan. The 2003 “Report, Tualatin Water Master Plan Update,” (the “Master

Plan”) was the basis for amending the Tualatin Development Code (TDC), Chapter 12, in 2003. The purpose of the 2003 Master Plan was to provide the City with a comprehensive water master plan for future development of the water system. The 2003 Master Plan included a description of the existing water system, the planning criteria, a water system analysis and a capital improvement plan.

(4) The 2003 Master Plan study area was the same as the Tualatin Community Plan, plus it included the approximately 238 acre Tigard Sand & Gravel site added to the UGB by Metro in December 2002 in the southwest portion of the City’s planning area. The Master Plan’s information about the Tigard Sand & Gravel site was preliminary and was intended to be refined in a future comprehensive Master Plan prepared by the City as required by Metro Code for areas added to the UGB.

(5) Northwest Tualatin Concept Plan 2005 identifies water service needs for the study area. This information is new and updates the 2003 Master Plan.

(6) The purpose of Chapter 12 is to provide for:

- (a) Reinforcement of the existing water system to provide adequate peak and fire-flow capabilities;
- (b) Expansion of the distribution system as areas inside the Urban Growth Boundary are annexed to the City and are developed;
- (c) Expansion of supply and storage facilities for present and future needs; and
- (d) Financing the construction of the foregoing facilities. [Amended by Ord. 592-83, Sec. 53, passed June 13, 1983.]

(Ord. 1152-03, Amended, 12/08/2003; Ord. 1191-05, 06/27/05)

#### Section 12.020 Water Service Policies.

City of Tualatin water service policies are to:

- (1) Plan and construct a City water system that protects the public health, provides cost-effective water service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.



(2) Require developers to aid in improving the water system by constructing facilities to serve new development and extend lines to adjacent properties.

(3) Water lines should be looped whenever possible to prevent dead-ends, to maintain high water quality and to increase reliability in the system.

(4) Improve the water system to provide adequate service during peak demand periods and to provide adequate fire flows during all demand periods.

(5) Review and update the water system capital improvement program and funding sources as needed or during periodic review.

(6) Prohibit the extension of City water services outside the City's municipal boundaries, unless the water service is provided to an area inside an adjacent city.

(7) The Report, Tualatin Water Master Plan Update, August 2003, is accepted by reference as a supporting technical document to the Tualatin Community Plan.

(8) The Northwest Tualatin Concept Plan 2005 is adopted by reference as a supporting technical document to the Tualatin Community Plan.

(9) Continue the work started in 2001 and select one or more additional water sources. (Ord. 1152-03,

Amended, 12/08/2003; Ord. 1191-05, 06/27/05)

### **Section 12.030 Design Criteria.**

The proposed water supply and distribution system is designed to accommodate the maximum demand that the system is expected to experience. The maximum demand is composed of consumer flows and fire flows. (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.040 Population.**

The 2003 Master Plan used a buildout population of 29,500 in 2010 which is an annual increase of about 2.5 percent per year from 2000 to 2010.

(Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.050 Consumption.**

(1) Population projections, commercial and industrial zoning acreage, and historical water use data formed the basis for the 2003 Master Plan's future water demand projection.

(a) The future per capita residential average day demand was assumed to be 100 gallons per capita per day.

(Revised 09/05)

(b) The relationship between the average day demand and other flow rate demands in the system is called the peaking factor. A peaking factor of 3.0 was used in the 2003 Master Plan's calculation of residential maximum day demand and a factor of 2.0 was used for commercial and industrial maximum day demand.

(c) Large volume users are typically large multi-family projects and specialized industrial uses. The Master Plan identified 16 large water uses and they represent about 30% of the total system demand.

(d) Unaccounted-for water is the difference between the total amount purchased wholesale from the Portland Water Bureau and the total amount billed to customers. It includes leakage losses, meter discrepancies, hydrant and main flushing, operation and maintenance uses, fire flow uses, unauthorized connections and unmetered miscellaneous uses.

(2) The 2003 Master Plan's projected average day demand at buildout in 2010 for residential uses was 2.95 million gallons per day and with a 3.0 peaking factor the maximum day demand was 8.85 million gallons per day. The 2003 Master Plan's projected average day demand at buildout in 2010 for commercial and industrial uses was 3.41 million gallons per day and with a 2.0 peaking factor the maximum day demand was 6.82 million gallons per day. The total system average day demand and maximum day demand were 6.36 and 17.2 million gallons per day, respectively. (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.060 Fire Flows.**

(1) Fire flow is the amount of water required to fight a fire for a specified period. The Insurance Services Office (ISO) Commercial Risk Services, Inc., classifies a city for insurance rating purposes on the basis of a maximum fire flow requirement of 3,500 gallons per minute (gpm). Fire flow requirements greater than 3,500 gpm are evaluated individually and are not used by the ISO to determine the public protection classification of a municipality. For fire flow analysis the total fire flow requirement is a combination of building fire flow requirements plus system maximum day demand.

(2) Fire protection is not dependent on the water distribution system alone. Fire flows greater than

3,500 gpm can be reduced with individual fire suppression systems such as sprinklers, chemical and alarm systems and fire-resistant construction, onsite supply and other methods. Developments with fire flows greater than 3,500 gpm will need to supplement public water system flows through private systems such as those noted in the prior sentence. The 2003 Master Plan's minimum criteria for fire suppression flows for single family residential was 1,500 gpm and for multi-family, commercial, industrial and institutional uses was 3,500 gpm for a 3-hour duration. (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.070 Method of Analysis.**

The 2003 Master Plan analyzed the source, pumping, storage, pipeline and fire flow components under 2002 and 2010 demand conditions in accordance with the Oregon Public Health Services Drinking Water Program and the Oregon Water Resources Department accepted standards for master plan studies. The H2OMap network analysis software was used to simulate the system's hydraulics. The model contained about 1,000 nodes and 1,200 pipes. The modeling was verified by field data collected at 22 stations throughout the system. The overall absolute variation for the 22 stations was less than 5% which is more than adequate for master planning and capital improvement purposes. (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.080 Existing System.**

(1) The City of Tualatin entered into an agreement with the City of Portland in the early 1980's to obtain water from the Bull Run watershed via the Washington County Water Supply Line. In emergencies the City can obtain small quantities through interties with the cities of Tigard, Lake Oswego, Sherwood and Wilsonville. Water from the Willamette River can be used for domestic purposes if Tualatin's voters approve of its use. Water quality from the Bull Run Reservoir, the Portland Water Bureau Columbia South Shore wellfield and the Tualatin distribution system meets or exceeds all U.S. Environmental Protection Agency water quality requirements. Tualatin can obtain up to about 10.8 million gallons per day (mgd), but will need about 17.2 mgd in 2010, thus additional capacity of 6.4 mgd is needed. Reservoir capacity in 2003 is deficient 5.4 million gallons for Level A and will be de-

ficient 1.9 million gallons for Level B and 0.6 million gallons for Level C in 2010. The pipelines are adequate overall and with new reservoir capacity and pipeline improvements will provide adequate peak hour demand conditions to 2010. Fire flows are adequate in 2003 in most areas and with new pipe in several areas to increase looping and new reservoirs future fire flows will be adequate while maintaining system pressure.

(2) The City's water system is composed of three service levels (Levels A, B, and C) supplied by gravity and pumps and storage reservoirs. The system is primarily within public rights-of-way, is looped and is monitored and controlled by a central telemetry system.

(3) Service Level A is the lowest in elevation and is supplied directly from the Supply Line and by gravity from the 1971 2.2 million gallon enclosed steel tank Avery Reservoir. A new reservoir site was acquired in 2003 southwest of the SW Tualatin-Sherwood Road/SW Cipole Road intersection. Service Level B is the second lowest in elevation and is supplied by gravity from the 1971 and 1989 2.2 and 2.8 million gallon enclosed steel tank reservoirs on SW Norwood Road. A new reservoir site was acquired in the 1990's southwest of the SW 108th Avenue/SW Cottonwood Street intersection. Service Level C is the highest in elevation and is supplied by gravity from the 1981 0.8 million gallon enclosed steel tank reservoir southeast of the Norwood Road overpass over I-5.

(4) The City has three pump stations. Stations one and two pump a back-up supply from Level A to Level B. Station three pumps from Level B to the C reservoir. (5) The 8.8 million gallons of water storage capacity in four reservoirs is inadequate. The 2003 Master Plan recommends a new reservoir in each Service Level which will provide adequate storage to 2010. [Amended by Ord. 592-83, Sec. 54, passed June 13,

1983.] (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.090 Proposed Improvements.**

The proposed water distribution and storage system for the year 2010 is illustrated in Map 12-1. The phased construction of this system will be dictated by identified deficiencies and actual growth patterns. Growth to 2010 can be projected with reasonable accuracy because the vacant and redevelopment areas

are known. [Amended by Ord. 592-83, Sec. 55, passed June 13, 1983; Ord. 1023-99, Sec 8, passed June 28, 1999.] (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.100 Source of Supply.**

The City's agreement with the City of Portland allows Tualatin to purchase 18% of the total capacity of the Portland Water Bureau's Washington County Supply Line which is about 10.8 million gallons per day. This source is insufficient to meet the expected 17.2 million gallons per day demand in 2010. The City began a process in 2001 to identify potential new sources, including aquifer storage and recovery. The City's process will continue and one or more new sources will be selected. In May 2002 the City Charter was amended to require that before Willamette River water is used for drinking purposes, a vote must approve such use. [Amended by Ord. 592-83, Sec. 56, passed June 13, 1983.] (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.110 Pressure Levels.**

(1) The City of Tualatin has three service levels designated as A, B, and C on Map 12-1.

(2) Service Level A includes approximately the northern 50% of the City extending east and west covering elevations from 110 feet to about 200 feet. Service Level B includes approximately the middle 40% of the City extending east and west covering elevations from about 180 feet to 280 feet. Its southern extent is Ibach Street and Ibach Street extended west to the railroad tracks and extended east to I-5. There are isolated areas above 280 feet, but these contain a very limited number of houses. The boundaries of Service Level C are Ibach Street on the north, I-5 on the east, the UGB on the south and the railroad tracks on the west.

(3) Substantial development has occurred over the years. Future development is expected to occur in Level A on the remaining vacant manufacturing lands, in the downtown area (redevelopment), in the Durham Quarry area and east of I-5 (Nyberg property and redevelopment of the Trailer Park of Portland). Future development in Level B is expected in the area of Legacy Meridian Park Hospital. Future development in Level C is expected in the SW Grams Ferry and SW 108th Avenue residential areas. Future development will occur in the area southwest of the City that was added to the Urban Growth

Boundary by Metro in 2002 (approximately 300 acres). (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.111 Service Level A.**

(1) In 2003 Service Level A was deficient in storage by 5.4 million gallons. The City acquired ownership of a new reservoir site in 2003 and a 10-million gallon reservoir is being designed with construction expected to be in 2004. The reservoir will provide adequate storage through 2010.

(2) In 2003 Service Level A included some locations that drop below 35 pounds per square inch (psi) of pressure under peak hour demand conditions. All low pressure areas will be improved by the new reservoir and by new pipelines.

(3) In 2003 there were three areas where the system had difficulty providing 3,500 gallon per minute fire flows. The difficulties will be remedied by the new Level A reservoir, by new pipelines and by increasing the pressure setting in pressure reducing valves. [Amended by Ord. 592-83, Sec. 58, passed June 13, 1983.] (Ord.

1152-03, Amended, 12/08/2003)

### **Section 12.112 Service Level B.**

(1) In 2003 storage was adequate in Service Level B, but will be deficient by 2010. A new 1.9 million gallon reservoir is planned at the City owned site on SW 108th Avenue which will provide adequate storage for future growth.

(2) In 2003 some areas would drop below 35 pounds per square inch (psi) of pressure under peak hour demand conditions. All low pressure areas will be improved by the new reservoir and by new pipelines.

(3) In 2003 the system had difficulty providing 3,500 gallon per minute fire flows in the eastern portion of Level B. The difficulties will be remedied by the new Level B reservoir and by new pipelines that will improve looping. [Amended by Ord. 592-83, Sec. 59, passed June 13, 1983.] (Ord. 1152-03, Amended, 12/08/2003)

### **Section 12.113 Service Level C.**

(1) In 2003 storage was adequate in Service Level C, but will be deficient by 2010. A new 1.0 million gallon reservoir is planned next to the existing Level C reservoir which will provide adequate storage for future growth. [Amended by Ord. 797-90, Sec. 2, passed

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12.120

Feb. 26, 1990.] [Amended by Ord. 592-83, Sec. 60, passed June 13, 1983.]  
(Ord. 1152-03, Amended, 12/08/2003)

planned for 2010 and 2005, respectively. [Amended by  
Ord. 592-83, Sec. 61, passed June 13, 1983.] (Ord. 1152-03, Amended,  
12/08/2003)

## Section 12.120 Storage.

(1) Additional storage is needed in Service Levels A, B and C. One new reservoir is planned for each Level. The new Level A reservoir will be constructed in 2004. The Level B and C reservoirs are

## Section 12.130 Cost Estimates.

(1) The following cost estimates are based on the 2003 "Master Plan".

(2) The projects and estimated planning level costs are listed by function in Table 12-1.

Table 12-1

### WATER SYSTEM PROJECTS AND COST ESTIMATES

Project Description and Number	Size in Inches	Quantity in Feet	Cost in 2003 Dollars (millions)
<b>STORAGE</b>			
2003. Level A. 10 million gallon reservoir. R-1.	NA	NA	4.050
2005. Level C. 1 million gallon reservoir. R-2.	NA	NA	0.601
2010. Level B. 1.9 million gallon reservoir. R-3.	NA	NA	1.188
<b>SOURCE AND PUMPING</b>			
2003. Seismic upgrade of pump stations, reservoirs and pressure reducing valves. S-3.	NA	NA	1.620
2005. Increase maximum day demand (MDD) source capacity from 10.8 million gallons per day (mgd) to buildout MDD of 17.2 mgd. Aquifer storage and recovery is the assumed source. S-1.	NA	NA	13.300
2005. Upgrade Norwood Pump Station from 700 gallons per minute (gpm) firm capacity to 1,000 gpm firm capacity. Replacement of 2 pumps. S-2.	NA	NA	0.405
2006. Construct a 3.5 million gallon per day pump station near the Avery pressure relief/pressure sustaining valve to provide redundant supply service to Level B. S-4.	NA	NA	2.970
<b>TRANSMISSION/DISTRIBUTION SYSTEM</b>			
2003. New pipe from the new Level A reservoir to the intersection of Cipole Road and Tualatin-Sherwood Road. P-1.	18	2,000	See Below
2003. New pipe from the intersection of Cipole Road and Tualatin-Sherwood Road northerly along Cipole Road. P-1.	12	1,100	See Below

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Project Description and Number	Size in Inches	Quantity in Feet	Cost in 2003 Dollars (millions)
2003. New pipe from the intersection of Cipole Road and Tualatin-Sherwood Road easterly along Tualatin-Sherwood Road to the 12" pipe north of the Avery pressure reducing valve. P-1.	16	4,600	3.299 For 3 projects P-1, P-1, P-1.
2003. Level A. New pipe in 124th Avenue from Herman Road to existing pipe in 124th south of Leveton Drive. P-5.	16	1,900	0.616
2003. Level B. New pipe to improve fire flow to Bridgeport Elementary School between Joshua Street and Borland Road. P-11.	12	500	0.122
2003. Level B. New pipe to improve fire flow to Legacy Meridian Park Hospital and Bridgeport Elementary School between the line at the west end of Joshua Street and the line in the Hospital driveway loop. P-12.	12	500	0.122
2003. In Level C area, but from line in Level B system. Three new fire hydrants and associated valving and piping adjacent to Tualatin High School in Boones Ferry road served from line in the Level B system. P-14.	NA	NA	0.101
2005. Level C. New pipe to allow improved flow for refilling the C reservoir from the Norwood Pump Station and for fire flow and future growth. Assume boring under I-5. P-2.	12	700	0.510
2005. Level B. New parallel pipe in Sagert Street from Boones Ferry to Martinazzi for greater transmission capacity to eastern portion of Level B under peak and fire flow conditions. P-4.	12	1,900	0.462
2005. Level B. New pipe extending west of the intersection of 105th Avenue and Paulina Drive and then northerly to Avery Street for looping and future growth. P-6.	12	3,600	0.583
2005. Level B. New parallel pipe from intersection of Boones Ferry Road and Ibach Street to Norwood Reservoir site, or replace existing 12" pipe with 16" pipe, for future growth and reservoir refill. P-8.	12 or 16	4,500	1.458
2005. Level A. New pipe in 124th Avenue from Tualatin-Sherwood Road north for 900 feet for future growth, redundancy and looping. P-13.	12	900	0.219

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12.130

Project Description and Number	Size in Inches	Quantity in Feet	Cost in 2003 Dollars (millions)
2006. Level B. New pipe extending south of existing Level B piping on 105th Avenue and connecting to existing 12" pipe in Ibach Street. R-16.	16	2,000	0.324
2007. Level unknown. New pipe to serve the Tigard Sand & Gravel and Tonquin Industrial Group properties added to the Urban Growth Boundary by Metro in December 2002. This is a conceptual project. The actual planned system will be determined when the City does a Master Plan for the area as required by Metro Code.	16	13,000	1.755
2008. Level C. New pipe along Iowa Drive from Lumbee Lane to Grahams Ferry Road for future growth, redundancy and looping. P-7.	12	1,200	0.292
2010. Level B. New pipe from new Level B reservoir on 108th Avenue northerly in 108th Avenue to the 12" line in Ibach Street for future fire flows and peak hour demand. P-3.	16	2,200	0.713
2010. Level A. New pipe along easement from Leveton Drive northerly toward 115th Avenue for future growth. P-9.	12	700	0.170
2010. Level A. New pipe in 3 separate sections. The 1st extends 1,600 feet along Myslony Street between 124th Avenue and 118th Avenue for future growth. P-10.	16	1,600	See Below
2010. Level A. The 2d extends 1,700 feet from the end of an existing 16" at the east end of Myslony Street to the east before connecting with an existing 16" pipe running north-south for future growth. P-10.	16	1,700	See Below
2010. Level A. The 3d extends 600 feet from the southern terminus of the existing 16" pipe running north-south to Tualatin-Sherwood Road for future growth.	16	600	1.296 For 3 Sections P-10, P-10, P-10
2013. Level A. New looped pipe system serving the Northwest Concept Plan area.	10	1,600	0.148*

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MISCELLANEOUS			
2003. System wide. Replace the software and hardware of the remote monitoring and controlling telemetry system. M-1.	NA	NA	0.405
2005. System wide. Implement the recommendations for the required vulnerability assessment when it is completed. M-2.	NA	NA	0.270 Estimate
SUMMARY OF CAPITAL PROJECT COSTS:			
Storage			13.300
Source and Pumping			18.295
Transmission/Distribution System			12.290
Miscellaneous Total			0.675
CAPITAL PROJECT COST GRAND TOTAL:			36.999
GENERAL NOTES.			
<p>1. The actual growth in demand will be monitored and available funding will be evaluated to verify the recommended implementation period of the projects.</p> <p>2. Projects that are dependent on new development should be constructed only when the developments actually occur or are imminent.</p>			
*Costs in 2005 dollars			

[Amended by Ord. 592-83, Sec. 62, passed June 13, 1983.] (Ord. 1152-03, Amended, 12/08/2003; Ord 1191-05, 06/27/05

**Section 12.140 Method of Financing.**

(1) The 2003 Master Plan estimated rate and system development charge (SDC) impacts for the next 10 years. Three water supply scenarios were developed. The Base Case (Scenario 1) assumed that Aquifer Storage and Recovery (ASR) would be used to meet future supply needs. Because the City was still testing the feasibility of ASR, alternative supply sources were considered. Scenario 2 was the Wilsonville-Willamette River. Scenario 3 was the Joint Water Commission-Tualatin/Trask River option.

(2) All three scenarios would have significant rate impacts, particularly over the next five years, to fund the needed source and other improvements. All three scenarios assume the City would increase rates in FY 2003/04 by about 12 percent system wide. Additional rate increases for FY 2004/05 and FY 2005/06 range from 15 percent for Scenario 1 to 46 percent for Scenario 3. The projected annual rate increases moderate after FY 2005/06 for all scenarios, to less than 5 percent.

(3) Because the capital improvement plan was driven primarily by the need to expand capacity for anticipated growth, the revised SDC's for each scenario are significantly higher than the current SDC. The revised SDC's range from \$2,758 for Scenario 1 to \$6,225 for Scenario 3. The SDC's for Scenarios 1 and 2 are well within the range charged by comparable communities (\$2,000 - \$4,000).

(4) The financial plan was based on assumptions related to system revenue and cost growth and the capital improvement plan in the Master Plan. The City should review the funding possibilities for the proposed water system improvements in Table 12-1.

(Ord. 1152-03, Amended, 12/08/2003)



## Chapter 13

### Sewer Service

#### Sections:

- 13.010 Introduction.**
- 13.015 Sanitary Sewer System Objectives**
- 13.020 Design Criteria.**
- 13.030 Domestic Flows.**
- 13.040 Nondomestic Flows.**
- 13.050 Infiltration/Inflow.**
- 13.055 Sanitary Sewer Overflows**
- 13.060 Existing System.**
- 13.070 Proposed System.**
- 13.080 Project List and Cost Estimates.**
- 13.090 Financing Methods.**

#### Section 13.010 Introduction.

(1) In 1979, the City of Tualatin adopted the Tualatin Community Plan. R. A. Wright Engineering Company prepared the sanitary sewer service element. In 1982, the Tualatin Community Plan was reviewed due to the annexation of approximately 900 acres west of the city limits. City staff reviewed the sanitary sewer service element. In 1983 the City Council amended the Plan, including the sewer service element. The Plan was changed from covering only the City limits to covering the City limits and the area out to the Urban Growth Boundary (UGB) (an "Active Plan"). Generally, the sewer service changes were minor as they incorporated information based on the new Planning Districts placed on the lands inside the UGB.

(2) In accordance with the Urban Planning Area Agreement between the City and Washington County and an Intergovernmental Agreement between Clean Water Services (CWS) and the City, the City is responsible for collecting the sewage and CWS is responsible for the major conveyance lines and treatment. CWS's Durham Advanced Waste Water Treatment Plant treats most of the sewage generated in the City limits. Waste generated in the City limits north of the Tualatin River and east of I-5 is treated at the City of Portland's Tryon Creek Waste Water Treatment Plant.

(3) The purpose of the 1982 review was to determine what existing lines needed reinforc-

ing, what new lines were needed to meet the requirements of an expanding community and to determine what costs and financing methods were needed to implement the proposed improvements.

(4) The study area was the same as the Tualatin Community Plan (the "Active Plan" out to the UGB).

(5) The system adopted in 1983 was intended to serve the area within the UGB at saturation densities. It was anticipated that some areas might experience limited surcharging during periods of peak user and infiltration flow.

(6) In 2002 the City contracted with CH2M Hill to update the City's sewer master plan ("Report, Tualatin Sewer Master Plan," December 2002). The update accurately reflected Tualatin's growth and refined CWS's recently completed county-wide master plan system evaluation ("2000 Sanitary Sewer System Master Plan Update"). The City's "Report, Tualatin Sewer Master Plan," December 2002 (the "Master Plan") was the basis for amending the Tualatin Development Code (TDC), Chapter 13 in 2003. The purposes of the City's "Master Plan" were to:

(a) Further develop the planning done by CWS for the Tualatin area as part of its county-wide planning effort in its 2000 update. Refine the evaluation, focus on Tualatin and address the City's specific planning projections.

(b) Evaluate and recommend current and future infrastructure needs to allow the sewer system to keep up with growth and provide planning level costs.

(c) Control and eliminate sanitary sewer overflows (SSOs), such as basement flooding, to the extent possible.

(d) Protect public health.

(e) Protect water quality of neighborhood creeks, ponds and the Tualatin River.

(f) Address regulatory requirements.

(g) Develop a plan that will result in cost-effective sewer service that meets the demands

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of residential, commercial and industrial customers.

(7) The 2002 “Master Plan” study area was the same as the Tualatin Community Plan, plus it included the approximately 238 acre Tigard Sand & Gravel site added to the UGB by Metro in December 2002 in the southwest portion of the City’s planning area. The “Master Plan’s” information about the Tigard Sand & Gravel site was preliminary and was intended to be refined in a future comprehensive Master Plan prepared by the City as required by Metro Code for areas added to the UGB.

(8) Northwest Tualatin Concept Plan 2005 identifies sewer service needs for the study area. This information is new and updates the 2003 Master Plan. [Amended by Ord. 592-83, Sec. 63, passed June 13, 1983.]

(Ord. 1150-03, Amended, 10/27/2003)

### Section 13.015 Sanitary Sewer System Objectives

(1) Plan and construct a City sewer system that protects the public health, protects the water quality of creeks, ponds, wetlands and the Tualatin River, provides cost-effective sewer service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.

(2) Provide a City sanitary sewer system in cooperation with Clean Water Services (CWS). The City is responsible for the collection system’s smaller lines and the 65th Avenue pump station and CWS is responsible for the larger lines, pump stations and treatment facilities.

(3) Work with CWS to ensure the provisions of the intergovernmental agreement between the City and CWS are implemented.

(4) Prohibit the extension of sewer service to areas outside the City limits, unless it is provided to an area inside the city limits of an adjacent city.

(5) Require developers to aid in improving the sewer system by constructing facilities to serve new development as well as adjacent properties.

(6) Improve the existing sewer system to provide adequate service during peak demand periods.

(7) Improve the existing sewer system to control and eliminate sanitary sewer overflows such as basement flooding to the extent possible.

(8) The “Report, Tualatin Sewer Master Plan,” December 2002, is adopted by reference as a supporting technical document to the Tualatin Community Plan.

(9) The Northwest Tualatin Concept Plan 2005 is adopted by reference as a supporting technical document to the Tualatin Community Plan.

(10) Review and update the “Report, Tualatin Sewer Master Plan,” December 2002, on a regular basis in coordination with CWS.

(11) Perform a cost of service rate study and study funding methods to ensure sufficient City funds exist to construct planned improvements.

(12) Work with CWS to update CWS’s and the City’s plans and regulations once new sanitary sewer overflow (SSO) and capacity, management, operation and maintenance (CMOM) regulations are published in the Federal Register. (Ord. 1150-03, Add, 10/27/2003; Ord 1191-05, 06/27/05)

### Section 13.020 Design Criteria.

The design of the sewage collection system was established in 1979 and 1983 when the initial system was planned and updated. Since 1983 the planned system has, essentially, been constructed.

The 2002 “Master Plan” used computer modeling to simulate the interactions that occur under a variety of scenarios within the collection system. To plan for future conditions in 2005 and 2010, population growth and land use patterns were projected. They were used with available potable water usage data to estimate future wastewater flow patterns and volumes. The model was constructed using HYDRA Version 6.1 to be consistent with CWS’s modeling. The model projected conditions in 2005 and 2010.

Sanitary sewer flow estimates were developed for 2005 and 2010 by projecting diurnal

flow patterns for residential, commercial and industrial areas. The infiltration and inflow were estimated using the 5-year return interval 24-hour duration winter storm event.

Sewer system capacity deficiencies were identified and assessed based on the design storm conditions required by CWS's National Pollution Discharge Elimination System Permit (NPDES) and the following three population levels:

2002 estimated population of 24,352 (City of Tualatin estimate)

2005 estimated population of 25,787 (City of Tualatin estimate)

2010 estimated population of 29,500 (City of Tualatin estimate) (Ord. 1150-03, Amended, 10/27/2003)

### **Section 13.030 Domestic Flows.**

(1) Using parcel (tax lot) based data for land use, residential flow volumes were calculated by totaling the flow volumes for all residential parcels and dividing that total volume by the most recent population estimates for the City. Diurnal flow and infiltration and inflow (I/I) data were also used. This resulted in an estimated residential water use of 81 gallons per capita per day (gpcd). This value was used for all planning years for parcels currently zoned residential and developed. New residential development flows were calculated for 100 gpcd, based on current City development code requirements.

(2) The peaking factor was addressed in the 1983 study, but was not specifically addressed in the 2002 study because it was included in the diurnal flow data and I/I data. (Ord. 1150-03, Amended, 10/27/2003)

### **Section 13.040 Nondomestic Flows.**

The model addressed non-domestic flows similar to the domestic flows using parcel (tax lot) based data for land use, diurnal flow curves and infiltration and inflow data. Commercial flows were estimated in total gallons per day. The resulting daily flow rate for each parcel was input directly into the hydraulic model.

Certain industrial sites currently produce, or were expected to produce, large quantities of wastewater flow. They may significantly affect

the performance of the collection system as a whole, and often do not follow standard diurnal flow patterns. The largest flow producers were identified and their diurnal curve data and daily permitted volume, if available, were used in the modeling. (Ord. 1150-03, Amended, 10/27/2003)

### **Section 13.050 Infiltration/Inflow.**

The infiltration and inflow (I/I) data for the "Master Plan" was estimated based on the methodology used by Clean Water Services in their service area wide "2000 Sewer Master Plan Update." A portion of the 5-year, 24-hour storm was routed through the service area and added to the average-day diurnal sanitary flows and base infiltration flows developed from monitoring data. (Ord. 1150-03, Amended, 10/27/2003)

### **Section 13.055 Sanitary Sewer Overflows**

In accordance with its National Pollutant Discharge Elimination System (NPDES) Permit for the Durham Waste Water Treatment Plant, Clean Water Services (CWS) must prohibit sanitary sewer overflows (SSO) for wet weather conditions up to and including the 5-year return interval, 24-hour duration winter storm event when the new SSO regulations become law in late 2003 or in 2004. The "Master Plan" addressed general capacity management issues, and uses the 5-year, 24-hour winter storm as the wastewater flow criteria, but did not address the specific requirements of the Federal government's yet to be adopted SSO or capacity, management, operation and maintenance (CMOM) regulations. The City will work with CWS to address the new regulations once they are published in the Federal Register (expected in 2003). (Ord. 1150-03, Add, 10/27/2003)

### **Section 13.060 Existing System.**

(1) The City of Tualatin's sewage waste is treated at Clean Water Services' Durham Advanced Waste Water Treatment Plant. The waste is collected and piped to the plant via a network of collectors, trunks and interceptors. The main interceptor transporting waste from Tualatin is the Lower Tualatin Interceptor which is primarily fed by gravity sewers. Five areas

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are served by pressure mains and pump stations. A brief description of the existing system follows and it is shown on Map 13-1.

(2) Except for the five areas discussed below, the City is served by gravity lines. The main interceptors in this system are the Lower Tualatin Interceptor which conveys sewage from the City to the Durham Advanced Waste Water Treatment Plant, the Nyberg Trunk Line, which runs from the Lower Tualatin Interceptor east under I-5 serving the area east of I-5 and south of the river, the Bluff Cipole Trunk Line and Lateral which extends to the west from the Lower Tualatin Interceptor and the Tualatin-Sherwood Trunk which serves the area west of 99W and north of SW Tualatin Road. The Bluff Cipole Trunk Line is the main interceptor serving the western and southern portions of the Tualatin Planning Area. The five areas currently served by pump stations are as follows:

(a) The area east of I-5 and north of the Tualatin River is served by a pump station located at 65th and Childs Road. The pump station discharges into the City of Lake Oswego sanitary sewer system. This area is served by Lake Oswego through a contract agreement with the City of Tualatin.

(b) The area along Nyberg Street and Borland Road east of I-5 is served by six pump stations. The pump stations pump sewage to the Nyberg Interceptor and then into the Lower Tualatin Interceptor. One of the pump stations is temporary. It is at the south end of Sequoia Ridge Subdivision. It collects sewage through gravity flow from the Sequoia Ridge and Venetia Subdivisions and can collect from the properties east of Venetia. It pumps up the hill to a line in SW Borland Road. This station will be removed when the Sagert/Leiser Properties (2 1E 30B, 300, 600, 700) are developed. Then its sewage will gravity flow to the west to the pump station on the west side of SW 65th Avenue north of I-205 and be pumped up the hill to the north.

(c) The area east of I-5 and south of Sagert Street is served by a pump station at the intersection of 65th and I-205. This pump sta-

tion discharges into the gravity line on SW 65th at the intersection of 65th and Borland.

(d) The south portion of the area west of SW Boones Ferry Road and east of SW Gramms Ferry Road is served by a pump station at the south end of Victoria Woods Subdivision which discharges into the Bluff Cipole Lateral.

(e) The area east of SW Cipole Road, north of SW Herman Road and south of 99W is served by a pump station at SW Cipole Road and Cummins Creek. [Sec. 13.060 amended by Ord. 592-83, Sec.

64, passed June 13, 1983.] (Ord. 1150-03, Amended, 10/27/2003)

### Section 13.070 Proposed System.

(1) The proposed sewage collection system for 2010 is essentially the same as the 1983 system and is illustrated in Map 13-1.

(2) The majority of the trunk and interceptor lines planned in the 1983 sewer service element were constructed, but some were not of sufficient capacity. The "Master Plan" reviewed the system and recommended improvements to 2010. The "Master Plan" focused on sewer system capacity deficiencies. Consistent with CWS's sewer design criteria, it compared peak hydraulic grade lines (HGL's) for each segment of the system with pipe slopes and ground surface elevations. City staff also identified locations requiring maintenance or replacement due to degradation and aging of the system.

(3) Because the system is essentially built and several trunk and interceptor lines are too small, the "Master Plan's" recommendations primarily were to increase trunk and interceptor line sizes. It conceptually recommended new lines to serve the Tigard Sand & Gravel site that Metro added to the UGB in 2002. The lines would connect into the Bluff Cipole Trunk.

(4) New collection system pipes will be needed to serve the Tigard Sand & Gravel site. The actual configuration will depend on individual development plans, land use type and location, site grading and other factors not known in 2002. In accordance with Metro Code, in the future the City will prepare a comprehensive plan for the area, including a sewer master plan.

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13.080

[Amended by Ord. 12 592-83, Sec. 65, passed June 13, 1983; Ord. 635-84, Sec. 7, passed June 11, 1984.] (Ord. 1150-03, Amended, 10/27/2003)

tem are summarized in Table 13-1. No attempt has been made to adjust prices to a future date. The cost figures include only City costs, not Clean Water Services costs.

## Section 13.080 Project List and Cost Estimates.

Projects and cost estimates, including engineering and administration, for the major improvements in Tualatin's sewage collection sys

Table 13-1  
SEWER LINE IMPROVEMENTS

Timing (est.), Location and Description	Size in Inches	Quantity in Feet	City Cost in 2002 Dollars (millions)
2003. Bluff/Cipole Trunk <sup>1</sup> . Lower Tualatin Interceptor to Herman Road. Increase 18-24" line to 36-42".	36-42	8,075	0.153
2003. Boones Ferry Road Trunk <sup>3</sup> . Upper Boones Ferry Road to Lower Tualatin Interceptor. Increase 8-12" line to 12-15".	12-15	1,786	0.330
2003. Boones Ferry Road Lateral <sup>3</sup> . In Martinazzi Avenue south of Boones Ferry Road. Increase 8" line to 10".	10	286	0.042
2004. 65 <sup>th</sup> Avenue Lateral <sup>3</sup> . 65 <sup>th</sup> between Nyberg Road and Borland Road. Increase 8" line to 18".	18	165	0.031
2004. Nyberg Trunk <sup>1</sup> . Mobile Place to Tualatin-Sherwood Road. Increase 18" line to 24-30".	24-30	6,566	1.624
2005. Killarney Lane Septic System Replacement <sup>3</sup> . Killarney Lane. Replace existing septic systems with new sanitary collection system and service laterals.	Typical	1,500	0.450
2005. Lower Tualatin Interceptor <sup>2&amp;4</sup> . Hedges Creek to Tualatin River. Increase 30" line to 48".	48	3,692	0
2006. Lower Tualatin Interceptor Siphon <sup>2&amp;4</sup> . Siphon under the Tualatin River. Increase size an unknown amount.	Unk	100	0
2008. Bluff/Cipole Lateral <sup>1</sup> . Bluff/Cipole Trunk to Avery Street. Increase 12-21" line to 18-36".	18-36	5,226	0.391
2009. 103d Avenue <sup>3</sup> . Grahams Ferry Road to the stub at the south end of 103d. Increase 8" line to 10-12".	10-12	278	0.045
2010. Tualatin-Sherwood Road Trunk <sup>2</sup> . 115 <sup>th</sup> Avenue to Cipole Road. Extend existing 24" Trunk to west to serve areas added to UGB by Metro in 2002 and potential future additions to UGB.	24	6,300	1.406
2013. Northwest Tualatin Concept Plan sewer.	8	1,509	0.232*
<sup>1</sup> Projects jointly funded by the City of Tualatin and Clean Water Services.			

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<sup>2</sup> Projects funded solely by Clean Water Services.
<sup>3</sup> Projects funded solely by the City of Tualatin
<sup>4</sup> Clean Water Services is responsible for this project, although the City may elect to accelerate the schedule and split the cost.
* Costs in 2005 dollars

[Sec. 13.080 amended by Ord. 592-83, Sec. 66, passed June 13, 1983.] (Ord. 1150-03, Amended, 10/27/2003; Ord. 1191-05, 06/27/05)

## Section 13.090 Financing Methods.

Financing the improvements proposed in Table 13-1 will be provided primarily by local improvement districts, connection charges system development charges and revenue bonds, and private investors for residential, commercial and industrial developments. Construction of interceptors and trunks may involve a combination of costs to developers, contributions from Tualatin's sewer fund, and assessments against properties benefited. (2) The City's sewer utility finances were reviewed in the "Master Plan." It was estimated the capital expenditures for the recommended improvement projects in Table 13-1 will cause shortfalls. To meet the shortfalls the City can explore additional revenue sources such as revenue bonds. The specific requirements will be determined by a cost of service rate study. The City can also review sewer rates and system development charges with CWS to ensure revenues are sufficient to cover operating expenses, future capital projects and outstanding debt service. Ongoing rehabilitation and replacement projects to repair structural deficiencies as they develop should be considered for inclusion in capital budget planning. [Amended by Ord.

592-83, Sec. 67, passed June 13, 1984.] (Ord. 1150-03, Amended, 10/27/2003)

## Chapter 14

### Drainage Plan and Surface Water Management

#### Sections:

- 14.010 Background.**
- 14.020 Drainage Plan.**
- 14.030 Surface Water Management**
- 14.040 Objectives.**

#### Section 14.010 Background.

There are ten principal drainage basins for storm water and surface water in the Tualatin Planning Area. Except for a small drainage located in the south part of the City's planning area, the drainages flow to the Tualatin River. Hedges Creek, Nyberg Creek and Saum Creek are tributaries of the Tualatin River and are the larger drainages located within Tualatin's Planning Area.

Drainage, storm water and surface water runoff in the Tualatin Planning Area are addressed in the Tualatin Drainage Plan, the Surface Water Management Ordinance (SWM Ordinance) (Ord. 846-91), the Northwest Tualatin Concept Plan 2005, and TDC Chapter 74, Public Improvements.

The 1975 Tualatin Drainage Plan defines and describes the existing and planned drainage in the Tualatin Planning Area. The Tualatin Drainage Plan is periodically updated as drainage studies are prepared by the City or for development projects. In September of 1995, the City adopted the Hedges Creek Subbasin Plan (HCS Plan) and incorporated the drainage improvements and drainage pattern modifications in the Hedges Creek subbasin into the Tualatin Drainage Plan. The HCS Plan consists of the drainage and storm water management activities and programs recommended in Chapter I of the Hedges Creek Subbasin Strategies (HCSS) Report prepared by the City and the Unified Sewerage Agency (USA).

USA began subbasin planning work for the Hedges Creek Basin in 1990, based on two previous storm water and nonpoint source plans, the Tualatin Basinwide Report and Technical Guidelines and the USA Surface Water Management Plan. The HCSS report incorporates

the original Hedges Creek Subbasin Management Plan completed in October 1992 and the Hydraulic Study of the Hedges Creek Marsh report completed in October 1994.

The surface water management policies and requirements in the SWM Ordinance were adopted by the City and other jurisdictions in the Tualatin River Basin to implement USA requirements for control of sedimentation and water quality.

The drainage and surface management development requirements of the Tualatin Drainage Plan and SWM Ordinance are implemented in TDC Section 74, Public Improvements. [Amended by

Ord. 1191-05, passed 6/27/05]

#### Section 14.020 Drainage Plan.

(1) The Tualatin Drainage Plan is the City's drainage plan. It was originally prepared by Robert A. Wright, Consulting Engineers in 1972 and adopted in 1975 (Ord. 280-75) and in 1979 as an element of the Tualatin Community Plan (Ord. 491-79). The Tualatin Drainage Plan is referenced in the Technical Memoranda TDC 3.080. With the supporting technical material, the Tualatin Drainage Plan provides an overall view of the drainage system, its major problems and their solutions, and is the City's storm water and surface water drainage policy.

(2) The Tualatin Drainage Plan was updated in the fall of 1995 by the Hedges Creek Subbasin Plan. The HCS Plan is outlined in Chapter 1 of the HCSS Report and implements the recommended drainage and storm water management activities and facilities. The HCS Plan relies on the technical data and analysis documented in the HCSS report. The HCSS Report and the HCS Plan identify the critical importance of the Hedges Creek Marsh to drainage, storm water management and water quality in the subbasin. The HCS Plan provides for drainage improvements, storm water detention requirements and a number of non-structural activities for better management of water quantity and water quality in the Hedges Creek subbasin.

(Revised 09/05)

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(3) Map 14-1 is from Figure I-1 of the HCS Plan. It shows the drainage pattern revisions and drainage system improvements for the Hedges Creek Subbasin. The drainage pattern revisions and drainage system improvements shown in Map 14-1 are incorporated into the Tualatin Drainage Plan.

(4) The HCSS Report is a comprehensive technical document that provides data and analysis of storm water drainage in the Hedges Creek Subbasin. From an analysis of several alternatives, the report recommended specific management activities and facilities to control water quantity and quality problems associated with urban storm water runoff in the Hedges Creek Subbasin. The HCS Plan incorporates the report's recommended activities and facilities.

(5) The Northwest Tualatin Concept Plan 2005 identifies storm water drainage options for the area west of Cipole Road and south of Pacific Highway 99W. [Amended by Ord. 1191-05, passed 6./27/05]

### Section 14.030 Surface Water Management

(1) The Surface Water Management Ordinance (SWM Ordinance) (Ord. 846-91) establishes regulations for soil erosion control, surface water management and water quality. The purpose of the SWM Ordinance is to implement Oregon Department of Environmental Quality (DEQ) and Unified Sewerage Agency (USA) requirements for surface water management and water quality in the Tualatin River basin by reducing sediment and other pollutants reaching the public storm and surface water system. The SWM Ordinance provides requirements for permits, on-site detention, water quality facilities, floodplain and floodway design standards, protection of sensitive areas and vegetated corridors, specifications for building and side sewers, maintenance and inspection of facilities, permit fees, enforcement of violations and other matters related to surface water management and maintaining water quality. [

(2) HCS Plan requirements for on-site storm water detention for new development in the Hedges Creek Subbasin upstream from the Wetland Protected Area portion of the Hedges

Creek marsh are adopted in the SWM Ordinance. [Amended by Ord. 979-97, Sec. 3, passed July 14, 1997.]

### Section 14.040 Objectives.

The objectives of the Tualatin Drainage Plan and Surface Water Management regulations are:

(1) Provide a plan for routing surface drainage through the City, utilizing the natural drainages where possible. Update the plan as needed with drainage studies of problem areas and to respond to changes in the drainage pattern caused by urban development.

(2) Coordinate the City's Drainage Plan and Storm Water Management regulations with the City's Floodplain District, Wetland Protection District and Natural Resource Protection Overlay District regulations and with the plans of USA and other regional, state, and federal agencies to achieve consistency among the plans.

(3) Reduce sediment and other pollutants reaching the public storm and surface water system by implementing the Oregon Department of Environmental Quality (DEQ) and USA requirements for surface water management and water quality in the Tualatin River basin. Reduce soil erosion, manage surface water runoff and improve surface water quality.

(4) Identify and solve existing problems in the drainage system and plan for construction of drainage system improvements that support future development.

(5) Provide standards for surface water management and water quality by which development will be reviewed and approved. Review and update the standards as needed.

(6) Clearly indicate responsibilities for maintaining storm water management and water quality facilities.

(7) Enforce drainage and storm water management standards.

(8) Route storm water runoff from the upper Hedges Creek subbasin through the Wetland Protected Area marsh which as a wetland provides important drainage, storm water management and water quality benefits.

(9) Protect the Wetland Protected Area marsh and its important drainage, storm water



management and water quality functions in the Hedges Creek subbasin.

(10) Require new development to provide on-site pollution reduction facilities when necessary to treat storm water runoff prior to entering Hedges Creek and protect the marsh from urban storm water pollutants.

(11) To reduce sedimentation and erosive storm water flow volumes, require on-site storm water detention facilities for new development in the Hedges Creek Subbasin upstream from the Wetland Protected Area marsh.

(12) Consider opportunities to construct regional pollution reduction facilities to treat storm water runoff prior to entering Hedges Creek and protect the marsh from urban storm water pollutants.

(13) Restrict beaver dam activity in the Wetland Protected Area marsh to retain the drainage flow through the marsh area and to reduce flooding between Teton Avenue and Tualatin Road.

(14) As outlined in the HCS Plan, the City will assist USA with non-structural activities including public education programs and water quality and management activity monitoring.

(15) Comply with Metro's Urban Growth Management Functional Plan, Title 3. [Amended by

Ord. 979-97, Sec. 4, passed July 14, 1997; Ord 1070-01, Sec. 1, passed April 9, 2001.] (Ord. 1070-01, Amended, 04/09/2001)

## Chapter 15

### Parks and Recreation

#### Sections:

- 15.010 Background.**
- 15.020 Objectives.**
- 15.030 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]**
- 15.040 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]**
- 15.050 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]**
- 15.060 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]**
- 15.070 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]**
- 15.100 Natural Resources: Wetlands and Natural Areas Plan.**
- 15.110 Wetlands and Natural Areas Plan Objectives**

#### Section 15.010 Background.

(1) Tualatin is fortunate to have significant natural features which provide the City with excellent opportunities for outdoor recreation in attractive settings. The Tualatin River and the area's many small creeks provide opportunities for water-oriented recreation and greenway loops connecting various parts of the City. Several forested and wetland areas remain undeveloped and available for the neighborhood park types of recreation as well as for natural areas. Because of Tualatin's rapid development, the City must aggressively promote the acquisition of park lands before they are developed for other uses.

(2) It is the basic premise of this Plan that Tualatin should develop the highest-quality park and recreation system to offset the effects of large amounts of industrial and commercial growth that are proposed for the central portions of the City. While the City's commercial and industrial development will be reviewed through the City's Architectural Review process, an atmosphere of intensive development will remain that can be partially offset by large amounts of open space land that are visible and accessible to the public. Additionally, the property values

of this new commercial and industrial development should create a favorable financial environment, enabling the City to maintain a reasonable tax rate, while providing a high-quality recreation system.

(3) An update of the Parks and Recreation Master Plan was initiated in the Fall of 1982 and adopted in mid-1983. This extensive document is based on the objectives from the 1979 plan, which appear in TDC 15.020. It includes detailed analysis, discussions, and recommendations on community parks, neighborhood parks, greenways, bicycle and pedestrian routes, and recreation programs. The May 1983 update of the Parks and Recreation Master Plan, together with the revisions, corrections, and additions to the master plan as contained in Exhibit B, are hereby adopted as part of the Tualatin Community Plan and are incorporated by reference into the Tualatin Development Code.

(4) The Bikeway Plan, adopted May 24, 1993, and the Greenway Development Plan, adopted July 24, 1995, in Ordinance 497-95 are incorporated into the Parks and Recreation Master Plan (1983) and the Tualatin Development Code by reference. [Amended by Ord. 608-83, Sec. 1, passed Sept. 26, 1983; Ord. 948-95, Sec. 1, passed Aug. 14, 1995.]

#### Section 15.020 Objectives.

The following are the objectives of the Park and Recreation Plan. These objectives are to:

(1) Coordinate this Park and Recreation Plan with the plans of regional, state and federal agencies to achieve consistency among the various plans.

(2) Provide a high-quality park and recreation system to offset the environmental impact of large areas of commercial and industrial development.

(3) Create a park and recreation system that provides diverse recreation opportunity.

(4) Develop an advance land acquisition program that will assure the future availability of land for park and recreation use at the most reasonable cost.

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(5) Preserve the scenic value of the Tualatin River by creating a greenway along the entire bank of the River within the City.

(6) Preserve as greenways, specific City creeks and drainage swales to provide sufficient area for stormwater runoff, enhance water quality, preserve fish and wildlife habitat and provide, where appropriate, public pedestrian and bicycle access.

(7) Preserve greenways, as much as possible, in their natural state.

(8) Preserve designated historic resources through public purchase or encouragement of compatible private reuse.

(9) Link the park and recreation system with a system of greenways and bicycle/pedestrian facilities.

(10) Develop design standards for development adjacent to greenways and natural areas.

(11) Preserve and enhance native vegetation in riparian and other natural areas for the purpose of providing favorable habitat for fish and wildlife. Encourage developers to preserve areas of natural vegetation, wherever possible, to provide habitat for wildlife.

(12) Encourage developers to utilize residential density transfers, landscaping credits, system development charge credits, reduction of minimum setback requirements, and other incentives for greenway, bikeway and pedestrian path purposes.

(13) Preserve the Hedges Creek Wetlands as a natural area and develop a Wetlands Protection Plan for this area.

(14) Discourage filling of the Hedges Creek Wetlands located westerly of those wetlands that may be identified by the City's Wetlands Protection District Ordinance until a general plan has been prepared for the remaining wetland area or until a consensus has been achieved among industrial and environmental interest groups and state and federal agencies on any individual request for a wetland fill permit.

(15) Develop a system of neighborhood parks that are geographically well distributed to serve the City's population.

(16) Whenever possible, locate neighborhood parks adjacent to school sites.

(17) Develop joint use agreements with the Tigard School District for the joint use of school land for neighborhood park facilities.

(18) Develop a comprehensive City recreation program with an emphasis on youth activities, cultural activities, and the City's natural environment.

(19) Encourage private donations of land or money, consistent with the Park and Recreation Plan, to augment City park development funds.

(20) Discourage acquisition of small mini-parks because of relatively high maintenance expenses, except where a specific recreation need has been identified as a priority.

(21) Develop a Capital Improvements Program to define recreation improvement priorities, financial requirements, and financing methods. [Amended by Ord. 608-83, Sec. 2, passed Sept. 26, 1983; Ord. 894-93, Sec. 1, passed May 24, 1993; Ord. 933-94, Sec. 8, passed Nov. 28, 1994.]

Section 15.030 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]

Section 15.040 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]

Section 15.050 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]

Section 15.060 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]

Section 15.070 [Repealed by Ord. 608-83, Sec. 3, passed Sept. 26, 1983.]

### Section 15.100 Natural Resources: Wetlands and Natural Areas Plan.

(1) In October 1994, the City initiated preparation of the Wetland and Natural Areas Plan as Periodic Review Work Tasks 3 and 4 of the 1993 City of Tualatin Periodic Review as approved by the Oregon Land Conservation and Development Commission (LCDC). The purpose of the plan is to inventory natural resources in the Tualatin Planning Area, identify Significant Natural Resources and provide a plan that preserves, conserves or allows development of the resources. The natural resources include wetlands, stream and riparian areas, and open spaces which consist of upland forests and meadows, and unique geologic areas and features such as the Tonquin Scablands. The Plan recommends requirements for protecting Significant Natural Resources designated in the

Natural Resource Protection Overlay District as Greenways and Natural Areas.

(2) The Wetlands and Natural Areas Plan consists of:

(a) An inventory of natural resources within Tualatin's Planning Area, The City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995)(Plan Map 1).

(b) Significant Natural Resource Criteria . (TDC 72.011)

(c) Significant Natural Resource List (TDC 72.013) and Map (Plan Map 2 and Map 72-2, TDC).

(d) Significant Natural Resource management programs such as the Chapter 15.110 Objectives, the Natural Resource Protection Overlay District (NRPO), and shift of density provisions for residential Planning Districts.

(e) Wetlands and Natural Areas Plan Designations Map (Plan Map 3), (Natural Resource Protection Overlay District Map 72-1, TDC).

(f) Goal 5 Natural Resource Planning Analysis Conflicting Uses and Economic, Social, Environmental and Energy consequences of a decision to protect or not protect a significant resource. (Winterowd Planning Services Report, 1997). [Added by Ord. 979-97, passed July 14, 1997.]

(5) Provide incentives and alternative development standards such as reduced minimum lot sizes and building setbacks for property owners to preserve the natural resource while accommodating growth and development.

(6) Allow public facilities such as sewer, stormwater, water and public streets and passive recreation facilities to be located in significant natural resource areas provided they are constructed to minimize impacts and with appropriate restoration and mitigation of the resource.

(7) Except in Wetland Natural Areas, allow public boating facilities, irrigation pumps, water-related and water dependent uses including the removal of vegetation necessary for the development of water-related and water-dependent uses.

(8) Except in Wetland Natural Areas, allow the replacement of existing structures with structures in the same location that do not disturb additional riparian surface. [Added by Ord. 9779-97,

Sec. 7, passed July 14, 1997.]

## **Section 15.110 Wetlands and Natural Areas Plan Objectives**

The following are the objectives of the Wetlands and Natural Areas Plan. The objectives are to:

(1) Identify and protect significant natural resources that promote a healthy environment and natural landscape that improves livability.

(2) Protect significant natural resources that provide fish and wildlife habitat, scenic values, water quality improvements, stormwater management benefits, and flood control.

(3) Protect significant natural resources that provide recreational and educational opportunities.

(4) Balance natural resource protection and growth and development needs.

## Chapter 16

### Historic Preservation

#### Sections:

**16.010 Background.**

**16.020 Assumptions.**

**16.030 Objectives.**

#### **Section 16.010 Background.**

Tualatin's history is directly tied to the agricultural based economy which historically supported the majority of its residents. The development patterns from this agricultural base left a scattering of residential dwellings and structures on the landscape with a small core area for retail activities. This pattern continued until the 1970's when rapid growth came to the area. From the 1970's to 1991 the City experienced rapid growth in residential, commercial and industrial activities. The once thriving agricultural economic base was transformed into a suburban extension of the Portland Metropolitan area. Along with this economic prosperity came the loss of many of the historic resources which once identified the community.

The City of Tualatin Comprehensive Plan - Phase I - Technical Memoranda developed in 1979 identified 7 structures in the central area of downtown. These structures were subsequently given historic status and regulations pertaining to modifications, demolitions and alterations for the designated resources were adopted and integrated into the Tualatin Development Code. The Technical Memoranda further indicated additional historic resources are located in Tualatin and that urban development would cause the loss of these resources. The report concluded that the City should investigate ways to preserve the history of the community.

#### **Section 16.020 Assumptions.**

The following are general assumptions used to formulate the Historic Preservation Plan:

(1) The demand for the City's residential, commercial and industrial land will continue and will create pressure to demolish and remove historic resources.

(2) Residential, commercial and industrial development has caused a number of the historic resources in the City to be demolished, re-located or altered.

(3) The City has historic resources which have not been identified or inventoried.

(4) Alterations have occurred to buildings, structures and sites which have diminished their value as historic resources.

(5) A mechanism needs to be established to provide an ongoing survey of the City's historic resources.

(6) Many of Tualatin's historic resources have been lost due to an inadequate comprehensive plan element concerning historic preservation.

#### **Section 16.030 Objectives.**

The objectives of the Historic Preservation Plan are to:

(1) Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration, rehabilitation, protection and use of those buildings, structures, sites and objects of historic interest within the City;

(2) Foster community and neighborhood pride and sense of identity based on recognition and use of historic resources;

(3) Strengthen the economy of the City by encouraging property owners to preserve historic resources for tourists, visitors and residents;

(4) Encourage public awareness, understanding and appreciation of the City's history and culture;

(5) Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of Tualatin;

(6) Identify and preserve diverse architectural styles reflecting periods of the City's historical and architectural development, encourage complementary design and construction for alterations affecting historic resources and en-

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courage relocation of historic resources over demolition;

(7) Enhance property values and increase economic and financial benefits to the City and its inhabitants;

(8) Identify and resolve conflicts between the preservation of historic resources and alternative land uses;

(9) Integrate the management of historic resources into public and private land management and development processes;

(10) Carry out the provisions of Statewide Planning Goal 5;

(11) Prepare a report describing the comprehensive history of the City's past; and

(12) Identify and list additional properties to the current list of protected historic resources.

(13) Upon annexation, potential historic resources located outside of the City, but within the City's planning area shall proceed through the significance review, conflicting use and economic, social, environmental and energy analysis;

(14) Review the impacts on landmarks when public improvement projects are proposed;

(15) Retain landmarks in the Low Density Residential (RL) Planning District on parcels which cannot be partitioned or subdivided by preserving and not demolishing or relocating them;

(16) Retain landmarks located on parcels which can be partitioned or subdivided in the Low Density Residential(RL) Planning District by property owners and developers integrating the resource into proposed lot configurations and development proposals;

(17) Allow conflicting uses and/or adaptive reuse of the Sweek House and Smith/Boone House while maintaining the architectural integrity of the two structures and discourage relocation or demolition;

(18) Allow conflicting uses to develop on the undeveloped portion of the Winona Cemetery property while maintaining the existing cemetery;

(19) Allow adaptive reuse of the structure at 6825 SW Childs Road and discourage relocation and demolition;

(20) Encourage adaptive reuse of landmarks in commercial planning districts and discourage relocation and demolition;

(21) Encourage conflicting uses on the Isaac Ball site while maintaining the architectural integrity of the landmark;

(22) Allow conflicting uses on the Little White House site and encourage relocation over demolition;

(23) Allow conflicting uses on the Smith Row House site, and encourage relocation over demolition;

(24) Preserve the Cipole School while allowing conflicting uses to occur on undeveloped portions of the site; and

(25) Allow conflicting uses in manufacturing planning districts and encourage relocation over demolition. [Chapter 16 added by Ord. No. 844-91, Sec. 3, passed October

14, 1991. Amended by Ord. No. 894-93, Sec. 2, passed May 24, 1993.]

## Chapter 20

### Sign Design

#### Sections:

**20.010 Background.**

**20.020 Purpose.**

**20.030 Objectives.**

#### **Section 20.010 Background.**

(1) The City of Tualatin is a community of natural beauty, quality architecture and landscaping and planned urban design. Signs are one of the more visual and prominent components of urbanscapes. Signs have a strong visual impact on the character and quality of the community. Signs are of primary concern to business owners, customers and the public. Clear and effective signage is essential to the successful operation of businesses and public and semi-public uses and can, without distraction, facilitate vehicular, bicycle and pedestrian movement. Signage can also, however, be a significant contributor to visual clutter and blight. Large, garish and/or numerous signs designed as "attention getters" are neither necessary nor desirable in Tualatin's setting. With care, signs can serve to effectively identify uses and provide a positive contribution to the City's visual quality.

(2) The City of Tualatin competes with many other Oregon, national and international communities for economic opportunities. Since the City relies on its scenery and physical beauty to attract residents and commerce, aesthetic considerations assume economic value. To ensure the City of Tualatin is a desirable community in which to live, vacation and conduct business and to protect the City's economic base, a visually pleasing, attractive environment is important and desired.

#### **Section 20.020 Purpose.**

The purpose of this chapter is to promote the public health, safety and welfare through a comprehensive system of effective sign Objectives.

#### **Section 20.030 Objectives.**

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.
- (2) Protect the public health, safety and welfare.
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.
- (7) Protect and enhance the quality street-scapes, architecture, landscaping and urban character in Tualatin.
- (8) Protect and enhance property values.
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.
- (11) Allow greater sign heights and dimensions for Freeway Oriented Activities.
- (12) Allow only temporary signs on a property with no building.
- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.
- (17) In the residential planning districts sign numbers, heights and dimensions for dwelling

(Revised 09/05)

units shall be restricted and for conditional uses shall be consistent with the use.

(18) Allow indirect and internal illumination in residential planning districts for conditional uses.

(19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.

(20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.

(21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs. [Chapter 20 added by Ord. 960-96, Sec. 4, passed

May 28, 1996.] (Ord. 1120-02, Amended, 11/15/2002; Ord. 1176-04, Amended 11/22/04.)



**Chapter 30**

**Tualatin Urban Renewal Plan**

**Sections:**

**30.010 Urban Renewal Plan.**

**30.020 Leveton Tax Increment Plan**

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**Section 30.010 Urban Renewal Plan.**

The Tualatin Urban Renewal Plan, 1975, as amended by the Tualatin Central Urban Renewal Plan, 1984, 1987, 1992, and 2002, and thereafter referred to as the "Tualatin Central Urban Renewal Plan," is hereby adopted as part of the Tualatin Community Plan and is incorporated by reference into the Tualatin Development Code. [Sec. 30.010 amended by Ordinance No. 730-87, Sec. 3, passed September 14, 1987; Ordinance No. 881-92, Sec. 3, passed November 9, 1992; Ordinance No. 882-92, Sec. 3, passed December 14, 1992.] (Ord. 1108-02, Amended, 04/22/2002)

**Section 30.020 Leveton Tax Increment Plan.**

The Leveton Tax Increment Plan, 1985, as amended on June 26, 1989, December 12, 1994, March 23, 1998, November 22, 1999, and April 8, 2002, is adopted as part of the Tualatin Community Plan and is incorporated by reference into the Tualatin Development Code. [Sec. 30.020 added by Ord. 674-85 §3, passed August 12, 1985. Amended by Ord. 778-89 §2, passed July 10, 1989; Ord. 935-94 §1, passed December 12, 1994; Ord. 1036-99 §1, passed Nov. 22, 1999.] (Ord. 1105-02, Amended, 04/08/2002)

**Chapter 31  
General Provisions**

**Sections:**

- 31.010 Title.**
- 31.020 Classification of Planning Districts.**
- 31.030 Compliance With Planning District Standards.**
- 31.040 Planning District Map.**
- 31.050 Planning District Boundaries.**
- 31.060 Definitions.**
- 31.063 Neighborhood/Developer Meetings**
- 31.065 Procedure for Council Recognition of a Neighborhood Association.**
- 31.067 Procedure for Annexing Territory to the City Limits**
- 31.070 Interpretation of Code Provisions.**
- 31.071 Architectural Review Procedure.**
- 31.072 Consideration of Architectural Review Plan.**
- 31.073 Action of the Planning Director and City Engineer on Architectural Review Plans.**
- 31.074 Architectural Review Application Review Process**
- 31.075 Effective Date of Decision.**
- 31.076 Requests for Review.**
- 31.077 Quasi-Judicial Evidentiary Hearing Procedures.**
- 31.078 Requests for Review of Architectural Review Board Decisions to the City Council.**
- 31.079 Development in Accordance with Permit; Revocation.**

**AMENDMENTS**

- 31.080 Initiation of Amendments.**
- 31.081 Notice Requirements.**
- 31.082 Burden of Proof for Amendments.**
- 31.092 Applicability.**

**FEES**

- 31.100 Fee Schedule.**
- 31.101 Commencement of Action by City.**
- 31.102 Waiver or Reduction of Fees.**

**ENFORCEMENT**

- 31.110 Activities Prohibited.**

- 31.111 Penalties.**
- 31.112 Concurrent Jurisdiction.**
- 31.113 Injunction.**
- 31.114 Conformance With Community Plan and Development Code.**
- 31.120 Violations.**

**Section 31.010 Title.**

The following sections shall be collectively known as "The Planning District Standards of the City of Tualatin Community Development Code." [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §34, passed Nov. 9, 1998.]

**Section 31.020 Classification of Planning Districts.**

In order to carry out the objectives of the Tualatin Community Plan, land within the City is divided into planning districts. The established planning districts shall be designated on the Plan Map, and the planning district designations shall be as follows:

Planning District	Abbreviated Designation
Low Density Residential	RL
Medium-Low Density Residential	RML
Medium-High Density Residential	RMH
High Density Residential	RH
High Density Residential-High Rise	RH-HR
Office Commercial	CO
Neighborhood Commercial	CN
Recreational Commercial	CR
Central Commercial	CC
General Commercial	CG
Light Manufacturing	ML
General Manufacturing	MG
Manufacturing Park	MP

[Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §68, passed June 13, 1983.]

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## Section 31.030 Compliance With Planning District Standards.

No building, structure, or land shall hereafter be used, possessed or occupied, and no building, structure, or any part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered contrary to the provisions of Chapters 31-74 of the City of Tualatin Community Development Code. Any use of land or existing structures which is not in conformity with the provisions of the applicable Planning District Standards at the time of the adoption of the City of Tualatin Community Development Code shall be nonconforming uses and structures subject to the provisions herein described by TDC Chapter 35. [Ord. 590-83 §1, passed April 11, 1983.]

## Section 31.040 Planning District Map.

Each planning district shall be designated on the Plan Map of the Tualatin Community Plan. To carry out the purposes of the planning district standards, the Plan Map of the Tualatin Community Plan shall be known as the "Planning District Map." The primary function of the Planning District Map is to describe the boundaries of the planning districts so that people using this Code may determine which planning district standards regulate the use and development of their land. [Ord. 590-83 §1, passed April 11, 1983.]

## Section 31.050 Planning District Boundaries.

Except as otherwise provided, the boundaries of each planning district designated on the Planning District Map are intended to follow, wherever possible, property lines, extensions of property lines, natural features such as creeks or riverbanks, and the center-lines of public highways. Where this is not possible, the boundaries between planning districts are drawn to scale. In the event that the exact location of any planning district boundary is ambiguous or uncertain for any reason, the Council, by resolution, shall establish the exact location of any such boundary. [Ord. 590-83 §1, passed April 11, 1983.]

## Section 31.060 Definitions.

As used in this Code, the masculine includes the feminine and the neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

A-Frame (also known as an A-Board or Sandwich Board) Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

Abandoned Sign. A sign, associated with a business, lessor, owner, product, use of property or activity, which is no longer conducted or available on the premises where such sign is displayed for on-premise signs, or on other premises for off-premise signs.

Access. A way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property.

Access Management. The process of providing and managing access to land while preserving the flow of traffic in terms of safety, capacity, and speed.

Accessory Dwelling Unit (ADU). A living area in a detached single family dwelling in the RL District or in a Small Lot Subdivision in the RML District that is in the single family dwelling building, but functions as a separate living area from the other living area in the detached single family dwelling. An Accessory Dwelling Unit is not a separate dwelling unit for density purposes.

Accessory Structure or Use. A structure or use incidental and subordinate to the main use of the property and which is located on the same lot with the main use, such as, but not limited to, garage, carports, tool sheds, private greenhouses, utility buildings, and home occupations.

Accessway. A non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike

lanes are provided or designated. An accessway is not a sidewalk.

Adaptive Reuse. As it relates to the landmark structure or an accessory feature of a landmark, modifying the landmark to a use or activity which is allowed under the applicable planning district designation.

Adequate Public Facilities. Public improvements determined by the Council or City Engineer to be of adequate size and capacity, and capable of supporting and servicing the physical area and designated intensity of the proposed development.

Adjacent Property. A parcel which is touching, or which is across a public right-of-way, an easement, a small creek or a small stream from the extension of the property lines of the subject property.

Adult Arcade. Any movie or game arcade which is not customarily open to the general public, but which excludes minors as a legal or prevailing business practice.

Adult Bookstore. Any store having a significant portion of its stock in trade, books, magazines, newspapers, or other printed or written material or any pictures, drawings, photographs, motion pictures or other pictorial representations which are distinguished by their emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," as defined below.

Adult Business. Any adult arcade, adult bookstore, adult cabaret, adult theater, massage parlor, sexual encounter center, body painting studio, modeling studio, adult hotel or motel, topless or nude bars, or other businesses which are characterized by an emphasis on sexually explicit material dealing with "specified anatomical areas" or "specified sexual activities," as defined below.

Adult Cabaret. A nightclub, adult theater, bar, or other establishment which features topless dancers, nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any establishment which features such activities and excludes minors as a legal or prevailing business practice.

Adult Hotel or Motel. Any hotel or motel which provides, through closed circuit television or other media, material which is distinguished or characterized by the emphasis on matter depicting or describing or related to "specific sexual activities" or "specified anatomical areas," or any hotel or motel having hourly rates and excluding minors as a legal or prevailing business practice.

Adult Theater. Any theater or similar facility which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," for observation by patrons therein.

Agricultural Sign. A sign allowed on property which is used for the sale of seasonal agricultural produce.

Alley. A narrow street through a block, primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

Alteration. Addition to, or otherwise change the exterior appearance of any part of a landmark including new construction. Maintenance and repair as defined in TDC 68.100(2) is not considered alteration of a landmark.

Alteration, Structural (for signs). Modification of the location, size, shape or height of a sign structure, including, but not limited to, the addition of illumination to a non-illuminated sign and the replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

Animal, Small. A domestic animal, such as a dog, cat, rabbit, or guinea pig, accepted by the American Veterinary Medical Association as a household pet.

Animal Hospital (Including Veterinary Clinic). Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Animated Sign. A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

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### Animated Sign, Naturally Energized.

Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

Animated Sign, Mechanically Energized: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

Animated Sign, Electrically Energized. Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

Animated Electrically Energized Flashing Signs. Illuminated signs exhibit a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) varies with the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

Animated Electrically Energized Illusionary Movement Signs. Illuminated signs exhibit the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign and are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

Antenna. A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. It is typically mounted on a supporting tower, pole, mast, or building.

Applicant. The owner of land proposed to be developed, or a representative, who shall have express written authority to act on behalf of the owner. If the applicant is not the owner, written consent shall be required from the owner.

Arcades. A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

Archaeological Site. A geographic locality that contains archaeological objects and the contextual associations of the objects with: (1) each other, or; (2) biotic or geological remains or deposits. Examples of archaeological sites include, but are not limited to lithic quarries, house pit villages, camps, burials, and lithic scatters.

Archaeological Object. An object that: (1) is at least 50 years old; (2) comprises the physical record of indigenous or other culture found in the state; and (3) is material remains of past human life or activity that are of archaeological significance including, but not limited to monuments, symbols, tools, facilities, technological by-products, and dietary by-products.

Architectural Feature or Architectural Features. The portion of a new structure or major remodeling activity which is regulated or controlled by the objectives, criteria and standards for architectural, graphic and landscaping design, which are subject to Architectural Review, and includes all aspects of an Architectural Review Plan which are not Utility Facilities.

Architectural Focal Element. A publicly-owned structure whose primary function is to attract attention and create a special sense of place.

Assembly. As used in the Manufacturing Planning districts, assembly means the putting together of a final product using parts and components that have been fabricated elsewhere and shipped in. See also Manufacturing.

Automobile Service Station. A fueling facility for passenger or commercial vehicles, including a card-lock facility, whether or not retail transactions are made or an attendant is present.

Awning. A shelter supported entirely by the exterior wall of a building and composed of

nonrigid materials except for a supporting framework.

**Awning Sign.** A type of wall sign painted or printed on, or attached flat against the surface of the nonrigid material of an awning.

**Balloon Sign.** An inflatable, stationary, temporary sign of any shape anchored by some means to a structure or the ground. It includes simple children's balloons, hot and cold air balloons, helium filled balloons, blimps, and other dirigibles.

**Banner Sign.** A temporary sign made of nonrigid material without an enclosing framework. National flags, flags of political subdivisions and symbolic flags of an institution, group or a business are excluded.

**Banner Sign, Special Event.** A banner sign that is temporarily displayed over a public right-of-way for a limited period of time for a special event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council.

**Barriers.** Physical or topographic conditions that make a street or accessway connection impracticable. Such conditions include but are not limited to freeways; railroads; steep slopes; wetlands or other bodies of water where a connection could not reasonably be provided; where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; and where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection.

**Bench Sign.** A sign that is displayed on a bench.

**Bike (Bicycle) Facilities.** On and off street improvements and facilities designed to accommodate bicycles.

**Bike (Bicycle) Lane.** A portion of roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Bike (Bicycle) Path.** A bikeway physically separated from motorized vehicular traffic

by an open space or barrier and either within the public street right-of-way or within an independent right-of-way or easement.

**Bikeway.** Any street, road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

**Blade Sign.** A rigid sign attached to a wall and perpendicular or at an angle to that wall.

**Buffer.** A landscaped strip of land established to separate and protect incompatible land uses.

**Building.** A structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

**Building Materials and Supplies.** Wholesale sales and warehousing of materials and supplies including, but not limited to, electrical supplies; fencing materials; building insulation; lumber; prefabricated trusses and structural frames; structural metal materials; masonry supplies; ceramic & stone tile and pavers; painting supplies; plumbing supplies; plywood and wood panel materials; roofing; siding; flooring; window materials; door materials; and tools (handheld and table or stand mounted).

**Building Coverage.** That portion or percentage of a lot utilized by a building or structure, excluding parking lots and driveways or sidewalks.

**Business.** All of the activities carried on by the same legal entity on the same premises, whether or not the enterprise operates for profit, and includes freemasonry, fraternal, religious, educational or social organizations. "Legal entity" includes, but is not limited to, individual proprietorships, partnerships, corporations, non-profit corporations, associations, and joint stock companies.

**Business Occupant.** A nonresidential use of real property by an owner or lessee. Each user shall be considered a separate business occupant if the user has an independent or distinct property right in the real property.

**Bylaws.** Rules or procedures adopted by an association or corporation.

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Canopy. A rigid nonmovable roof-like structure supported only by columns or posts permanently affixed to the ground, or by a building at one or more points or extremities and by columns or posts in the ground at other points or extremities.

Canopy Sign. A type of wall sign painted or printed on, or attached to the canopy fascia.

Central Design District. The Central Design District as identified in Section F of the Central Urban Renewal Plan.

Certificate of Appropriateness. A final written decision of approval, approval with conditions or denial from the Planning Director or City Council for demolition, relocation, alteration or new construction concerning a landmark.

Change of Copy. The change of any written or graphic information upon the face of a sign.

Child Day Care Center. A day care facility providing day care to children as defined in ORS 418.805(4), except a Family Day Care Provider.

Children's Play Area. An area designated for the recreation of children. Such areas may include sand boxes, bark chip areas, areas containing play structures, basketball courts, hard surface courts and wading pools.

City. The City of Tualatin, Oregon, a municipal corporation.

City Engineer. The director of the City's Engineering and Building Department or designee.

City Manager. The person appointed by the City Council as the City Manager or the City employee, employees or agent whom the City Manager may designate to fulfill the responsibilities of City Manager.

City Recorder. The person appointed by the City Council as the City Recorder or the City employee, employees or agent whom the City Recorder may designate to fulfill the responsibilities of City Recorder.

Civic Rooms. Outdoor areas that are open to the public where the space is defined by

the locations of buildings, landscaping or accessways.

Co-location. The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank, or utility pole.

Commercial Use. The retail sale of goods and services to individual consumers.

Common Wall Dwellings. Dwelling units characterized by shared wall structures, including duplexes, triplexes, attached single family residences, rowhouses, townhouses, multi-family dwellings and condominiums.

Compliance Agreement. A contract entered into by the owner and the City Manager, on behalf of the City, by which the owner promises to complete the required public improvements relating to a subdivision or partition within a specified time period in exchange for the City granting final subdivision or partition plat approval prior to completion of required public improvements.

Condominium. A property with a building or group of buildings, submitted to the provisions for condominiums in state statutes, in which units are owned individually, and common areas, structures, facilities, easements, rights and appurtenances belonging to the property are owned by all the owners on a proportional, undivided basis.

Conflicting Use. A permitted or conditional use of the site or lot on which a landmark is located or proposed which is inconsistent with the historic use of such landmark. A conflicting use includes additional single family residences in a RL District, commercial uses in a commercial planning district and demolition. Conflicting use does not include public right-of-way improvements or accessory features such as vehicle parking or landscaping, which are provided as part of an otherwise conflicting use.

Congregate Care Facility. Retirement housing with common dining facilities and housekeeping services.

Construction and Industrial Equipment Rental and Sales. Uses engaged in retail or sale

of tools and powered equipment such as tractors, loaders, hoes, lifts, cranes, and utility trucks to contractors and industrial firms.

Construction Sign. A temporary sign displayed in conjunction with a construction project on private property.

Construction Sign, Public Utility Facilities. A temporary sign displayed in conjunction with a construction project for public streets, public waterlines, public sewer lines and pump stations, public storm drain lines and other similar public facilities.

Copy. Any written or graphic information on a sign.

Core Area Parking District. The Core Area Parking District as identified in Section D of the Central Urban Renewal Plan.

Core Area Parking District (CAPD) Parking Standards. Off-street motor vehicle parking requirements for development within the CAPD provided at 75 percent of required Tualatin Development Code standards.

Craft of Building. Using skill and expertise in the design and quality of the construction of the building, especially in the building's architectural details.

Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Cul-de-sac. A dead-end street terminating in a turnaround.

Customer entry area. For the Mixed Use Commercial Overlay District only, a customer entry area is defined as the area up to 5 feet on each side of the customer entry doors and extending perpendicular no further than 10 feet from the doors.

Cutting (trees). Falling or removing a tree, or *an* act by a person, above or below ground, the natural result of which is to cause the death or substantial destruction of a tree. Cutting does not include measures performed in accordance with sound arboriculture practice such as trimming, pruning or, in the case of conifers, topping.

dB. Decibel (dB) means to a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of

the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter). "dBA" refers to the standard "A" weighting network as specified in the American National Standard Specification for Sound Level Meters (ANSI §1.4 - 1971).

Demolition. Raze, destroy, dismantle, or in any other manner cause significant partial or total destruction of a landmark.

Density Transfer Project. A residential development in a Medium Low Density Residential (RML) Planning District consisting of an area of single family development wherein the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, or consisting of both an area of single family development and an area of multi-family development in an identified project area wherein (1) the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, (2) the multi-family development consists of multi-family dwellings on a lot or lots approved through a Subdivision or Partition application and (3) an amount of unused density from the area of single family dwellings may be transferred to and used in the area of multi-family dwellings.

Developable Area. The privately owned land area upon which site improvements are to be placed, including but not limited to buildings, landscaping, parking, loading, vehicular circulation areas, outdoor storage, and water quality facilities. Developable areas do not include public rights-of-way and wetlands.

Development or Redevelopment. A planning or construction project involving property improvement, or a change of land-use character within the site; the act of using land for building or extractive purposes.

Development Application. The application form and checklist which sets forth all submittal requirements for approval of development proposals, including but not limited to



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architectural review, subdivision, partition and property line adjustment.

**Directional Sign.** A permanent sign designed and erected to guide the circulation of vehicles or pedestrians or both which are on the site.

**Directory Sign.** A permanent informational sign designed and erected to list the businesses, business occupants or tenants within buildings on the site and to be read by passengers of vehicles or pedestrians or both which are on the site.

**Double Frontage Lot.** A lot having public right-of-way frontage on two sides, but is not a corner lot; or a lot having frontage on three sides.

**Drip Line.** The outside boundary of the branches of a tree, projected downward to the ground. For the purposes of this Development Code, a drip line will be assumed to be circular rather than irregular, elliptical or whatever its actual shape might be. While the drip line need not be centered on the tree trunk, in the instance of an irregularly shaped tree, the minimum distance radius from the trunk of the tree shall be measured so that the drip line area is most advantageous to the tree's health.

**Drive-up Uses.** Any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. Drive up uses shall not include automobile service stations.

**Duplex.** A building containing two dwelling units.

**Dwelling Unit.** A habitable structure containing one or more rooms designed for occupancy by one individual or family and not having more than one cooking facility.

**Easement.** A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

**Election.** The time designated by law for voters to cast ballots for candidates and measures.

**Electrical Sign.** A sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Entry/Exit Sign.** A permanent sign designed and erected to show the location of vehicular access onto or off of a location from or to the public right-of-way.

**Erect (for signs).** The act of constructing, reconstructing, building, rebuilding, installing, reinstalling, locating, relocating, placing or replacing a sign structure, changing undamaged copy on a sign face, changing an undamaged sign face, suspending or attaching components of a sign and the installation of electrical parts, wiring or illumination of a sign. It does not include sign maintenance or repair. "Erect" shall not include changes in copy of a mechanical readerboard.

**ESEE Analysis.** An evaluation of the Economic, Social, Environmental and Energy consequences to the community of designating or preserving a landmark. The evaluation considers the balance of landmark preservation with the community benefit of allowing change or loss of a landmark to a conflicting permitted land use.

**Evergreen.** Having foliage that remains green until the formation of new foliage.

**Exterior.** All exterior portions of an historic landmark.

**Exterior Major Remodeling.** Modifications to the exterior of a building or placement of new mechanical equipment which are visible from a public right-of-way such as installation of new exterior material, addition of canopy or installation of dust collectors or storage tanks.

**Family.** An individual, or two or more persons related by blood, marriage, adoption or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship. Residents and staff of a residential home

as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Family Day Care Provider. A day care provider who regularly provides day care in the provider's home in the family living quarters, as defined in ORS 418.805(5).

Family Recreation Center. A business offering two or more forms of recreational activity such as boat rides, bowling, electronic games, go-cart tracks, miniature golf, skating, water slides, or similar commercial amusements. Restaurants, gift shops and other businesses clearly incidental to the primary recreational activities may also be included.

Festoon Sign. A string of ribbons, tinsel, small flags, lights, pennants, streamers, pinwheels or similar signs.

Fin Sign. A sign which is supported by a pole or poles or columns and partly by a building.

Final Approval. The official action taken on a preliminarily approved subdivision, partition or property line adjustment, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required public improvements have been installed, or where satisfactory security to assure completion of such improvements has been properly posted.

Flag Lot. A lot the major portion of which has access to a public street by means of a narrow strip of the lot.

Freestanding Sign. A sign attached to the ground by one or more poles, columns, or similar supports and not attached to a building, such as pole and monument signs.

Freeway-Oriented Activity (for signs). Any business or activity which provides gas, restaurant, lodging or camping facilities for travelers on Interstate Highway 5 (I-5). The freeway-oriented activity shall be located either (a) within 620 feet west or east of the centerline of I-5 and within 600 feet north or south from the centerline of S.W. Nyberg Street, or (b) within 620 feet west or east of the centerline of I-5 and within 2,000 feet south from the centerline of S.W. Lower Boones Ferry Road (see map entitled, "Freeway-Oriented Activity Ar-

reas," which is attached and incorporated and which is intended to generally define such area).

Freeway-Oriented Activity Area (for signs). See Freeway-Oriented Activity.

Freeway-Oriented Activity Sign. A permanent freestanding sign permitted to be erected when a Freeway-Oriented Activity exists within the Freeway-Oriented Activity Area.

Frontage. A property line abutting a public right-of-way.

Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Garage. A building or portion thereof designed for the storage of a motor vehicle licensed to operate on public highways.

Garden Apartment. Multi-family housing characterized by the emphasis of open landscaped areas.

Governmental Structure. A structure to be used by a federal, state or local government or municipality, special district, or agency of any such government, excepting public transportation shelter structure. A public transportation shelter structure shall be a permitted use in all planning districts.

Grade (for signs). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and the property line, or when the property line is more than five feet from the sign, between the sign and a line five feet from the sign.

Green Design. The use of natural vegetation, alternative building products using natural or recycled materials or energy efficient design in the construction of buildings.

Green Building. The use of natural vegetation, alternative building products using natural or recycled materials or energy efficient design in the construction of buildings and sites.

Green Streets. The use of natural vegetation, alternative building products using natural or recycled materials or energy efficient design in the construction of streets, sidewalks and parking areas.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a build-

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ing or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

**Gross Leasable Area.** The total floor area designed for tenant occupancy and exclusive use, expressed in square feet and measured from the center-line of joining partitions and from outside wall faces.

**Health or Fitness Facility.** A facility designed to accommodate indoor or outdoor activities such as racquetball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

**Height of Sign.** The vertical distance from grade to the highest point of a sign, including any projection, decoration or trim of the sign face or structure.

**Height, Structure.** Height of a structure is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be elected by either of the following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.

(2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Highway.** When used in TDC 1.030(2), 31.067(3)(p), 31.071(1)(u), 31.074(2)(c) and (3)(j), 32.060, 33.030(2)(g), 36.120(2)(i), 36.220(3)(h), 36.320(2)(f) and 37.020(3)(e) in reference to railroad-highway grade crossing, "highway" includes all roads, streets, alleys, avenues, boulevards, parkways and other places in this state actually open and in use, or to be opened and used for travel by the public.

**Home Improvement Materials and Supplies Retail Sales.** Retail sale of home improve-

ment materials and supplies including, but not limited to, electrical supplies; fencing materials; floor coverings such as hardwood, linoleum, vinyl, carpet and rugs; garden tractors and lawn mowers; hardware; building insulation; wall coverings, draperies, window shades, and blinds; lawn and garden supplies; lawn mowers; lighting fixtures; lumber; masonry supplies; painting supplies; plumbing supplies and fixtures; plywood and wood panel materials; siding; roofing; window materials; durable household goods (e.g. refrigerators, stoves and washing machines); and tools (handheld and table or stand mounted).

**Home Occupation.** A home occupation is a lawful business, occupation or activity undertaken for financial gain that:

(a) Is conducted in a residential planning district in or on the premises of a dwelling unit that serves as its principal place of business;

(b) By a resident of the dwelling unit;

(c) Who is the sole proprietor, owner, partner, franchise owner or holder of the business, occupation or activity; and

(d) Is secondary and incidental to the use of the dwelling for dwelling purposes.

**Homeowners Association.** A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscape, parking, maintenance and other activities provided for by the bylaws of the association.

**Hospital.** An institution providing health services, primarily for inpatients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient facilities, long-term care facilities, training facilities, central service facilities, retail facilities for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

**Housing Density.** The number of dwelling units per acre of land, rounded to the nearest whole number. (For example, 12.5 is rounded to 13 and 12.49 is rounded to 12.)

Illegal Sign. A sign which is erected, constructed, altered, relocated, maintained or repaired in violation of any of the provisions of this Ordinance.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.

Illumination, Direct. Lighting wherein the light source is visible.

Illumination, Fluorescent Tube. Lighting wherein an electrical current is passed through a gas-filled tube, with a coating of fluorescent material on its inner surface, which emits visible light.

Illumination, Incandescent Bulb. Lighting wherein an electrical current is passed through a filament inside a bulb and the filament emits visible light. The filament source of light may be visible as in clear bulb or bare bulb illumination or it may not be visible as in frosted or painted bulb lighting.

Illumination, Indirect. Lighting wherein the light source is separate from the object to be illuminated, including but not limited to a sign face or cabinet, and is directed to shine on the object or sign.

Illumination, Internal. Lighting wherein the light source and the bulb or tube enclosing the light source are enclosed within a structure, including but not limited to a sign and are not visible.

Illumination, Neon. Lighting wherein an electrical current is passed through a tube containing neon gas which emits visible light.

Industrial Machinery Sales and Service. The sale and service of machines and tools primarily for industrial and commercial firms including machine tools, fabrication, processing and packaging machinery, hoists, conveyors, racking systems and forklifts.

Industrial Master Plan. A plan, approved by the Tualatin City Council, that guides development within the boundaries of an Industrial Master Plan Area defined by that plan and located within a Manufacturing Park Planning District.

Industrial Master Plan Area. The area within the boundaries of an Industrial Master Plan.

Industrial Use. Activities directly associated with manufacturing, processing, assembly and packaging, wholesale trade, construction, utilities, transportation and warehousing.

Inlaid Floor Sign. For the Mixed Use Commercial Overlay District only, a sign on private property that is incorporated into the floor/walkway area in a customer entry area. This sign is intended to be seen only by people looking down who are at a customer entry area and not to be seen by people in a public right-of-way or a public access parking lot. An Inlaid Floor Sign is not a wall sign or a free-standing sign.

Interconnected Places. Buildings and distinct areas that are related in their connection to one another through accessways or visual linkages.

Intersections as a Room. A place that is defined by the streets, buildings or structures located at the intersection of two or more streets.

Joint Access (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.

Joint Use Parking. Vehicle parking where two or more separate developments are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times.

Landmark. Any site, object, building or structure designated by the City Council and listed on the Landmark Inventory of the City.

Landscape Improvement (excluding greenways, parks and other Parks and Recreation Department roadside improvements). Addition or modification of landscape materials to a site which has not obtained prior Architectural Review approval or installation of landscape material which is substantially different than approved through a prior Architectural Review.

Landscaped Plaza. An open space which may consist of trees, plants and lawn combined with decorative features such as fountains, paving bricks, benches or other site furniture.

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**Landscaping.** The improvement of land by such means as contouring, planting of lawn, groundcover plants, shrubs or trees, and by the location of outdoor structures, courtyards, planters, raised beds, walkways and other similar features.

**Lawn Sign.** A temporary, freestanding or A-frame sign.

**Light Truck.** Two axle motor vehicles including trucks, cargo vans, school buses and motor homes with a Gross Vehicle Weight (GVW) of 28,000 lbs. or less.

**Limited Land Use Decision.** Defined in ORS 197.015 and outlined in ORS 197.195 means a final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns:

(1) The approval or denial of a subdivision or partition, as described in ORS Chapter 92.

(2) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

**Living Unit.** In assisted living facilities, residential facilities and congregate care facilities, a room, apartment, cottage or other area set aside for the use of a resident individual or couple.

**L-max.** A maximum noise level, measured in dBA and occurring over any duration or amount of time.

**Location (for signs).** A lot, site, building wall, or any place upon which a sign is or can be erected, attached or maintained.

**Lollipop Appearance.** A row of street trees with compact, upright canopies that are spaced so that the canopies are discontinuous.

**Lot.** A unit of land that is created by a sub-division of land as set forth in ORS 92.010 - 92.190.

**Lot, Corner.** A lot abutting two intersecting streets other than an alley.

**Lot, Through.** (also called a double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

**Lot Area.** The total horizontal area, calculated in square feet, within the property lines of the lot.

**Lot Coverage.** The proportional amount of land on a lot covered by buildings.

**Lot Line.** The property line bounding a lot.

**Lot Line Adjustment.** The relocation of a common property line between two abutting properties. (Also known as Property Line Adjustment.)

**Lot Line, Front.** The lot line separating the lot from the street other than an alley.

**Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or other-shaped lot, a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street shall be considered a rear lot line.

**Lot Line, Side.** Any lot line not a front or rear lot line.

**Lot of Record.** A lot or parcel conforming to all planning district requirements and Tualatin Development Code provisions in effect on the date a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.

**Lot Width.** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

**Lot Width, Average.** The sum of the length of the front lot line and the rear lot line divided by 2.

**Major Commercial Center (for signs).** A development in the Central Commercial or General Commercial Planning Districts, or in the Light Manufacturing Planning District and in the Central Urban Renewal District where additional General Commercial uses are permitted in accordance with the Tualatin Development Code (TDC 60.030), and which is on one tax lot of at least 3.0 acres and has either (1) at least

one building of no less than 30,000 square feet of gross floor area, or has (2) at least two buildings with one having no less than 12,000 square feet of gross floor area.

**Major Remodeling.** Any man-made exterior modifications to improved or unimproved real property, including but not limited to the construction, installation, or alteration of a building or other structure; any remodeling that substantially changes the exterior appearance of the building (including painting); any site alteration which substantially alters the topography or appearance of the site; and any change in occupancy from single family use to commercial or industrial use.

**Major Transit Stop.** Existing and planned light rail stations, commuter rail stations and transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in TDC Chapter 11 (Figure 11-6); and existing stops which have or are planned for frequently scheduled fixed-route service.

**Manufactured Dwelling.** A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the Structural Specialty Code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

**Manufactured Home.** A structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), as amended on August 22, 1981.

**Manufacturing.** As used in the Manufacturing Planning districts, manufacturing means the creation of basic parts of a manufactured product from raw materials. See also Assembly.

**Marquee.** A projecting, permanent, roofed structure attached to and supported only by a building.

**Marquee Sign.** A type of wall sign painted, printed on, or attached to the marquee fascia.

**Massage Parlor.** An establishment that provides personal massage and is not a part of or directly related to a licensed medical or physical therapy facility.

**Medical Center.** A comprehensive, multi-disciplinary health care facility contained in several buildings providing a wide range of diagnostic, imaging and treatment services on an inpatient and outpatient basis to sick and injured persons; and providing training, administrative, maintenance and housing activities related to its health care mission; and providing limited supporting retail and service uses.

**Memorial Planning and Products Center.** A facility providing cremation and burial planning assistance and associated products and services, including a crematory, sale of memorial products such as caskets and urns, comfort rooms and witnessed placement cremation services serving the immediate family of the deceased, and similar death-care related products and services, but not including mortuaries, cemeteries, funeral homes or similar facilities that hold memorial or funeral services which are open to the general public.

**Mixed Solid Waste.** Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.

**Mixed Use Development.** A tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, manufacturing, public, or entertainment, in a compact urban form.

**Mixed Use Residential Development.** A mixed use development containing one or more residences.

**Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**Mobile Home Park.** Any place where four or more manufactured dwellings are lo-

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cated within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Modeling Studio.** Any establishment in which figure models are provided to display "specified anatomical areas" for the purpose of being observed, sketched, painted, sculptured, photographed, or similarly depicted, and which excludes minors as a legal or business practice.

**Modular Home.** A residential structure consisting of prefabricated components manufactured at a remote location and assembled on-site.

**Monument Sign.** A freestanding sign which is permanently affixed at grade and has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

**Multi-Family Dwelling.** A building containing two or more dwelling units.

**Mural.** A pictorial or graphic decoration, illustration, visual representation or art work which is applied directly to a wall and does not contain letters, numbers, logos, brand names or trademarks. Murals are Architectural Features which are reviewed through the Architectural Review process.

**New Construction.** A new building, structure, parking area or other detached improvement on the same parcel as an identified landmark which is ancillary to the current use.

**Noise Sensitive Property.** Any residence, apartment, condominium, multi-family dwelling or any school, church, nursing home, retirement home, group care home or day care center located in a residential planning district.

**Nonconforming Sign.** A sign lawfully erected and existing, and properly maintained and repaired prior to May 13, 1992, but which does not meet the requirements of TDC Chapter 38.

**Nonconforming Structure or Use.** A lawful existing structure or use at the time this Code or any amendment hereto becomes effective which does not conform to the requirements of the planning district in which it is located.

**Nonmedical Uses (for signs).** In the Medical Center District nonmedical uses are supporting retail and service uses for the convenience of patients, patient visitors, staff physicians and on-site employees and include only the following:

(1) bank branch/automatic teller machine not greater than 1000 square feet (sf) of gross floor area (GFA),

(2) barber/beauty shop not greater than 750 sf of GFA,

(3) child day care not greater than 4000 sf of GFA,

(4) credit union not greater than 1000 sf of GFA,

(5) fitness center not greater than 15,000 sf of GFA,

(6) florist/gift shop not greater than 750 sf of GFA,

(7) pharmacy not greater than 2000 sf of GFA, and

(8) restaurant/delicatessen/coffee shop not greater than 1500 sf of GFA.

**Nonretail Cardlock Fueling Station.** An unattended facility where gasoline and diesel fuels are dispensed through a card or key activated fuel dispensing device by nonretail customers.

**Nursing or Convalescent Home.** A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

**Obscene Sign.** A sign or other advertising structure displaying any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is pat-

ently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

**Obstructing Sign.** A sign, including its supports and structure, which interferes with the use of a fire escape, exit or a window such that light, ventilation or ingress and egress is reduced below the minimum required by law.

**Off-premise Sign.** A sign which identifies or gives directions to a use or activity and which is located on premises other than where the activity or use is provided.

**Off-Site.** Any area not located within the property to be developed, whether or not in the common ownership of the applicant for development approval.

**Off-Street Parking.** Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way. Off-street parking includes surface lots, parking structures, and underground parking.

**Outdoor Dining Facility.** An establishment that serves food and beverages in an outdoor setting as part of a restaurant.

**Outdoor Recreation Trail.** A pedestrian path that provides access to and through recreational elements and open spaces. These trails are generally located within the City's designated greenways. Typically they are 1/4 mile or more in length and serve as part of the recreation experience, but can also function as routes for commuter or destination-oriented trips.

**Outdoor Recreational Access Route.** A pedestrian path that provides access to a recreation trail. These trails are on City-owned property, exclusive rights-of-way or easements, but are not necessarily located in a designated greenway. They are typically 1/4 mile or less in length.

**Outdoor Sales, Temporary.** The temporary sale of seasonal goods or merchandise such as holiday vegetation, fireworks and produce, or temporary outdoor amusements such as carnivals from a location outside of a building in a mobile stand, tent or in the open air.

**Outdoor Shared Areas.** Common areas in multi-family developments used by residents

for outdoor activities. Outdoor shared areas can include, but are not limited to open lawn areas, gazebos, covered spaces, swimming pool areas, walking trails or sport recreation fields.

**Outdoor Storage.** The storage of materials or merchandise outside of a building. Except as otherwise provided in these standards, outdoor storage shall include only materials or merchandise directly related to the primary permitted use on the site where the outdoor storage is proposed to be conducted.

**Overhead Door.** An opening in a wall that is at least eight feet wide and eight feet in height and that is used as an access to a loading dock, loading bay, vehicle service bay, or other similar work area. The opening is covered by a door that opens overhead.

**Overhead Door Sign.** A sign located at the uppermost area of the overhead door opening or immediately above an overhead door opening.

**Owner.** Any person, firm, corporation or combination, or any other legal entity having legal title to land sought to be the subject of any application or decision of this Development Code.

**Painted Highlights.** Painted areas on a wall which highlight a building's architecture or structure and do not contain letters, numbers, logos, brand names or trademarks. Painted highlights are architectural features which are reviewed through the Architectural Review process.

**Parcel.** A unit of land that is created by a partitioning of land, as set forth in ORS 92.010.

**Parking Lot Improvement or Expansion.** The alteration of land or expansion of existing off-street parking, including grading, paving or installation of landscaping, on land intended to be regularly used for the temporary storage of motor vehicles. Parking lot improvement does not include resurfacing existing asphalt parking or re-striping of parking lots.

**Partition.** An act of partitioning land, or an area or tract of land partitioned, as set forth in ORS 92.010.



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Partition Land. To divide land into two or three parcels of land within a calendar year, as set forth in ORS 92.010.

Pedestrian Facilities. On and off-street improvements and facilities such as sidewalks, walkways, pedestrian paths, outdoor recreation trails, outdoor recreation access routes, accessways, and other amenities designed to accommodate pedestrians.

Pedestrian Paths. Pedestrian paths are generally located within the City's designated greenways, but may be located elsewhere to provide access between residential, commercial, public, and semi-public uses. The paths serve as routes for recreational, commuter and destination-oriented trips.

Pennant. A sign that is a triangular flag which is tapered to a point or swallowtail.

Person. A natural person, his or her heir, executor, administrator, assign or successor in interest; a firm, partnership, corporation, association or legal entity, its or their successors or assigns; and any agent, employee or representative of any of the above-mentioned.

Phase. A distinct stage of development having adequate public facilities.

Planning Director. The director of the City's Planning Department or designee.

Planning District. Land use regulatory designation under the Tualatin Development Code.

Plaque Sign. For the Mixed Use Commercial Overlay District only, a type of wall sign associated with and located near a customer entry area.

Plat. A final subdivision plat, replat or partition plat, as set forth in ORS 92.010.

Plat, Partition. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition, as set forth in ORS 92.010.

Plat, Subdivision. A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, as set forth in ORS 92.010.

Porch. A covered entrance to a building.

Portable Collection Facility. A trailer, dropbox or similar portable or semi-portable container or enclosure for the collection and storage of repairable or reusable household goods or materials for the purpose of transfer of said goods and materials elsewhere for further processing. In this context, "materials" is specifically intended to include newspaper, magazines and other printed matter.

Portable Construction Office. An enclosed structure used for a business office or storage of construction or residential, commercial or industrial structures by the owner, subdivider, contractor, or their authorized agents and representatives.

Preliminary Approval. After specific elements of a development plan have been submitted to and agreed upon by the City and prior to final approval, the conditional approval and qualified acceptance which is given by the City.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision or partition.

Primary Condominium Lot. A large lot, usually held in common ownership by condominium owners, and containing secondary condominium lots.

Primary Landmark. A landmark which originated prior to 1900.

Primary Public Customer Doorway. One or more principal entryways to a business provided for customer access on a day-to-day basis.

Private Areas. Outdoor areas which are an extension of private interior spaces. Private areas include main entrances to dwelling units and patio areas.

Private Grounds. Includes all real property not contained within public right-of-way.

Private Improvements. Includes any drainage ditch, roadway, parkway, bikeway, walkway, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility which the property owner,

and not a governmental authority, is responsible for maintaining and operating.

Project Sign. For the Mixed Use Commercial Overlay District only, a type of sign to identify a project. For the purposes of this definition a project is a functionally integrated and coordinated development on at least 10 acres that may include more than one lot and be separated by a public street. The project is reviewed through the Architectural Review process as one application, as two or more simultaneous applications, or as two or more applications for phases of the same development.

Property, Adjacent. A parcel which is touching, or which is across a public right-of-way, an easement, a small creek or a small stream from the extension of the property lines of the subject property.

Property Line. An imaginary line defining the boundary limits of a tract of land or lot.

Property Line Adjustment. The relocation of a common property line between two abutting properties, as set forth in ORS 92.010. (Also known as Lot Line Adjustment.)

Public Hearing. An adjudicatory proceeding held by the City Council preceded by specified public notice at which interested persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating an application complies with applicable development regulations and where the City Council determines whether and under what conditions the application complies or development may occur.

Public Improvement. Includes any drainage ditch, roadway, parkway, bikeway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility constructed in compliance with the Public Works Construction Code for which the City or other governmental authority will ultimately assume the responsibility for maintenance and operation.

Public Road. A road under the jurisdiction of a public body.

Public Sign. A sign erected and maintained by a special purpose district, public school district, municipal, county, state or fed-

eral government, or any political subdivision or agency thereof.

Public Utility Facility. All on-site and off-site improvements and related accessories to be accepted for ownership, maintenance and operation by a public agency, including but not limited to, sanitary sewers and pump stations, water lines including related reservoirs, pump stations, pressure reading stations and hydrants, storm drain systems, greenways, bikepaths, and streets including, alleys, street lights, street name signs, traffic control systems and devices.

Public Works Construction Code or Public Works Code. The document entitled "Public Works Construction Code" adopted by the Council to provide design, materials and workmanship specifications for public improvements constructed by developers.

Qualified Arborist. A professional in the field of arboriculture who provides professional consultation about trees and other woody plants regarding damage, diseases, and afflictions which affect them; their health and care; and their value. The arborist must be able to demonstrate proficiency and credibility through evidence of either of the following:

(1) Membership in the American Society of Consulting Arborists, or

(2) Qualification for inclusion on a list of acceptable qualified arborists by the City through documentation of any or all of the following:

(a) Substantial and regular experience as an arborist.

(b) Pertinent academic degree or other forms of certified training;

(c) Referential record of practice in the field as an arborist through examples of a variety of arboricultural consultation problem-solving situations.

Quasi-judicial. The application of general standards and criteria to a specific set of facts in order to determine the conformance of the facts to the applicable criteria and resulting in a determination that will definitely affect only a small number of identifiable people.

Readerboard, Electronic Message Center (Changeable Copy) Sign. A sign on which copy can be changed electronically by using patterns

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of lights that may be changed at intermittent intervals.

Readerboard, Mechanical (Changeable Copy) Sign. A permanent sign on which copy can be changed manually, in the field, by using letters, numbers or symbols which can be affixed to the sign face or are snapped into place or are track-mounted.

Recognized Neighborhood Association. Any homeowners association, neighborhood association, or other similar group which has requested and received recognition by the City in accordance with the requirements of the Tualatin Development Code.

Recreational Vehicle. A vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode and as further defined, by rule, by the Oregon Department of Consumer and Business Services Director [ORS 446.003(12)].

Recreational Water, Snow and Land Vehicles. Motorized vehicles for recreational purposes, that do not meet the Oregon Motor Vehicle Code requirements for legal operation on public streets and roads, including but not limited to personal watercraft such as Jet Ski and SeaDoo brands, snowmobiles such as Polaris brand, go-carts and swamp or dune buggies.

Recycling-Collection Center. A permanent facility for the collection, storage, repair, processing or distribution of repairable or reusable household goods or materials, when housed in a fully enclosed building. In this context, "materials" is specifically intended to include empty bottles, jars, cans, boxes or similar containers, as well as newspaper, magazines and other printed matter.

Relocation. Relocating a landmark from its existing parcel to another parcel or repositioning a landmark on an existing parcel.

Replat. The act of platting the lots, parcels and easements in a previously recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition

plat or to increase or decrease the number of lots in the subdivision, as set forth in ORS 92.010.

Reserve Strip. A narrow strip of land located between a subdivision or partition and other property at the ends of, or parallel to streets which has not been dedicated to public use, but rather conveyed to the City for purposes of enhancing City control over development of the adjacent property.

Reserve Frontage Lot. A lot which is required by the City to take access across a specified lot line to separate residential development from railroad tracks or crossings, arterial or collector streets, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

Residential Care. Services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board, as defined in ORS 443.400(4).

Residential Facility. A residential facility providing residential care, training or treatment for six or more individuals exclusive of staff, as defined in ORS 443.400.

Residential Home. A residential training home or residential treatment home for five or fewer individuals exclusive of staff, as defined in ORS 443.400.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Restaurant. An establishment where meals are prepared and served to the public for consumption on the premises entirely.

Restaurant, Drive-In. A restaurant in which patrons order from and are served food in their automobiles and which is designed for consumption of food to occur in the automobiles on the premises. Little or no inside customer seating is provided.

Restaurant, Take-Out. An establishment where some of the meals are prepared and

served to the public for consumption on the premises; others are prepared and packaged for customers to take off the premises for consumption. A take-out restaurant may or may not include a drive-up window where customers order through a speaker, drive around and pick up food, then leave premises for consumption.

Restrictive Covenant. A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.

Retirement Housing. Housing occupied by persons who are 58 years of age and older, including couples with one person 58 years of age or older, where a more supportive living environment than typically afforded to residents in conventional apartments or single-family residential housing is provided. Retirement housing includes "congregate care facility" and "retirement housing facility," or combinations thereof as defined by this code. Retirement housing does not include "nursing or convalescent home" as defined below by this code.

Retirement Housing Facility. Retirement housing consisting of dwelling units in a multi-family structure or complex.

Riparian area. The area adjacent to a river, lake, stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial system.

Riparian corridor. Riparian corridor includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

Roadway. The portion of street right-of-way developed for vehicular traffic.

Roof (for signs). Any exterior building surface that is not vertical.

Roof Sign. A sign erected on or attached to a roof.

Rotating, Revolving or Moving Sign. A sign, except a banner, or portion thereof designed to move.

School. A place for systematic instruction in any branch or branches of knowledge; including any of the following: kindergarten, primary, intermediate, high school, community college, college or university, or combination

thereof. May be a public school or a private school offering instruction substantially similar to public school.

Secondary Condominium Lot. A small, individually owned lot, usually encompassing the perimeter of a dwelling unit and located inside the primary condominium lot.

Secondary Landmark. A landmark which originated after 1900 and which is at least 50 years of age.

Setback. The minimum horizontal distance between the public street right-of-way or side and rear property lines to the front, side and rear lines of a building or structure located on a lot.

Sexual Encounter Center. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where persons may congregate, assemble or associate for the purpose of engaging in the sexual conduct.

Shared Roadway. A type of bikeway where bicyclists and motor vehicles share the same roadway.

Shingle Sign. A rigid sign hanging from an awning, canopy, marquee or building overhang.

Sidewalk. A pedestrian walkway with permanent surfacing located in a street right-of-way, generally constructed as part of a street improvement and parallel to the street improvement. A sidewalk is not an accessway.

Sight Distance. The distance along which a person can see approaching objects, such as automobiles or pedestrians at a street intersection or from a driveway along a street.

Sign. An identification, description, illustration, symbol, letter, number, logo, fluorescent tube or row of tubes, incandescent bulb or string of bulbs, or graphic information or device, but not an architectural feature of a building, including the structural supports, which is affixed directly or indirectly, or temporarily or permanently, upon a building, vehicle, structure or land. Signs identify or direct attention to a product, place, activity, person, institution, business, use, idea, belief, candidate or political issue. Murals and painted highlights are not signs.

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**Sign Band.** An area on each elevation of a building that establishes the location for permanent wall signs.

**Sign Band, Main Building Entrance.** An area located on the wall within a distance of no more than eight feet of the main building entrance doorway. A main building entrance is one grade level entrance to a building that is the primary building entrance for occupants and visitors.

**Sign Clearance.** The distance from the grade directly below a sign to the bottom of the lowest portion of the sign.

**Sign Contractor.** A person engaged in the business of sign construction, sign maintenance or sign repair and registered with the Oregon Construction Contractors Board.

**Sign Face.** The surface to which a sign is affixed. A single-sided sign has one sign face. A double-sided sign may have one or more sign faces on each side. A multi-sided sign may have multiple faces and includes multi-faceted signs and signs in the shape of figures and objects.

**Sign Face Area.** The portion of a sign containing copy and the background for the copy. See Section 11, Measuring Signs.

**Sign Maintenance.** Normal care needed to keep a sign functional such as cleaning, painting, oiling and changing bulbs and tubes.

**Sign Repair.** Fixing or replacement of broken or worn parts, sign faces or copy. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed. Sign repair includes repairs to damaged signs unless the cost of the repair exceeds 50 percent of the value of the sign during the most recent period of use before repairs are initiated.

**Sign Structure.** One or more supports, uprights, braces, or other framework of a sign.

**Single-Family Dwelling.** A single dwelling unit detached or separate from other dwelling units. A dwelling unit not having common walls with another dwelling unit.

**Site.** For purposes of a decision following the limited land use process, a site refers to

the property upon which a development is proposed.

**Sketch Map.** A plan map provided to the City Engineer as part of a development application for purposes of property line adjustment.

**Skirting.** A covering that totally obscures the undercarriage of a manufactured dwelling, extending from the top of the undercarriage to the ground.

**Small-Lot Subdivision.** A subdivision containing lots smaller than 6,500 square feet and that has been granted conditional use approval.

**Snipe Sign.** A sign, usually composed of paper, plastic or plywood, affixed to a tree, fence post, utility pole, or similar structure.

**Source Separated Recyclables.** Means, at a minimum, recyclable materials designated "principal recyclable material" by the State Environmental Quality Commission under ORS 495A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, aluminum, container glass, office paper and tin cans. (OAR 340-60-030).

**Spanner Panel.** A cabinet, flat surface or other similar surface erected so that it is approximately vertical and attached to the posts, poles, columns or other supporting members of a canopy or other similar roof-like structure, or attached to the canopy itself. Spanner panels often span the space between the poles or extend from the poles supporting gas station pump island canopies.

**Specified Anatomical Areas.**

(1) Less than completely and opaquely covered:

- (a) Human genitals, pubic region;
- (b) Buttock, and
- (c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stand-Alone Structure. A single purpose building that does not have a mixture of uses within it and therefore has an architectural design appropriate to the use.

Storage Area. The space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days.

Store. The space within a building, other than a basement, included between the surface of any finished floor and the surface of the ceiling immediately above said floor.

Stream. A stream is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street. A structure within the boundary lines of a public right-of-way which provides for public use of a public roadway for the purpose of vehicular and pedestrian traffic and the placement of utilities, and including the terms "road," "highway," "lane," "place," "avenue," "court," "circle," "alley," or other similar designation.

Street Right-of-Way. Publicly owned land devoted to the primary purpose of street and utility construction.

Street Tree. A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Stub-out (Stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future resulting in the extension of the stubbed street.

Structural Alteration. Any change to the supporting members of a building or structure, including foundations, bearing walls, partitions, columns, beams, girders, or roof or other supports.

Structure. That which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner

and which requires a location on the ground or which is attached to something having a location on the ground.

Structure Bulk. The mass or size of a structure.

Subdivision. The splitting of a single tract of land into four or more parcels.

Subdivision Improvements. Construction of facilities such as streets, water, sewer, gas and telephone lines and other construction related to drainage, landscaping and beautification.

Subdivision Sign. A sign located on land in a recorded subdivision approved through the City of Tualatin subdivision review process.

Substantially Complete. A subdivision or partition will be considered substantially complete when, in the opinion of the City Engineer, the City will not be adversely impacted by issuance of building permits prior to acceptance of the public improvements by resolution of the Council. Substantially complete includes, but is not limited to a determination that water and sewer lines have been tested and ready to begin service, that as-built drawings of public facilities have been submitted, that the roadway surfaces and drainage facilities will provide year-round access to each lot and that street lights are installed and authorized to be energized.

Telecommuting: The act of an employee working at home by the use of an electronic linkup with a central office.

Temporary Sign. A sign not permanently attached to the ground (set on or post driven or dug into the ground with no footing or foundation), wall or building and allowed to be displayed for only a short period of time.

Tenant. A separate business or business occupant whether as owner, purchaser or lessee. See Business and Business Occupant.

Townhouse. A dwelling unit in the RML, RMH, RH and CO (in the Central Urban Renewal District's Block 1) Planning Districts that is either attached or detached where the owner of the dwelling unit also owns the land the dwelling is located on, the dwelling unit has its own front door and back door or side door access to the outside, no dwelling unit is located

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over another dwelling unit, and each dwelling unit is separated from another unit by one or more vertical fire-resistant walls.

Tract. An non-buildable unit of land created in the partitioning or subdivision process.

Traffic Control Device. Any sign, signal or other device constructed by a road authority, as defined by State law, for the purpose of vehicular or pedestrian traffic control.

Transit System. The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers, or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls and skyways, as set forth in ORS 267.

Transportation Facility or Improvement. Any physical facility constructed for the movement of people or goods, excluding electricity, sewage and water systems; the operation, maintenance, repair and preservation activities of existing facilities including but not limited to road, bicycle, pedestrian and rail facilities; the installation of improvements including but not limited to culverts, fencing, guardrails, landscaping, lighting, medians and pathways within the existing right-of-way; emergency measures necessary for the safety and protection of people and property; acquisition of right-of-way for public roads, highways and other transportation improvements designated in the Transportation System Plan TDC Chapter 11; and construction of a street or road as part of an approved subdivision, land partition, architectural review or other land use decision consistent with the TDC.

Tree. A living, standing, woody plant having a trunk eight inches or more in diameter, widest cross section, at a point four feet above mean ground level.

Tri-Plex. A building containing three dwelling units.

Tualatin Development Code (TDC). The TDC, as amended, as of the date of submittal of a development application.

Urban Renewal Area. A portion of the central area of the City legally designated by the City Council as appropriate for urban renewal.

Unsafe Sign. Any sign, part of a sign or sign structure which is liable to collapse or fall due to inability to withstand wind, seismic or other loads, as specified in the Uniform Building Code of the City, or as determined by the City Building Official. Whenever any sign or part of a sign obstructs the view of motorists traveling on the public streets or on property open to the public and creates risk of property damage or personal injury, it is an unsafe sign.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Facility or Utility Facilities. The portion of a new structure or major remodeling activity which is regulated or controlled by applicable portions of the City's Structural Specialty and Fire and Life Safety Code, the City's Public Works Construction Code, the City's Plumbing Code, the City's Mechanical Code, and those portions of the Tualatin Development Code which regulate site access, street, sanitary and storm sewer and water improvements, on-site vehicle circulation, and the location of power, gas, telephone, cable television, and other similar activities. "Facilities" includes Public Utility Facilities, but does not include architectural features.

Vegetated Corridor. A corridor adjacent to a water quality Sensitive Area that is preserved and maintained to protect the water quality functions of the water quality sensitive area.

Vision Clearance Area. A triangular shaped area established at the intersection of any combination of rights-of-way, private roads, alleys and driveways. The sides of the triangle shall extend an equal and specified distance from the intersection of the property lines, or from the property lines extended along the right-of-way away from the intersection.

Walkway. A pedestrian facility which provides a paved surface for pedestrian circulation within a development. A walkway may be

shared with bicycles and may cross vehicle areas.

Wall (for signs). The vertical face elements of a building from the perspective of an architectural elevation, including parapet walls and appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations, wing walls, and windows, doors and other openings.

Wall Area. The measurement in square feet of a building wall based on the height and width of an architectural elevation.

Wall Sign. A sign which is affixed to or painted on a wall of a building.

Wall Sign, Hospital Identification. A wall sign located on one hospital building wall intended for visibility from the I-5/SW Nyberg Avenue Interchange.

Wall Sign, Main Building Entrance. A wall sign located on the main building entrance sign band.

Wetlands. Land areas determined by the Oregon Division of State Lands to be wetlands.

Wetlands Conservation Lot. A parcel consisting principally of wetlands and therefore unsuitable for development, created to preserve and protect wetlands.

Wholesale Sales. The sale, lease or rent of products primarily intended for industrial, institutional or commercial firms.

Window Sign. A sign permanently or temporarily painted on or affixed to the glazing of a window or window frame, or permanently mounted within two feet of the window pane and intended for viewing from outside the building.

Wireless Communication Facility. An unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

Wireless Communication Facility Attached. A wireless communication facility that is affixed to an existing structure, e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or

light pole, that does not include an additional wireless communication support structure.

Wireless Communication Support Structure. A new structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles and guyed towers.

Yard. An open space on a lot which is unobstructed by buildings or structures from the ground upward.

Yard Setback. An open space on a lot which is unobstructed by buildings or structures from the ground upward and is the minimum horizontal distance between the public street right-of-way or side and rear property lines to the front, side and rear lines of a building or structure located on a lot.

Yard Setback, Front. An open space between side lot lines, and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building.

Yard Setback, Rear. An open space extending between side lot lines, and measured horizontally at right angles from the rear lot line of the nearest point of a building.

Yard Setback, Side. A yard between a building and the side lot line, measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the building. [Ord.

590-83 §1, April 11, 1983; Ord. 585-82, Dec. 13, 1982; Ord. 635-84 §8, June 11, 1984; Ord. 647-85 §1, Feb. 11, 1985; Ord. 661-85 §1, June 10, 1985; Ord. 705-86 §§1 and 2, Sept. 8, 1986; Ord. 725-87 §1, June 22, 1987; Ord. 743-88 §§1, 2, 3, 4, 5, 6 and 7, March 28, 1988; Ord. 769-89 §2, Feb. 27, 1989; Ord. 812-90 §1, Sept. 24, 1990; Ord. 818-91 §8, 9 and 10, Jan. 14, 1991; Ord. 822-92 §4, Dec. 14, 1992; Ord. 827-91 §5, March 25, 1991; Ord. 828-91 §2, March 25, 1991; Ord. 844-91 §4, Oct. 14, 1991; Ord. 849-91 §§2, 8 and 9, Nov. 25, 1991; Ord. 862-92 §1, March 23, 1992; Ord. 868-92 §3, May 11, 1992; Ord. 882-92 §4, Dec. 14, 1992; Ord. 884-93 §1, Feb. 8, 1993; Ord. 890-93 §2, April 12, 1993; Ord. 894-93 §§3 and 4, May 24, 1993; Ord. 895-93 §2, May 24, 1993; Ord. 898-93 §1, June 14, 1993; Ord. 902-93 §2, June 28, 1993; Ord. 904-93 §1, Sept. 13, 1993; Ord. 911-94 §4, Feb. 14, 1994; Ord. 920-94 §1, April 11, 1994; Ord. 921-94 §2, April 25, 1994; Ord. 930-94 §1, Aug. 8, 1994; Ord. 937-95 §3, Jan. 9, 1995; Ord. 942-95 §2, March 27, 1995; Ord. 947-95 §§3 and 4, July 24, 1995; Ord. 956-96 §§4, 5 and 6, Jan. 8, 1996; Ord. 963-96 §§2 and 8, June 24, 1996; Ord. 960-96 §6, May 28, 1996; Ord. 965-96 §4, Dec. 9, 1996; Ord. 979-97 §8, July 14, 1997; Ord. 1007-98 §1, July 13, 1998; Ord. 1013-99 §5, Jan. 11, 1999; Ord. 1025-99 §1, Jul. 26, 1999;



Ord. 1026-99 §14, Aug. 9, 1999; Ord. 1046-00 §2, Feb. 14, 2000; Ord 1063-01 §1, Feb 12, 2001; Ord. 1088-01, Amended, 08/27/2001; Ord. 1096-02, Amended, 01/28/2002; Ord. 1097-02, Amended, 02/11/2002; Ord. 1103-02, Amended, 03/25/2002; Ord. 1120-02, Amended, 11/15/2002; Ord. 1129-03, Amended, 02/24/2003; Ord. 1133-03, Amended, 03/24/2003; Ord. 1136-03, Amended, 04/28/2003; Ord. 1145-03, Amended, 07/28/2003; Ord. 1157-04, Amended, 03/08/2004; Ord. 1160-04, Amended 05/24/2004; Ord. 1176-04, Amended 11/22/04; Ord. 1194-05, Amended 08/22/2005.)

### **Section 31.063 Neighborhood/Developer Meetings**

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews; 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 Develop-

ment 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. (Ord. 1149-03, Add, 10/13/2003)

### **Section 31.065 Procedure for Council Recognition of a Neighborhood Association.**

(1) The purpose of this Section is to provide a method whereby a group of residents or property owners in a location which is distinct from existing, recognized neighborhood associations,

may form a recognized neighborhood association. The business of such association may include any legitimate activity, but shall at a minimum include acting as the recipient and neighborhood disseminator of information from the City which may be of interest to the neighborhood.

(2) A petitioner who wishes to receive City Council recognition for a neighborhood association shall complete and submit to the City Recorder a written request. The written request shall include at least the following information:

(a) a map which accurately illustrates the proposed boundaries of such association, so long as they do not overlap with any other recognized association boundaries.

(b) a current list of names and addresses of households within the proposed boundaries;

(c) the names, addresses, telephone numbers and hierarchy of leaders within the proposed association, so long as each such leader resides within the proposed boundaries of such association.

(d) the petition shall be signed by representatives of greater than 50% of the households within the proposed association boundaries, so long as the total number of households within said boundaries is not less than three.

(3) The City Recorder or designee shall review the petition for completeness and thereafter schedule a public hearing for City Council consideration.

(4) The City Council shall conduct a quasi-judicial hearing to determine whether to recognize the association, giving due consideration to logical geographic boundaries, other nearby residences which lie outside recognized association boundaries, planning district boundaries, subdivision boundaries, and in the case of multiple unit structures, whether all residents proposed to be included. The City Council may approve, approve with conditions, or deny the application or it may continue the public hearing for the presentation of additional evidence. the Council shall adopt a written order as a final decision. After the City Council has adopted an order recognizing the neighborhood association, the association leaders shall be responsible for

disseminating to its members official information which is directed to the association by the City. No particular form of dissemination of official information is required, so long as it is reasonably calculated to apprise the membership. Members of such association include all residents within the boundaries of the association. The City shall not be responsible for overseeing elections, choosing between competing factions or verifying the fulfillment of duties to be fulfilled by leaders. [Ord. 743-88 §18, passed March 28, 1988.]

## **Section 31.067 Procedure for Annexing Territory to the City Limits**

(1) The purpose of this Section is to establish a procedure to be used in conjunction with Metro Code 3.09 and Oregon Revised Statutes for annexing territory to the City Limits.

(2) An applicant for an annexation to the City Limits shall discuss the proposed annexation with the Community Development Director, or designee, and City Engineer, or designee, in a pre-application conference prior to submitting an application. An applicant for an annexation shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

(3) After the pre-application conference, the applicant shall submit to the Community Development Department an Annexation Application which shall contain:

(a) The Application For Annexation form;

(b) The Petition To Annex To The City of Tualatin form;

(c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;

(d) The Certification of Legal Description and Map form;

(e) The Certification of Property Ownership form;

(f) The Certification of Registered Voters form;

(g) The Property Owner Information Sheet form;

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(h) The City application fee, and the Metro application fee in a separate check made payable to Metro;

(i) The 3 column by 10 row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:

(i) the owner (fee title) of the subject territory, and

(ii) the owners (fee title) of the lots within 300 feet of the subject territory, including any public street right-of-way to be annexed;

(j) The Request For Expedited Procedure form if the expedited process is desired by the applicant;

(k) The Annexation Property Information Sheet form;

(l) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within 300 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed shall be outlined with a wide, light colored ink marker;

(m) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; and

(n) The Community Development Director may require information in addition to the above.

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

(p) 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.

(4) The Community Development Director shall set the City Council public hearing date.

(a) For an Expedited Application the hearing shall be at least 20 days after the application is complete to allow for the Metro Code 3.09.045 comment period.

(b) For a Nonexpedited Application the hearing shall be at least 45 days after the appli-

cation is complete to allow for the Metro Code 3.09.030 comment period and the date shall be determined within 30 days after the application is complete.

(5) The City Council shall conduct a quasi-judicial public hearing, or a legislative public hearing if the proposed annexation is a legislative action, and before granting the annexation shall find the application conforms to TDC Objectives 4.050(20) and (21) and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes.

(6) For quasi-judicial and legislative Expedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 20 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, City recognized neighborhood associations whose boundaries are within 300 feet of the subject territory and to Necessary Parties as defined in Metro Code 3.09, and

(b) Post notice in two public and conspicuous places.

(7) For quasi-judicial and legislative Nonexpedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 45 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, City recognized neighborhood associations whose boundaries are within 300 feet of the subject territory and to Necessary Parties as defined in Metro Code 3.09;

(b) Post notice in two public and conspicuous places and post 2 weatherproof notices at least 45 calendar days prior to the hearing along the subject territory's public street frontage, or if there is no public street frontage, along a public street right-of-way near the subject territory, and

(c) Publish one notice at least 17 calendar days prior to the hearing in a newspaper of general circulation in the affected territory.

(d) For quasi-judicial and legislative Nonexpedited Annexation Applications initiated by less than 100% of the owners and less than

50% of the electors in the territory, notice shall be provided in accordance with Oregon Revised Statutes, Chapter 222. (Ord. 1157-04, Amended, 03/08/2004; Ord.

1149-03, Amended, 10/13/2003; Ord. 1146-03, Add, 07/28/2003)

## **Section 31.070 Interpretation of Code Provisions.**

(1) The City Manager or designee shall have the initial authority and responsibility to interpret all terms, provisions and requirements of the Tualatin Development Code.

(2) Unless accompanied by an application, submitted under some other Development Code or Ordinance provision, a party wishing an interpretation shall submit a written application to the Planning Department. The application shall be accompanied by a detailed description of factors related to the issue for interpretation, including, but not limited to:

- (a) the amount and type of traffic generated;
- (b) the type of manufacturing or commercial process;
- (c) the nature of any machinery used;
- (d) noise and odor characteristics, associated with the use or activity;
- (e) outside storage of materials or products;
- (f) type of structures required;
- (g) character of activity to be conducted on the site;
- (h) amount of parking required;
- (i) number of persons who would occupy the premises at any one time; and
- (j) any other information which the City Manager or designee determines to be relevant to a determination of the issue.

(3) Within 30 days of the submission of all required information, the City Manager or designee shall cause a final decision to be made on the issue. The decision shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. The Planning Department shall maintain a collection of such decisions.

(4) The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of TDC

31.076 and 31.077. [Ord. 590-83 §1, passed April 11, 1983; Ord. 743-88 §8, passed March 28, 1988.]

## **Section 31.071 Architectural Review Procedure.**

(1) An applicant for a building or other permit subject to 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. 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

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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 in-

quire 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. [Ord. 590-83 §1, passed April 11, 1983; Ord. 743-88 §9, passed March 28, 1988; Ord. 862-92 §2, passed March 23, 1992; Ord. 864-92 §\_\_, passed April 13, 1992; Ord. 898-93 §2, passed June 14, 1993; Ord. 933-94 §9, passed Nov. 28, 1994; Ord. 954-95 §13, passed Dec. 11, 1995; Ord 1070-01 §2, passed April 9, 2001; Ord 1096-02 §2, Jan 28, 2002.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003; Ord. 1097-02, Amended, 02/11/2002; Ord. 1096-02, Amended, 01/28/2002; Ord. 1070-01, Amended, 04/09/2001)

### **Section 31.072 Consideration of Architectural Review Plan.**

The Architectural Review Plan shall consist of utility facilities and architectural features. Prior to the processing of the Architectural Review Plan, the following shall be completed:

(1) The applicant shall obtain any required use approvals, including but not limited to plan amendments, variances, conditional use permits, Unified Sewerage Agency Service Provider Letter, partitions, historic preservation certificate of appropriateness, property line adjustments and preliminary subdivision approvals.

(2) The City Engineer shall verify and advise the Planning Director whether the utility facilities portion of the Architectural Review Plan is complete and addresses all applicable ordinances, resolutions, rules and regulations.

(3) The Planning Director shall verify that the architectural features portion of the Architectural Review Plan is complete and addresses all applicable ordinances, resolutions, rules and regulations.

(4) If the Architectural Review Plan, submitted by the applicant is not complete or does not adequately comply with the applicable requirements of (1), (2) and (3) of this Section, the

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Planning Director or City Engineer shall identify in writing the reasons for which the application is not complete or does not comply with particular requirements. A copy of the Planning Director's and City Engineer's comments, if any, shall be mailed to the applicant at the address shown on the application.

(5) Except as provided herein the Architectural Review Plan, submitted by the applicant, shall be deemed complete when it is determined that the applicable requirements of (1), (2), and (3) of this Section have been satisfied. Where the applicant fails or refuses to submit information which has been requested by the Planning Director or the City Engineer, then the application shall be deemed complete when submittal of application is received, whichever is earlier. The application shall be date stamped by the Planning Director as of the date the application is deemed complete.

(6) Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant shall be responsible for providing fully revised application materials and for clearly identifying those application materials which are revised. [Ord. 590-83 §1, passed April 11, 1983; Ord. 789-89 §1, passed Dec. 11, 1989; Ord. 844-91 §5, passed Oct. 14, 1991; Ord. 902-93 §3, passed June 28, 1993; Ord. 931-94 §1, passed Sept. 12, 1994; Ord 1070-01 §3, passed Apr. 9, 2001.] (Ord. 1070-01, Amended, 04/09/2001)

### **Section 31.073 Action of the Planning Director and City Engineer on Architectural Review Plans.**

(1) Except as provided in subsection (4), the Planning Director and City Engineer shall issue final decisions for Expedited Architectural Review Plan Applications, on the Architectural Features and Utility Facilities, respectively, of the proposed Architectural Review Plan. Architectural Reviews shall be conducted as limited land use decisions. Decisions shall be made in accordance with TDC 31.074. The decision of  
(Revised 09/05)

the City Engineer on the Utility Facilities portion of the proposed Architectural Review Plan may be made after the Planning Director issues a decision, provided the decision is made in accordance with this section.

(2) Each decision shall be one of the following:

- (a) approval
- (b) approval with conditions
- (c) denial, or

(d) except for Expedited Architectural Review Plan Applications, a request for review by the Architectural Review Board of the Architectural Features as described in subsection (4) or a request for review by the City Council of the Utility Facilities of an Architectural Review.

(3) The Architectural Features and Utility Facilities decision shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. At a minimum, the decisions shall identify the Architectural Review Plan, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, and any time frame and conditions to which the decision is subject.

(4) When the Planning Director determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the Planning Director may request the Architectural Review Board review the Architectural Features of the proposal without the Director first reaching a decision. The Architectural Review Board shall conduct a de novo hearing in accordance with quasi-judicial evidentiary hearing procedures in TDC 31.077. This applies to all Architectural Reviews except for an Expedited Architectural Review Plan Application which shall not be the subject of a public hearing, and Architectural Reviews meeting the requirements of TDC 73.030(2). The Planning Director shall prepare a report for presentation to the Architectural Review Board, which may include a recommendation on Board action. In

this case the City Engineer shall make a decision on the Utility Facilities within 14 calendar days after the Architectural Review Board adopts a final order that approves or approves with conditions the Architectural Features and, unless otherwise required by the City Council, after any review has been completed by the City Council. [Ord. 590-83 §1, passed April 11, 1983; Ord. 789-89 §2, passed Dec. 11, 1989; Ord. 902-93 §4, passed June 28, 1993; Ord. 931-94 §2, passed Sept. 12, 1994; Ord. 954-95 §14, passed Dec. 11, 1995; Ord 1096-02 §3, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 31.074 Architectural Review Application Review Process**

(1) Architectural Review shall be conducted as a limited land use decision in accordance with this section and other applicable sections.

(2) Once the Architectural Features and Utility Facilities portions of an Architectural Review application are deemed complete by the Planning Director and the city Engineer respectively, written notice of the application shall be provided to:

(a) the applicant and owner of the subject property;

(b) owners of property (fee title) within 300 feet of the entire contiguous site. The list of property owners shall be compiled from the most recent property tax assessment roll, and this shall be deemed met by an affidavit or other certification that such notice was given;

(c) neighborhood associations recognized in accordance with TDC 31.065 and whose boundaries include the site; and

(d) potentially affected governmental agencies such as: school districts, fire district, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a County road or otherwise be subject to review by the County, then the County, and Clean Water Services.

(e) ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property.

(3) The notice provided in TDC 31.074(2) shall:

(a) state the nature of the application and the proposed use, if known;

(b) state the applicable decision criteria by TDC section for the decision;

(c) state the street address or other easily understood geographical reference to the subject property;

(d) state the date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;

(e) state that issues which may provide the basis for a request for review to the Architectural Review Board, City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(f) state that notice of the decision will be provided only to those persons who submitted written comments in accordance with this section;

(g) state the name of a City representative to contact and the telephone number where additional information may be obtained;

(h) state that copies of all evidence submitted by the applicant are available for review and can be obtained at cost ; and

(i) briefly summarize the local decision making process for the limited land use decision being made.

(j) state a railroad-highway grade crossing provides or will provide the only access to the subject property.

(4) Failure of a person or agency identified in TDC 31.074(2) to receive the notice required in TDC 31.074(2) shall not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(5) Parties who received notice of application in accordance with TDC 31.074(2) shall submit written comments to City offices no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.



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(6) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that:

(a) explains the criteria and standards considered relevant to the decision;

(b) states the facts relied upon in issuing the decision; and

(c) explains the justification for the decision based on the criteria, standards and facts set forth.

(7) Notice of the decision shall be provided to the property owner, applicant and any person who submitted written comments in accordance with TDC 31.074(5) when the decision is made by staff. If the Architectural Review Board makes the initial decision, then anyone who testified orally or in writing at the public hearing shall be provided the notice of decision, in addition to those persons listed above. The notice shall include an explanation of rights to request a review of the decision.

(8) Requests for reviews can be filed as specified in TDC 31.075, and shall follow TDC 31.076. [Ord. 590-83 §1, passed April 11, 1983; Ord. 789-89 §3, passed Dec. 11, 1989 Ord. 902-93 §5, passed June 28, 1993; Ord 1096-02 §4, Jan 28, 2002.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1096-02, Amended, 01/28/2002)

### **Section 31.075 Effective Date of Decision.**

(1) The decisions of the Planning Director and the City Engineer on the Architectural Features and Utility Facilities respectively or the Architectural Review Board, where the plan is initially reviewed by the Architectural Review Board shall each become final 14 calendar days after the date the notice of the decision is given unless written request for review of the Architectural Features or Utility Facilities decision is sought and submitted on a form provided by the City for that purpose.

(2) The Planning Director shall prepare a form that shall be used to request a review. The form shall consist of the following:

(a) the description of the subject property or the proposed name of the project;

(b) the date on which the request for review is received by the Planning Director;

(c) whether the decision for which review is requested pertains to Architectural Features or Utility Facilities or both;

(d) a statement that the form is being used in part to determine whether the Architectural Review Board or the City Council is the appropriate hearing body for review;

(e) a statement that the form shall be signed and submitted in writing; and

(f) a place to indicate how a person is adversely affected by the decision and how the decision is allegedly not in conformance with applicable Code requirements.

(3) The Planning Director may request additional information for administrative purposes.

(4) A request for review for an Architectural Review or Utility Facility decision may only be made by a party that has submitted written comments within 14 calendar days of the mailing date of the notice of application and may be adversely affected by the Architectural Review or Utility Facility decision. If the Architectural Review Board made the initial decision, a request for review may be made by a party that submitted written comments prior to the hearing or testified orally or in writing at the public hearing. A request for review shall be filed in accordance with this section, shall be complete and signed by the person making the request or the person's agent, and shall be accompanied by a fee as established by City Council resolution. Filing a request for review shall automatically stay the effective date only of the decision for which review is requested until either:

(a) review is conducted together with any appeals to the City Council or Architectural Review Board and a final decision is made; or

(b) a written withdrawal of the request for review is received from the person filing the request prior to the hearing and the 14 calendar day time frame for filing a request for review has otherwise passed.

(5) The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within the 14 calendar days a written request for review to the City Council is received at the

City offices by 5:00 p.m. on the 14th day. A request for review of Utility Facilities to the City Council shall be filed within 14 calendar days after notice of the decision is mailed. Requests shall be signed and submitted in writing by 5:00 p.m. on the 14th calendar day at the City offices.

(6) Where no properly filed request for review of a decision relating to an Architectural Review Plan has been filed, then a withdrawn request for review and the expiration of the filing deadline, shall render the decision which is the subject of the request final. If both the Architectural Features and Utility Facilities decisions are subject to requests for review, the effective date of each decision shall be stayed until each decision becomes final. [Ord. 590-83 §1, passed

April 11, 1983; Ord. 789-89 §4, passed Dec. 11, 1989; Ord. 902-93 §6, passed June 28, 1993; Ord 1096-02 §5, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 31.076 Requests for Review.**

(1) Upon receipt of a request for review, the Planning Director shall indicate the date of receipt, determine the appropriate hearing body to conduct review, schedule the hearing and give notice of the hearing in accordance with this section. A request for review shall be accompanied by a fee as established by City Council resolution.

(2) The Planning Director shall determine the appropriate hearing body to conduct review as follows:

(a) If the request for review raises issues regarding the design or conditions in the Architectural Features decision or an application of standards relating to preservation of a historic structure and the Architectural Review Board has not already held a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for such subject matter.

(b) If the request for review raises issues regarding the design or conditions for both the Architectural Features and Utility Facilities, and if the Architectural Review Board has not already conducted a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for the

Architectural Features decision and the City Council is the appropriate hearing body for the Utility Facilities review; otherwise the City Council is the appropriate hearing body for both.

(c) If the request for review raises issues regarding the design or conditions relating to the Utility Facilities Decision then the City Council is the appropriate hearing body.

(d) If the request for review involves a final decision by the Architectural Review Board, an interpretation of Code provisions under TDC 31.070, a decision of the Planning Director with regard to a minor variance (TDC Chapter 33), tree cutting (TDC Chapter 34), temporary use (TDC Chapter 34), a decision on demolition, relocation, alteration or new construction of a landmark (TDC Chapter 68), a decision of the City Engineer on a minor variance (TDC Chapter 33), partition or subdivision (TDC Chapter 36), property line adjustment with a minor variance (TDC Chapter 36), request for access onto an arterial street (TDC Chapter 75), an application for development within the flood plain (TDC Chapter 70), a decision on a permit within the Wetlands Protection District (TDC Chapter 71), or other application not listed in this subsection, then the City Council is the appropriate hearing body.

(3) Where a request for review is directed to the Architectural Review Board, a meeting of the Board shall be scheduled for a meeting date which is not less than seven nor more than 21 days from the expiration date of the request for review period. Except as provided herein, the Architectural Review Board shall conduct a hearing in accordance with TDC 31.077. The review conducted by the Board shall be limited to the applicable criteria, i.e. architectural features. The decision of the Architectural Review Board shall be adopted by a majority of the Board following the conclusion of the hearing. Within 14 calendar days of the decision, the Planning Department shall place the Architectural Review Board decision together with findings in support of the decision and other necessary information in a written form. The written materials prepared by the Planning Department

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shall be approved and signed by the Chair or Acting Chair of the Board, and thereafter such materials shall be the final decision of the Board. The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within the 14 calendar days a written request for review to the City Council is received at the City offices by 5:00 p.m. on the 14th day. Notice of the final decision of the Architectural Review Board decision may be provided to any person, but shall be mailed by first class mail to:

(a) the applicant and owner of the subject property;

(b) owners of property (fee title) within 300 feet of the entire contiguous site who commented on the proposal;

(c) recognized neighborhood associations whose boundaries include the site;

(d) City Council members;

(e) potentially affected governmental agencies such as: school districts, fire district, Clean Water Services, where the project site either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the County; and

(f) members of the Architectural Review Board.

(4) Where a request for review is directed only to the City Council, the review hearing shall be scheduled for a Council meeting date. The City Council shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures in TDC 31.077.

(5) Where a request for review is directed by the Planning Director to both the City Council on a Utility Facilities decision and the Architectural Review Board for an Architectural Features decision, the review hearing conducted by the City Council shall be stayed pending a final decision of the Architectural Review Board. The Council may consolidate evidentiary hearings on matters subject to direct review by the Council with related matters appealed to the Council from the Architectural Review Board. Quasi-

judicial evidentiary hearing procedures shall be followed.

(6) Upon review, the decision shall be to approve, approve with conditions or deny the application under review. The decision shall be in writing and include findings of fact and conclusions for the particular aspects of the decision, which shall be based upon applicable criteria. At a minimum, the decision shall identify the Architectural Review Plan, if any, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, an explanation of the rights to request a review of the decision, and any time frame or conditions to which the decision is subject. [Ord. 590-83 §1, passed April 11, 1983; Ord. 789-89 §5, passed Dec. 11, 1989; Ord. 844-91, §6, passed Oct. 14, 1991; Ord. 902-93, §7, passed June 28, 1993; Ord. 963-96, §3, passed June 24, 1996; amended by Ord. 1009-98 §35, passed Nov. 9, 1998; Ord 1096-02 §6, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 31.077 Quasi-Judicial Evidentiary Hearing Procedures.**

(1) A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section shall be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision, including, but not limited to an annexation to the City Limits pursuant to TDC 31.067, an interpretation of a Code provision pursuant to TDC 31.070, a conditional use application ( TDC Chapter 32), a variance or minor variance application (TDC Chapter 33), a transitional use application (TDC 34.180-34.186), a conditional use permit for a small lot subdivision application (TDC 40.030(3), 41.030(2)), a nonconforming use, or reinstatement of a nonconforming use application ( TDC Chapter 35), a quasi-judicial amendment to the Tualatin Community Plan or Map, a decision by staff whether or not to extend approval of an Architectural Review decision, a request for review of a final decision by the City staff on a

partition, subdivision, property line adjustment with a minor variance, arterial access decision or the Utility Facility portion of an Architectural Review, or a request for review of a decision of the Architectural Review Board on an Architectural Review Plan.

(2) Notice of hearing shall be provided by regular first class mail to the following:

(a) for requests for review of a decision following the limited land use process:

(i) the applicant and owner of the subject property;

(ii) owners of property (fee title) within 300 feet of the entire contiguous site who submitted written comments in accordance with TDC 31.074;

(iii) recognized neighborhood associations whose boundaries include the site;

(iv) members of the hearing body; and

(v) potentially affected government agencies such as school districts, fire district, Clean Water Services, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and the county if the project site would access a county road or otherwise be subject to review by the county.

(b) for all other requests for review:

(i) the applicant and owner of the subject property;

(ii) owners of property (fee title) within 300 feet of the subject property;

(iii) recognized neighborhood associations, whose boundaries are within 300 feet of the subject property;

(iv) members of the hearing body;

(v) the following government agencies: school districts, fire district, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the county; and

(vi) persons who have indicated in writing their desire to participate in the process on a particular application, and

(vii) for annexation, Necessary Parties as defined in Metro Code 3.09.

(3) For purposes of identifying property owners to receive notification of hearing, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of a 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, a registered architect, landscape architect, engineer, surveyor or attorney, or where the City is the applicant, the Planning 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) Failure of a person or agency to receive a notice, shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

(5) Notice of a hearing shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized;

(b) list the applicable criteria from the TDC and other ordinances that apply to the application at issue;

(c) set forth the street address or other easily understood geographical reference to the subject property;

(d) state the date, time and location of the hearing;

(e) state that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient detail and clarity to enable a decision maker to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;

(f) include the name of the particular City representative to contact and the telephone number where additional information may be obtained;

(g) state that a copy of the application, all evidence submitted by the applicant documents and evidence relied upon by the applicant and

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applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

(h) state that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;

(i) include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

(j) if the development application includes another request or application, clearly state and describe the type of request or application.

(6) The person chairing the hearing shall follow the order of proceedings set forth in subsection (7) of this section. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing shall be addressed to the chair with a request for a ruling. Rulings from the chair shall, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the hearing body present and eligible to vote on the application before the body.

(7) The procedures to be followed by the chair in the conduct of the hearing are as follows:

(a) A statement by or on behalf of the chair of the nature of the application, a general summary of these procedures, whether the decision of the body is a final decision, and the nature of the available appeal procedures within the City, if any. In addition to the foregoing and for hearings conducted before the City Council only, the statement shall include the list of the applicable substantive criteria, the requirement that testimony and evidence must be directed toward the criteria or other plan or land use regulations which the person believes to apply and that failure to raise an issue with sufficient detail and clarity to afford the decision maker and the parties an opportunity to respond to the

issue precludes appeal to the Land Use Board of Appeals on that issue.

(b) A request that all hearing body members announce any potential conflict of interest, bias or ex parte contacts.

(c) Allow for consideration of challenges to a hearing body member's right to sit in the consideration of the application. Any such challenge shall be entertained only if the person making the challenge has delivered to the member challenged and the hearing, a statement of intent to challenge and the hearing body "chair," at least 48 hours prior to the hearing, a statement of intent to challenge the person setting forth with particularity the reasons and authority for such challenge. A copy of the statement of intent to challenge with proof that the "chair" and challenged member have been served shall be served upon the City Recorder at least 24 hours prior to the hearing. If due to information made public in accordance with subsection (7)(b) of this section, a person wishes to challenge a member's right to sit notwithstanding their failure to properly file, the hearing body, by majority vote, may decide to entertain such challenge.

(d) Presentation of the City staff report.

(e) Proponent's case.

(f) Other testimony or evidence in support of the application.

(g) Opponent's case.

(h) Other testimony or evidence against the application.

(i) Testimony or evidence concerning the application which by its nature is neither in favor nor against.

(j) Rebuttal, limited to comments on evidence in the record.

(k) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.

(l) If additional documents or evidence is provided in support of the application less than seven days prior to the hearing, any party shall be entitled to a continuance of the hearing.

(m) Close of hearing and deliberation. The body's deliberations may include questions directed to City staff, comments from City staff, or inquiries in paragraph (1) of this subsection, if new evidence, conditions or modifications not presented in the staff report or raised during the public hearing are raised after the close of the hearing, the hearing can be reopened and an opportunity shall be presented for any person to comment on or rebut that evidence or information.

(n) Except as provided in TDC 31.076(3) for the Architectural Review Plan decisions, the hearing body shall make a tentative oral decision or continue the matter to a time certain. If the body deems it necessary or advisable it may at any time prior to the adoption of a written order reopen the hearing and direct that additional evidence be presented on the entire application or only on certain stated issues. Notice of such reopened hearing shall be given in the manner provided by the original notice of hearing. When a hearing record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

(o) Except as otherwise provided, the hearing body shall, within a reasonable time after making a tentative decision, but not more than ten City business days or the next regular meeting adopt a written order which sets forth with particularity the basis for that decision. The decision shall be based upon the record of the proceeding. A proposed order or report submitted by the City Manager or designee or any other person may be adopted by the hearing body as its written order or findings. Where an application is approved, the terms of the approval shall be specified, including any restrictions and conditions. The written order is the final decision on the application and the date of the order is the date it is signed by the chairperson certifying its approval by the hearing body. No publication or other notice of the final City Council decision shall be required, however in the case of the Architectural Review Board de-

cision, notice shall be given in accordance with TDC 31.074(3).

(8) The chair may admit and the hearing body may rely on all oral, documentary, physical, and mechanically recorded evidence if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Documentary, physical and mechanically recorded evidence may be admitted in the form of copies or excerpts or incorporated by reference. Evidence that is irrelevant, immaterial or unduly repetitious may be excluded from the hearing.

(9) Following a final decision only by the City Council, a person may request rehearing of the matter, which shall be allowed by the Council only if authorized by all of the Council members present and eligible to vote at the meeting at which the petition for rehearing is considered. Action on the rehearing request or the filing of a petition for rehearing shall not be required prior to seeking judicial review. If a rehearing is allowed, then quasi-judicial evidentiary hearing procedures shall apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 789-89 §6, passed Dec. 11, 1989; Ord. 864-92 §3, passed April 13, 1992; Ord. 902-93 §8, passed June 28, 1993; Ord. 1009-98 §36, passed Nov. 9, 1998; Ord 1096-02 §7, Jan 28, 2002.] (Ord. 1146-03, Amended, 07/28/2003; Ord. 1096-02, Amended, 01/28/2002)

### **Section 31.078 Requests for Review of Architectural Review Board Decisions to the City Council.**

(1) The applicant or any person who submitted written comments or testified orally or in writing at the Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Architectural Review Board to the City Council.

(2) The review of the Architectural Review Board decision to the Council shall be accomplished in accordance with this section. Failure by a person to follow the procedures described in this section may preclude that person from requesting a review by the City Council.

(3) A final decision of the Architectural Review Board shall be final for the purposes of review requests, unless a written request for re-

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view is received at the City offices within 14 calendar days of the date notice of the final decision is given; or unless prior to the date a member of the City Council or the City Manager requests a review of the decision.

(4) The request for review shall contain:

(a) a description of the subject property or the proposed name of the project;

(b) the date on which the request for review is filed at the City offices;

(c) the specific matters raised for Council consideration on review and the specific reason the appellant contends the Architectural Review Board decision is allegedly not in conformance with applicable Code requirements and reason the person is adversely affected by the decision. This requirement shall not be used to limit the matters actually considered by the City Council.

(5) The request shall be accompanied by the required fee unless it is made by a member of the City Council or the City Manager, in which case no fee shall be required.

(6) Filing a request shall automatically stay the effective date of the Architectural Features decision until either:

(a) a hearing on the request for review is conducted and a final decision is issued; or

(b) a written withdrawal of the request for review is received by the Planning Director from the person filing the appeal before any hearing on the request is conducted and the 14 calendar day time frame for a review request has otherwise passed.

(7) The City Council members, prior to the hearing, shall announce any potential or existing conflict of interest, bias or ex parte contacts. A Council member's right to sit may be challenged in the same manner as provided in TDC 31.077(7)(c).

(8) The City Council's consideration of the Architectural Review Board's decision shall follow the procedures set forth in TDC 31.077 and shall be de novo. The record of proceedings presented before the Architectural Review Board shall be presented to the City Council and shall include:

(a) all materials, pleadings, memoranda, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Architectural Review Board;

(b) all materials submitted by the City staff with respect to the application;

(c) the minutes of the hearing below;

(d) the order or decision of the Architectural Review Board;

(e) the request for review;

(f) a person who wishes to submit for Council consideration and as part of the record a verbatim transcript of the Architectural Review Board proceedings shall be provided an opportunity to do so in a timely fashion and at the person's own expense, but a transcript shall not be required.

(9) Notice of the City Council's hearing shall be given in the manner set forth in TDC 31.077(5).

(10) The Council may affirm, revise, modify or reverse the action of the Architectural Review Board in all or in part. The Council may also remand the matter back to the Architectural Review Board for further consideration. The Council may order material defects in the earlier proceedings, to be corrected, while retaining jurisdiction of the matter so that the proceedings will have been conducted in a fair and impartial manner.

(11) The Council shall adopt a written order that clearly states the basis for its decision. Where an application is approved, the terms of the approval shall be specified, including any restrictions and conditions. A proposed order submitted by the Planning Director or any other person may be adopted by the City Council. The written order is the final decision on the matter and the date of the order is the date it is signed certifying the approval by the City Council. Unless otherwise directed by the Council, no publication or other notice of the final decision shall be required. [Ord. 590-83 §1, passed April

11, 1983; Ord. 789-89 §7, passed Dec. 11, 1989; Ord 1096-02 §8, Jan 28, 2002] (Ord. 1096-02, Amended, 01/28/2002)

**Section 31.079 Development in Accordance with Permit; Revocation.**

(1) Real property may be occupied or developed and a structure may be occupied or developed only as this Code and applicable City regulations permit. The requirements of this Code and applicable City regulations apply to the person undertaking the development or the user of a development and to any successor in interest.

(2) The City Council may, after conducting a hearing pursuant to TDC 31.077, revoke any permit approval previously given and may revoke any Certificate of Occupancy for any of the following reasons:

(a) Material misrepresentation or omission of fact in the application or in testimony or evidence submitted; whether such misrepresentation be intentional or unintentional; or

(b) Failure to complete the work within the time and in the manner approved without obtaining an extension of time or modification of plans from the granting authority; or

(c) Failure to maintain and use the property in accordance with the approved plans and conditions.

(d) A representation, misrepresentation or omission is material if it bears directly upon some relevant standard, if it could affect the outcome of the hearing, or if it could affect a condition on which approval is given.

(3) The rights and remedies provided by this section are in addition to right, remedy, or penalty available to the City under any other provision of law. [Ord. 743-88 §17, passed March 28, 1988.]

**AMENDMENTS**

**Section 31.080 Initiation of Amendments.**

(1) An amendment to the text of the Planning District Standards may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner.

(2) An application for an amendment to the text of the Planning District Standards shall be on forms provided by the Planning Department and the application shall be accompanied by an amendment fee as established by City Council resolution.

(3) Notwithstanding the foregoing provisions, the Council shall conduct a public hearing at any time to consider an amendment or amendments to the Planning District Standards when it is necessary to amend the standards to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said standards. [Ord. 590-83 §1, passed April 11, 1983;

Ord. 715-87 §3, passed Feb. 23, 1987.]

**Section 31.081 Notice Requirements.**

Notice of the public hearing at which the Council will consider proposed amendments to the text of the Planning District Standards shall be in accordance with the provisions of TDC 1.031 for amendments to the text of the Tualatin Community Plan.

**Section 31.082 Burden of Proof for Amendments.**

Before granting an amendment to the text of the Planning District Standards, the Council shall make findings required in TDC 1.032.

Section 31.090 [Repealed by Ord. 743-88 §34, passed March 28, 1988.]

Section 31.091 [Repealed by Ord. 743-88 §34, passed March 28, 1988.]

**Section 31.092 Applicability.**

(1) Except as otherwise provided, the requirements of this ordinance shall apply to all applications subject to architectural review approval which are filed with the Planning Director on or after April 22, 1992, or which have been filed with the Planning Director prior to April 22, 1992, but which are not complete for purposes of review until after the effective date of this ordinance.

(2) Architectural review applications which have been accepted for review and determined to be complete prior to April 22, 1992, shall be reviewed in accordance with standards and procedures in effect prior to April 22, 1992, and if finally approved as submitted shall be constructed in accordance with the approval. Architectural review applications which have been accepted for review and determined to be complete prior to April 22, 1992, but which are sub-



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stantially changed by the applicant after April 22, 1992, and prior to a determination of completeness or any other recommended or final decision on such amended application, shall be reviewed in accordance with the Tualatin Development Code and standards as amended by this ordinance.

(3) Architectural review applications which have been finally approved prior to April 22, 1992, but which are substantially amended prior to issuance of a final occupancy permit shall be reviewed in accordance with the Tualatin Development Code and standards as amended by this ordinance.

(4) For purposes of this section, a substantial change in an architectural review application is a change which would have required an application for architectural review to be submitted if the plans previously submitted had instead reflected a completed project. In other words, would the substantial change have constituted a new structure or major remodeling if applied to an existing facility. [Ord. 590-83 §1, passed April 11, 1983; Ord. 789-89 §8, passed Dec. 11, 1989; Ord. 872-92 §1, passed June 29, 1992.]

## FEES

### Section 31.100 Fee Schedule.

Unless the action is initiated by the City Council, for which action there shall be no fee, a fee as established by City Council resolution shall be paid to the City Recorder at such time as the application for the action is filed. [Ord. 590-83 §1, passed April 11, 1983; Ord. 715-87 §5, passed Feb. 23, 1987.]

### Section 31.101 Commencement of Action by City.

No action shall be initiated by the City until such time as the required fee is paid to the City Recorder.

### Section 31.102 Waiver or Reduction of Fees.

The City Council may reduce or waive the fees upon showing of just cause to do so by the applicant. [Ord. 590-83 §1, passed April 11, 1983; Ord. 715-85 §6, passed Feb. 23, 1987.]

## ENFORCEMENT

### Section 31.110 Activities Prohibited.

No person shall erect, construct, reconstruct, alter or maintain or use any land, building or structure contrary to the provisions of the Tualatin Community Plan, the Tualatin Planning District Standards, or the Tualatin Development Code. [Ord. 590-83 §1, passed April 11, 1983; Ord. 699-86 §19, passed June 23, 1986.]

### Section 31.111 Penalties.

Violation of any provision of the Tualatin Development Code is punishable upon conviction by:

(1) A fine of not more than \$500.00 for each day of violation when the violation is a continuing violation, but such fine shall not exceed \$10,000.00.

(2) A fine of not more than \$2,500.00 when the violation is not a continuing violation. [Ord. 590-83 §1, passed April 11, 1983; Ord. 743-88 §19, passed March 28, 1988.]

### Section 31.112 Concurrent Jurisdiction.

The City of Tualatin Municipal Court, and the District and Circuit Courts of the State of Oregon for Washington County and Clackamas County shall have concurrent jurisdiction over prosecutions of violations of the Tualatin Development Code. [Ord. 590-83 §1, passed April 11, 1983; Ord. 743-88 §19, passed March 28, 1988.]

### Section 31.113 Injunction.

In the event that any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or any land is, or is proposed to be, used in violation of this Code, or any amendment hereto, the City Administrator, the City Attorney, or any person, firm or corporation whose interest in real property in the City is or may be affected by the violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate proceeding to prevent, temporarily or permanently enjoin, abate or remove the unlawful use of building structures.

**Section 31.114 Conformance With Community Plan and Development Code.**

No building permit shall be issued by the Building Official for the City of Tualatin for the erection, construction, conversion or alteration of any building or structure or use of land unless the Planning Director or designee has first determined that such land use, building or structure, as proposed, would comply with the Tualatin Community Plan and Development Code. All applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the exact sizes and locations on the lot of the building and other structures existing and proposed; the existing and intended use of each building, structure, structures, or part thereof; and such other information as is needed to determine conformance with the Tualatin Community Plan and Development Code. If, during the course of constructing any building or structure, the Building Official determines that such construction activity is in violation of any provision of the Tualatin Community Plan or Development Code, the Building Official is hereby authorized to issue a stop-work order under the applicable provisions of the Uniform Building Code. This remedy is in addition to and not in lieu of any other right or remedy available to the City to enforce the provisions of this ordinance. [Ord. 590-83 §1, passed April 11,

1983; Ord. 699-86 §20, passed June 23, 1986.]

Section 31.115 [Repealed by Ord. 699-86 §21, passed June 23, 1986.]

Section 31.116 [Repealed by Ord. 699-86 §21, passed June 23, 1986.]

Section 31.117 [Repealed by Ord. 699-86 §21, passed June 23, 1986.]

Section 31.118 [Repealed by Ord. 699-86 §21, passed June 23, 1986.]

Section 31.119 [Repealed by Ord. 699-86 §21, passed June 23, 1986.]

**Section 31.120 Violations.**

Violations of the Tualatin Community Plan, the Tualatin Planning District Standards or the Tualatin Development Code, as now or hereafter constituted, or violation of the terms or conditions attached to approval or permits which are issued thereunder, are hereby declared civil infractions and such violations may, in addition to or in lieu of other remedies or enforcement measures provided by state law or ordinance, be

enforced under the provisions of the civil infraction ordinance. Whenever the Planning Director or designate becomes aware of violations of the provisions of the Tualatin Community Plan, the Tualatin Planning District Standards, the Tualatin Development Code, or the terms or conditions attached to any approval or permit issued thereunder, the Planning Director or designate may initiate appropriate enforcement measures.

[Ord. 699-86 §22, passed June 23, 1986.]

## Chapter 32

### Conditional Uses

#### Sections:

- 32.010 Purpose and Intent.**
- 32.020 Siting Criteria.**
- 32.030 Criteria for Review of Conditional Uses.**
- 32.040 Authority and City Council Action.**
- 32.050 Authority of Architectural Review Board to Impose Conditions.**
- 32.060 Application for Conditional Use.**
- 32.070 Public Hearing for a Conditional Use.**
- 32.080 Revocation of Conditional Use Permit.**
- 32.090 Automatic Termination of Conditional Use.**

#### **Section 32.010 Purpose and Intent.**

It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- (1) Allow, on one hand, practical latitude for utilization of land and structures, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties; and
- (2) Provide machinery for periodic review of conditional use permits to provide for further conditions to more adequately assure conformity of such uses to the public welfare.

#### **Section 32.020 Siting Criteria.**

The provisions of this chapter are signed to provide siting criteria for the conditional uses specified herein and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:

- (1) Be consistent with the intent and purpose of the planning district in which it is proposed to locate such use, meet the requirements of the

Tualatin Community Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place.

- (2) Comply with the requirements of the planning district within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this chapter.

#### **Section 32.030 Criteria for Review of Conditional Uses.**

The City Council may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further provided that the applicant demonstrates that the proposed use also satisfies the following criteria:

- (1) The use is listed as a conditional use in the underlying planning district.
- (2) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
- (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.
- (5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

#### **Section 32.040 Authority and City Council Action.**

The City Council may approve, approve with conditions, or deny the application for a conditional use permit. In permitting a conditional

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use, the City Council may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. The conditions may include requirements increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication and improvement of additional right-of-way, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction of view or reduction of light or air to adjacent property, limiting the hours of operation, requiring sight obscuring fencing and landscaping, requiring construction of sound barriers such as earth berms or masonry walls, allowing co-location of antenna systems or platforms on a wireless communication support structure, requiring monopole design for wireless communication support structures, specifying the type of architectural treatment for wireless communication support structures to be compatible with its surrounding, requiring that obsolete or unused wireless communication support structures and associated equipment and antennas be removed within 12 months of cessation of operations at a site, and requiring any future enlargement or alteration of the use to be reviewed by the City Council. The City Council may also require a review of the conditional use by the City Council on or before a specified date and may upon such review impose further conditions consistent with this Chapter. In no event shall this Chapter be used as a means to exclude multi-family housing from the City. [Amended by Ord. 812-90,

Sec. 2, passed Sept. 24, 1990; Ord. 864-92, Sec. 4, passed April 13, 1992; Ord. 965-96, Sec. 5, passed Dec. 9, 1996.]

### Section 32.050 Authority of Architectural Review Board to Impose Conditions.

In those cases where the proposed conditional use must be approved by the Architectural Review Board under applicable provisions of the Community Development Code, the Archi-

tectural Review Board may attach conditions to such conditional uses of land in addition to those conditions imposed by the City Council. Such additional conditions may include, but shall not be limited to, setback requirements, screening, off-street parking and loading, construction standards and maintenance. All such additional conditions may be imposed if it is found by the Architectural Review Board that they are necessary to provide for or protect public health, safety or general welfare, and that such conditions are consistent with the purpose and intent of this chapter.

### Section 32.060 Application for Conditional Use.

A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for a Conditional Use shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and Neighborhood/Developer Meeting, the applicant shall submit an application including, but not limited to, the following: project title; the names, addresses, and telephone numbers of the property owners and applicants, and when applicable, the architect, landscape architect and engineer; the signatures of the property owners and applicants; the site address and the assessor's tax map and tax lot numbers; a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, the information on the Neighborhood/Developer Meeting specified in TDC 31.063(10), and a Service Provider Letter from the Unified Sewerage Agency indicating that a "Stormwater Connection Permit" will likely be issued. The application shall be accompanied by a fee as established by City Council resolution. 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 the ODOT Rail Division and the railroad company that the application has been received. [Amended by Ord. 715-87, Sec. 7, passed Feb. 23, 1987; Ord. 933-94, Sec. 10, passed Nov. 28, 1994; Ord 1070-01 §4, passed Apr. 9, 2001.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003; Ord. 1070-01, Amended, 04/09/2001)

**Section 32.070 Public Hearing for a Conditional Use.**

Before acting on a request for a conditional use permit, a proposed conditional use shall be considered by the City Council at a public hearing conducted in the manner provided for in TDC 31.077. The City Council may recess a hearing on a request for a conditional use permit in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the Council shall announce the time, place and date when the hearing will be resumed. [Amended by Ord. 743-88, Sec. 21, passed March 28, 1988.]

**Section 32.080 Revocation of Conditional Use Permit.**

(1) Any previously granted conditional use permit may be revoked by the City Council, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:

- (a) Failure to comply with the conditions of approval.
- (b) Discontinuance of the use for a period in excess of 1 year.
- (c) Failure to comply with other applicable provisions of the Tualatin Community Plan regarding design, dimensional or use requirements.
- (d) A change in the Tualatin Community Plan or Planning District Standards of the planning district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such planning district.

(2) Revocations initiated under TDC 32.080(1)(a) or (b) above shall not be initiated for at least 6 months after approval of the conditional use permit. Revocations initiated under TDC 32.080(1)(a), (b) and (c) above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 32.080(d) above shall have the effect of making the previously granted conditional use a nonconforming use.

**Section 32.090 Automatic Termination of Conditional Use.**

(1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void 1 year after the effective date upon which it was granted unless one of the following events occur:

(a) The applicant or his successor in interest has secured a building permit within said 1-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said 1-year period.

(b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said 1-year period.

(2) The applicant may submit a request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be filed with the City Recorder prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year.

## Chapter 33

### Variances

#### Sections:

- 33.010 Authorization to Grant or Deny Variances and Minor Variances.**
- 33.020 Conditions for Granting a Variance That is Not For a Sign or a Wireless Communication Facility.**
- 33.022 Criteria for Granting a Sign Variance.**
- 33.024 Criteria For Granting a Minor Variance.**
- 33.025 Criteria for Granting a Variance for a Wireless Communication Facility**
- 33.030 Application for Variance and Minor Variance.**
- 33.040 Public Hearing for a Variance.**
- 33.050 Recess of Hearing.**
- 33.060 Final Decision For a Minor Variance.**

#### **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. 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. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §10, passed May 28, 1996; Ord. 1009-98 §1, passed Nov. 9, 1998; Ord 1096-02 §9, Jan 28, 2002; Ord. 1096-02, Amended, 01/28/2002; Ord. 1201-05, 11/28/05.]

#### **Section 33.020 Conditions for Granting a Variance That is Not For a Sign or a Wireless Communication Facility.**

No variance shall be granted by the City Council unless it can be shown that criterion (1) is met and three of the four approval criteria (2)-(5) are met for nonsign requests :

(1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situa-

tion of the applicant or owner, or from regional economic conditions.

(3) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.

(4) The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.

(5) The variance is the minimum remedy necessary to alleviate the hardship. [Ord. 590-83 §1, passed April 11, 1983; Ord. 653-84 §1, passed Dec. 10, 1984; Ord. 960-96 §10, passed May 28, 1996; Ord. 1009-98 §2, passed Nov. 9, 1998.] (Ord. 1116-02, Amended, 08/26/2002)

### **Section 33.022 Criteria for Granting a Sign Variance.**

No sign variance shall be granted by the City Council unless it can be shown that approval criteria (1)-(6) are met:

(1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.

(3) The variance is the minimum remedy necessary to eliminate the hardship.

(4) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.

(5) The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.

(6) The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030. [Ord. 1009-98 §3, passed Nov. 9, 1998.]

### **Section 33.024 Criteria For Granting a Minor Variance.**

No minor variance shall be granted by the Planning Director, City Engineer or the City Council unless the application shows the following approval criteria are met:

(1) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently.

(2) The hardship does not result from regional economic conditions.

(3) The minor variance will not be injurious to property abutting the subject property.

(4) The minor variance is the minimum remedy necessary to alleviate the hardship. [Ord. 1009-98 §4 passed Nov. 9, 1998.]

### **Section 33.025 Criteria for Granting a Variance for a Wireless Communication Facility**

No variance to the separation or height requirements for wireless communication facilities shall be granted by the City Council unless it can be shown that the following criteria are met. The criteria for granting a variance to the separation or height requirements for wireless communication facilities shall be limited to this section, and shall not include the standard variance criteria of Section 33.020, Conditions for Granting a Variance That is Not For a Sign or a Wireless Communication Facility.

(1) The City may grant a variance from the provisions of TDC 73.470(9), which requires a 1500-foot separation between WCFs, providing the applicant demonstrates compliance with (a) or (b) below.

(a) coverage and capacity.

(i) It is technically not practicable to provide the needed capacity or coverage the tower is intended to provide and locate the proposed tower on available sites more than 1,500 feet from an existing wireless communication facility or from the proposed location of a wireless communication facility for which an application has been filed and not denied. The needed capacity or coverage shall be documented with a Radio Frequency report;

(ii) The collocation report, required as part of the Architectural Review submittal, shall document that the existing WCFs within 1500 feet of the proposed WCF, or a WCF within 1500 feet of the proposed WCF for which application has been filed and not denied, cannot be modified to accommodate another provider; and,

(iii) There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

(b) site characteristics. The proposed monopole location includes tall, dense evergreen trees that will screen at least 50% of the proposed monopole from the RL District or from a small lot subdivision in the RML District.

(2) The City may grant a variance to the maximum allowable height for a WCF if the applicant demonstrates:

(a) It is technically not practicable to provide the needed capacity or coverage the tower is intended to provide at a height that meets the TDC requirements. The needed capacity or coverage shall be documented with a Radio Frequency report; and,

(b) The collocation report, required as part of the Architectural Review submittal, shall document that existing WCFs, or a WCF for which an application has been filed and not denied, cannot be modified to provide the capacity or coverage the tower is intended to provide.

(Ord. 1116-02, Add, 08/26/2002)

**Section 33.030 Application for Variance and Minor Variance.**

(1) A request for a variance or minor variance may be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Director, or the City Engineer if a minor variance is part of a Subdivision, Partition or Property Line Adjustment Application, on forms prescribed for that purpose. The applicant shall discuss the proposed variance or minor variance and site plans with the Community Development Director, and City Engineer if appropriate, in a pre-application conference prior to submitting an application. An applicant for a variance, except for a variance to an existing single family residence, shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

(2) The application shall contain:

(a) The project title;

(b) The name, addresses and telephone numbers of the property owners and applicants, and the architect, and the architect, landscape architect and engineer;

(c) The signatures of the property owner and applicant; and

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

(e) A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and other information showing how and why the criteria are met; and

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

(g) 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 the ODOT Rail Division and the railroad company that the application has been received.

(3) Sign variance applications shall, in addition to the above, include:

(a) Name, address and telephone number of,

(i) the land and building owners or authorized agents,

(ii) the company and a contact person at the company for which the variance is intended, and



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(iii) the sign contractor company and a contact person at the sign contractor company.

(b) A site plan showing the location of the sign in relation to property lines, access points, the dripline of trees and structures on the property.

(c) A number of sets, established by the Community Development Director, of blueprints or ink drawings of the plans and specifications showing the signs and the method of construction and attachment to the building or in the ground.

(d) Information supporting the variance application and explaining how each approval criterion is met.

(e) The names, addresses and tax map and tax lot numbers of the owners of real property within 300 feet of the subject property. One set of the county assessors maps showing the subject property and properties within 300 feet of the subject property.

(f) Other information requested by the Community Development Director.

(4) The application shall be accompanied by a fee as established by City Council resolution.

[Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §10, passed May 28, 1996; Ord. 1009-98 §5, passed Nov. 9, 1998; Ord. 1070-01 §5, passed Apr. 9, 2001; Ord. 1096-02 §10, Jan 28, 2002.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003; Ord. 1096-02, Amended, 01/28/2002; Ord. 1070-01, Amended, 04/09/2001)

### Section 33.040 Public Hearing for a Variance.

Before acting upon a request for a variance or minor variance forwarded to the City Council under TDC 33.010(1)(a), the City Council shall consider the matter at a public hearing conducted in accordance with TDC 31.077. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §6, passed Nov. 9, 1998; Ord. 1096-02 §11, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### Section 33.050 Recess of Hearing.

The City Council may recess a hearing to obtain additional information or to serve further notice upon other property owners or persons who it decides may be interested in or affected by the proposal. Upon recessing for this

purpose, the Council shall announce the time, date and place when the hearing will be resumed. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §10, passed May 28, 1996; Ord. 1009-98 §7, passed Nov. 9, 1998; Ord. 1096-02 §12, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### Section 33.060 Final Decision For a Minor Variance.

(1) For a minor variance application submitted concurrent with an Architectural Review, Subdivision, Partition or Property Line Adjustment application, the decision shall be incorporated into the Architectural Review, Subdivision, Partition or Property Line Adjustment decision. The decision shall be to approve, approve with conditions, or deny the request.

(2) For other minor variance application, the decision shall be written and at a minimum shall identify the property owner, applicant, the date of the decision, the decision and any time frame and conditions to which the decision is subject.

(3) The decision shall become final 14 calendar days after the date the notice of the decision is given unless a written request for review of the decision by the City Council is filed in accordance with TDC 31.075 and 31.076. [Ord. 1009-98 §8, passed Nov. 9, 1998; Ord. 1096-02 §13, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

## Chapter 34 Special Regulations

Sections:

- TEMPORARY USES**
- 34.010 General Provision.**
- 34.011 Outdoor Sales.**
- 34.013 Mobile Food and Flower Vendors.**
- 34.014 Temporary Sales Office.**
- 34.020 Application Fee for Temporary Uses.**

- HOME OCCUPATIONS**
- 34.031 Definitions**
- 34.032 Intent and General Provisions**
- 34.045 Allowed Home Occupations**
- 34.055 Standards**

- MICROWAVE RECEIVING DISHES**
- 34.060 Purpose.**
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- RETIREMENT HOUSING**
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- TRANSITIONAL USES**
- 34.180 Purpose and Intent.**
- 34.181 Goals.**
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- 34.184 Transitional Use Conditions.**
- 34.185 Issuance, Renewal and Automatic Termination.**
- 34.186 Process.**
- 34.190 Manufactured Dwelling Park Development Standards.**
- 34.200 Tree Cutting Without Architectural Review, Subdivision or Partition Approval, or Permit Prohibited.**
- 34.210 Application for Architectural Review, Subdivision or Partition Review, or Permit.**
- 34.220 Fees.**
- 34.230 Criteria.**
- 34.240 Emergencies.**
- 34.250 Notice of Decision.**

- 34.260 Request for Review**
- 34.270 Tree Protection During Construction.**
- 34.300 Accessory Dwelling Units**
- 34.310 Standards**

### **TEMPORARY USES** **Section 34.010 General Provision.**

The following temporary uses may be permitted in the designated planning districts and on conditions stated in the permit issued in accordance with the following provisions. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 34.011 Outdoor Sales.**

(1) Temporary Outdoor Sales, as defined in TDC 31.060, may be permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(2) This section is not intended to circumvent the strict application of the provisions governing permitted and conditional uses in CC and CG Planning Districts.

(3) A Temporary Outdoor Sales Permit is not required for activities in public spaces subject to a Community Services Special Event Permit nor for seasonal displays or sales located in Architectural Review approved plaza areas adjacent to buildings in the Central Commercial and General Commercial Planning Districts.

(4) The following criteria shall be considered before any such permit may be issued:

(a) The total number of days that a parcel of land may be used for temporary outdoor sales in a calendar year is 55 days. Temporary outdoor sales approved for non-profit organizations shall not be counted against the 55-day limit.

(b) The proposed outdoor sale shall be located entirely within private property in a Central Commercial or General Commercial Planning District and the applicant shall have the written permission from the property owner to utilize the subject property.

(c) The outdoor sale shall be located on a site with Architectural Review approved access, parking and landscaping improvements.

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(d) The use is listed as a permitted use in the Central Commercial or General Commercial Planning District.

(e) The proposed outdoor sale will not result in vehicular traffic congestion.

(f) The applicant can make provision for adequate parking facilities.

(g) The outdoor sale will not result in the elimination of parking spaces required by the applicable City ordinance unless the business or businesses using such required spaces are closed for business on the day of the sale.

(h) The outdoor sale will meet all state and county health rules and regulations.

(5) An application for a permit for outdoor sales may be issued by the Community Development Director if the Director finds that Subsection (3) is satisfied by the applicant.

(6) If the Community Development Director finds that the requested outdoor sale is an annual event sponsored by a non-profit or charitable organization, and the permit has been previously approved, then the permit for such annual event may be renewed and reissued without further application; provided, however, the Community Development Director may require that an application be filed and a new permit issued to amend the permit provisions and conditions, if any, to meet changes of site, health, traffic, or other conditions affecting the use.

(6) The Community Development Director, under TDC 34.011(3), may attach appropriate conditions to the permit that are necessary to secure the health, peace, safety, and welfare of the residents and inhabitants of the City. Conditions may include but shall not be limited to requiring for disposal of litter, limiting hours of operation and requiring advance approval of such elements as site plans and design of display structures. [Ord. 590-83 §1, passed April 11,

1983; Ord. 585-83, passed Dec. 13, 1982; Ord. 681-85, §1, passed Nov. 25, 1985;

Ord. 864-92 §5, passed April 13, 1992; Ord 1160-04 §1, passed May 24, 2004.]

Section 34.012 [Repealed by 1026-99 §102, passed Aug. 9, 1999.]

### Section 34.013 Mobile Food and Flower Vendors.

(1) The purpose of this section is to permit the open-air vending of food and fresh cut flowers in

a manner that will enhance the attractiveness of the Central Commercial (CC) and General Commercial (CG) Planning Districts for pedestrian traffic.

(2) Mobile food and flower vending may be permitted in a Central Commercial (CC) and General Commercial (CG) Planning District for a period not to exceed 180 days.

(3) Applications for mobile vending permits shall meet the following criteria and requirements:

(a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device; provided that such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handles; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure.

(b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more, and on private sidewalks or parking lots, provided that the Planning Director approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit.

(c) All mobile vendors shall pick up any litter within 25 feet of their places of business and shall provide an appropriate trash container for customer use.

(d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.

(e) Design, colors and graphics for any pushcart or mobile device shall be subject to review and approval by the Planning Director to assure aesthetic compatibility with surrounding development.

(f) Food vendors shall comply with all state and county health regulations and shall fur-

nish written evidence of compliance at the time of application for a mobile vending permit.

(g) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the code of the Tualatin Rural Fire Protection District.

(h) Applications for a mobile vending permit shall be accompanied by a signed statement that the permittee will hold harmless the City of Tualatin, its officers and employees and shall indemnify the City of Tualatin, its officers and employees, for any claim for damage to property or injury to persons that may be occasioned by any activity carried on under the terms of the permit. The permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the permittee from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence, and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the City of Tualatin, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Administrator.

(4) An application for a mobile vending permit may be granted by the Planning Director if the Director finds that Subsection (3) is satisfied by the applicant.

(5) The Planning Director may attach appropriate conditions to the permit that are necessary to secure the health, safety and welfare of the residents and inhabitants of the City. [Ord. 590-83 §1, passed April 11, 1983; Ord. 681-85 §3, passed Nov. 25, 1985; Ord. 864-92 §6, passed April 13, 1992.]

## **Section 34.014 Temporary Sales Office.**

(1) The City Engineer may upon request, and with the consent of the property owner, permit the use of any real property within a subdivision or

partition as, and for, a temporary sales office, whether in a trailer or in a residential structure, for the purpose of facilitating the sale of lots or parcels within such subdivision or partition, but for no other purpose.

(2) The subdivision or partition where the temporary sales office is proposed to be located shall have a recorded plat prior to the City Engineer granting approval.

(3) The permission granted shall not exceed three years from the date of the City Engineer's approval, or such shorter period as the City Engineer shall determine and order.

(4) The office shall be located within the boundaries of the subdivision or partition where the lots or parcels to be sold are situated.

(5) The property to be used for a temporary sales office shall not be permanently improved for such purpose; providing, however, that a structure designed primarily for other residential purposes or a portion thereof may be used temporarily as a sales office.

(6) The applicant shall pay the standard water and sewer hook-up fees if connection to these facilities is required for the temporary sales office.

(7) The applicant shall obtain Plumbing Permits to connect to the water and sewer utilities if connection to these facilities is required for the temporary sales office.

(8) Parking for the sales office shall only be allowed in the public street adjacent to the sales office and in any driveway constructed for the temporary sales office.

(9) Any signs placed on the lot where the temporary sales office is located shall meet the requirements of the Sign Code.

(10) The granting of permission to use real property for a temporary sales office shall not be construed as granting a temporary change of planning districts, and the City Engineer may impose such terms and conditions upon such activities as deemed advisable. [Ord. 902-93 §9, passed June 28, 1993.]

## **Section 34.020 Application Fee for Temporary Uses.**

Application for Temporary Outdoor Sales and other temporary uses under TDC 34.010 - 34.013 shall be on forms provided by the Community

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Development Director. The application shall be filed with the office of the Community Development Director and be accompanied by a fee as established by City Council resolution. The fee shall not apply to non-profit or charitable organizations. [Ord. 590-83 §1, passed April 11, 1983; Ord. 681-85 §4, passed Nov. 25, 1985; Ord. 715-87 §9, passed Feb. 23, 1987.]

## HOME OCCUPATIONS

### Section 34.031 Definitions

For purposes of TDC sections 34.031 through 34.055 the following terms have the following meanings:

Employee. All persons, excluding the owner-operator, working on the premises in the home occupation.

Equipment. Physical assets of the home occupation, excluding motor vehicles.

Motor Vehicle. A self-propelled mechanical device moving or movable over the highways, roads and streets of the City, excepting devices that move exclusively on stationary rails.

Owner-operator. A person undertaking a home occupation; the proprietor of a home occupation.

Party Format. The presentation and sale of goods or services to a social gathering of invited guests. (Ord. 1129-03, Add, 02/24/2003)

### Section 34.032 Intent and General Provisions

(1) The intent of this Home Occupation Code, TDC 34.031 - 34.055, is:

(a) To allow residents an opportunity to use their residences to engage in small-scale business activities;

(b) To allow for small-scale business activities in a residence as a means to reduce commutes and traffic;

(c) To establish standards by which home occupations operate; and

(d) To ensure that home occupations are conducted subordinate to the residential use of the property, in a manner neither detrimental nor disruptive, in terms of appearance or operation, to neighboring properties and residents.

(e) It is not the intent of TDC 34.031-34.055 to prohibit telecommuting.

### (2) General Provisions

(a) No person shall operate a home occupation or allow a home occupation to occur on property he or she owns or controls in violation of TDC 34.031 through 34.055.

(b) TDC 34.031 to 34.055 apply to all home occupations in the City, including those in operation on the effective date of these regulations. Nothing in these sections shall be construed as imposing restrictions on the residential, non-home occupational, lawful use of the property.

(Ord. 1129-03, Add, 02/24/2003)

### Section 34.045 Allowed Home Occupations

The following occupations are permitted as home occupations so long as the home occupation operates within the standards set forth in TDC 34.055.

(1) Professional occupations including, but not limited to: accounting, architecture, computer consulting, counseling, clergy, drafting, editing, engineering, financial advising, graphic design, immediate disposition company, landscape design, law, psychology, publishing, realty and writing.

(2) Personal services including, but not limited to: haircutting, manicures and licensed massage therapy.

(3) Instructional services including, but not limited to: arts, crafts, language, music and scholastic teaching.

(4) Home craft businesses including, but not limited to: arts, catering, dressmaking, jewelry making, millinery, music, photography, pottery, sculpture, tailoring and weaving.

(5) Trades, repair and service people who work off-site but maintain an office at home.

(6) Repair services including, but not limited to: hand-held instruments, watch and clock repair.

(7) Other home occupations may be allowed as determined by a code interpretation pursuant to TDC 31.070. (Ord. 1129-03, Add, 02/24/2003)

### Section 34.055 Standards

The following standards apply to home occupations in the City of Tualatin:

(1) A residence that houses a home occupation may have only one sign that must comply with 38.110(11).

(2) A person operating a home occupation must obtain a business license from the City of Tualatin. This person must also maintain all other permits required by other agencies for the home occupation.

(3) Home occupations may include the retailing of goods not produced by the home occupation but directly related to the home occupation if:

(a) The retailing is secondary and ancillary to the home occupation; or

(b) The retailing occurs in a party format no more than six times in a calendar year at the home occupation location.

(4) All materials and equipment shall be stored inside built structures on the premises. Interior storage of materials and equipment shall be secondary to the residential use of the dwelling. Storage shall not be used as a material or equipment staging area. Equipment may be stored on the home occupation vehicle.

(5) Noise, smoke and odors may not exceed those created by normal residential use.

(6) The home occupation must be owned and operated by a resident at the home occupation site. The home occupation may employ one other on-site employee who is not a resident of the building. Off-site employees are permitted.

(7) The home occupation shall not be used as a headquarters or meeting location for the assembly of employees or subcontractors for any reason, including staging or dispatch of employees or subcontractors to other locations, except as specified under 34.055(14). Off-site employees and subcontractors may not keep their motor vehicles at the home occupation during a work day.

(8) The residence shall not be altered in a manner that will change its primary residential appearance or use. A home occupation shall not change the dwelling unit classification as a dwelling unit in the Uniform Building Code.

(9) Only one motor vehicle not exceeding 15,000 pounds GVW may be permitted for use in the home occupation at the home occupation

location. No other motor vehicle storage is permitted for the home occupation. No commercial motor vehicle as defined in ORS 801.208 may be allowed as part of a home occupation.

(10) On-street parking may not prevent access to mailboxes, driveways, fire hydrants, garbage or recycling receptacle pick-up.

(11) The home occupation may generate no more than ten one-way client and subcontractor vehicular trips per day. For home occupations relating to instructional services, no more than 20 one-way client and subcontractor vehicular trips may be permitted per day. Trips attributable to the residential use shall not be attributed to the home occupation in determining compliance with this section.

(12) No employee, client, subcontractor or delivery trips to the home occupation may be made between 10:00 pm and 7:30 am.

(13) A person may not work on three or more motor vehicles per week at a residence. If a person is, the City will presume that the person is operating an unauthorized home occupation. This presumption may be rebutted by demonstrating that no money, goods or services are exchanged between the vehicle owner and the vehicle repairer.

(14) A board or staff meeting of the home occupation may be held quarterly at the site of the home occupation. (Ord. 1129-03, Add, 02/24/2003)

### MICROWAVE RECEIVING DISHES

#### Section 34.060 Purpose.

The purpose of TDC 34.060 to 34.080 is to regulate microwave receiving dishes so as to minimize their visual impact. For purposes of these sections, "microwave receiving dish" means any conical or dish-shaped device or structure used for receiving television or other telecommunication signals transmitted from satellites or earth-based transmitters. Microwave receiving dishes may also be known as "television receive only" (TVRO) dishes, "satellite direct service" (SDS) dishes, "multi-distance service" (MDS) dishes, and "earth stations." [Ord. 590-83 §1, passed April 11,

1983.]

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## Section 34.070 Screening.

All microwave receiving dishes shall be screened by sight-obscuring fences or dense landscape buffers, as approved through the Architectural Review process, subject to the provisions of TDC Chapter 73 of these standards. [Ord. 590-83 §1, passed April 11, 1983.]

## Section 34.080 Application of Provisions.

The provisions of TDC 34.060 and 34.070 shall not apply to microwave receiving dishes having a diameter of three feet or less. [Ord. 590-83 §1, passed April 11, 1983.]

Section 34.100	[Repealed by 1026-99 §102, passed Aug. 9, 1999.]
Section 34.110	[Repealed by 1026-99 §102, passed Aug. 9, 1999.]
Section 34.120	[Repealed by 1026-99 §102, passed Aug. 9, 1999.]
Section 34.130	[Repealed by 1026-99 §102, passed Aug. 9, 1999.]
Section 34.140	[Repealed by 1026-99 §102, passed Aug. 9, 1999.]
Section 34.150	[Repealed by Ord. 923-94 §9, passed

## RETIREMENT HOUSING

### Section 34.160 General Provisions.

Retirement housing may be allowed as a conditional use in a Low Density Residential (RL), Medium Low Density Residential (RML), Medium High Density Residential (RMH), High Density Residential (RH), or High Density Residential-High Rise (RH-HR) Planning District, in accordance with the provisions of TDC Chapter 32, and subject to the standards in TDC 34.170.

[Ord. 661-85 §2, passed March 25, 1985.]

### Section 34.170 Specific Standards for Retirement Housing.

(1) General Conditions. The conditions in this subsection apply to all retirement housing.

(a) The building shall be designed or renovated specifically for retirement housing. Any required State license must be obtained before the building is occupied.

(b) Public services must have capacity to serve the proposed development.

(c) The housing may be provided as congregate care or as separate apartment units in a retirement housing facility or any combination thereof.

(d) Walkways shall be paved and lighted and shall not exceed eight percent in grade.

(e) Buffering of noise and screening of lighting shall be required.

(f) The requirements of the Planning District are to be met unless specifically modified by this section.

(g) Occupancy of retirement housing is limited to persons 58 years of age and older. In the case of couples, one member of the couple shall be 58 years of age or older. This restrictive condition shall be recorded in the County deed records.

(h) The site must be at least one-half acre in size.

(i) No retail sales or other commercial uses are permitted.

(j) Proposals shall be presented according to the requirements of TDC Chapter 32 relating to Conditional Uses.

(2) The allowable density for retirement housing shall be one and one-half times the density of the underlying Planning District.

(3) For congregate care facilities, 1/2 parking space will be provided for each unit. For retirement housing facilities, one parking space per unit will be provided.

(4) Landscaping/open space shall be at least 30% of the site, unless it can be shown that other alternatives for open space are available. [Ord. 661-85 §2, passed March 25, 1985.]

## TRANSITIONAL USES

### Section 34.180 Purpose and Intent.

(1) The purpose of the Transitional Use process is to allow, on a temporary basis and under certain conditions, a use that is otherwise illegal and to contribute to bringing the use into conformance. The intent of this section is to provide standards, criteria, and procedures to allow for temporary uses of land and buildings which may require special consideration by this Code. The provisions of this section are intended to apply to those situations which, due to unique circumstances relative to location, building or design features, size, operation, or public interest, require

consideration beyond that which strict Code interpretation can afford.

(2) The Transitional Use Permit processes shall not have the effect of creating a permanent de facto plan map amendment, permanent use variance or other permanent vested right or privilege, shall not create a further hardship at the time of permit expiration and shall not consider financial factors as the sole cause for a hardship. Further, no Transitional Use Permit shall disregard the public interest, or abrogate the objectives of the Community Plan or other Ordinance regulations. This section shall not apply to signs, building regulations, subdivision regulations, or variances. This section shall not supersede any other applicable Codes. [Ord. 667-85 §1, passed June 10, 1985.]

**Section 34.181 Goals.**

This section recognizes the fact that a hardship may arise under specific situations when the Code is strictly applied. The goal of this section is to permit, under certain stringent criteria and conditions, temporary deviations for situations which would otherwise constitute an illegal structure or use to contribute to the amortization of said uses after a specific period. The standards for approval under this section will assure that:

(1) The proposed use is more nearly consistent than the existing or prior use with the intent and purpose of the Planning District in which it is proposed and with the land uses which are in the vicinity;

(2) The permit granted will provide temporary relief to the owner until permanent and conforming solutions may be identified and implemented;

(3) The siting of the use will consider need of and will provide for the overall benefit of the public which may be met by a transitional use permit;

(4) The proposed use does not detract from long-range planning efforts and contributes to the stability of property values and the economic vitality of the community;

(5) Granting the permit will have no significant detrimental effect upon land uses in the vicinity;

(6) Granting the permit will contribute to bring the property into conformance with the standards of the Planning District. [Ord. 667-85 §1, passed June 10, 1985.]

**Section 34.182 Eligibility Criteria and Limitations.**

(1) A Transitional Use is a use which is not permitted outright or as a conditional use in a Planning District, and is less intense than or equal to the current use or, where there is no current use, than the last previous use in terms of impact.

(2) A Transitional Use may be permitted if the use is found to be equally or more compatible with the surrounding area than the current use or, where there is no current use, than the last previous use. The following criteria shall be used to make this determination:

(a) The extent of nuisances caused by or normally associated with the use, including smoke, glare, dust, vibrations, odors, unsightliness, traffic congestion, noise and outdoor activities;

(b) The character of the surrounding area, and the compatibility of the proposed use with this area. Factors include, but shall not be limited to, specific land uses, the age of the structure, the extent of development in the area, absorption rate for development within and conforming to the Planning District where the use is proposed to be located and visual and architectural compatibility.

(3) A Transitional Use may be conducted only in a structure which was designed and intended for uses which are not allowed in the Planning District in which the structure is located, and which cannot easily be converted for conforming uses without considerable alterations.

(4) A Transitional Use Permit shall be subject to the procedure outlined under TDC 34.185. The first Transitional Use Permit issued for a particular location shall define the life span of eligibility for not only the particular use but also for the structure under this schedule, and under no circumstances will a Transitional Use Permit remain in effect longer than the approved life span of eligibility for the structure in which the use is located. [Ord. 667-85 §1, passed June 10, 1985; Ord. 1023-99, Sec. 9, passed June 28, 1999.]

**Section 34.183 General Standards.**

No Transitional Use Permit shall be granted unless the City Council finds that all the following standards are met:



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(1) The use or structure must be consistent with the long-term objectives and spirit of the Tualatin Community Plan.

(2) The use or structure must not create unreasonable adverse impact on abutting or surrounding properties;

(3) By its nature, the use must be one which can be terminated and removed upon expiration of the Transitional Use Permit;

(4) Relative to the prior use, the use or existing structures may not be intensified or expanded except for uses or structures in the ML or MG Planning Districts. This is applicable to original applications, renewals and substitute uses. In addition, no new structures except for structures in the ML or MG Planning Districts may be placed upon the subject property which may prolong or increase the economic hardship of the developer at the time of the expiration of the permit. Nothing contained in this section shall be construed as limiting the authority of the City Council to require improvements to be made as conditions on which the permit is granted.

(5) The permit shall be associated only with the specific structures in question and with the particular use or operation for which the application is made. In order to provide effective notice of the Transitional Use status and not as a condition upon which the effectiveness of the Transitional Use Permit depends, the City may record the resolution approving a Transitional Use Permit in the Recorder's Office of the County in which the use is located.

(6) Uses and operations which may be considered nuisances due to smoke, glare, vibrations, odors, or unsightliness, shall not be permitted. [Ord.

667-85 §1, passed June 10, 1985; Ord. 1023-99, Sec. 10, passed June 28, 1999.]

### **Section 34.184 Transitional Use Conditions.**

The City Council may impose any number of conditions on applications to ensure that disturbance of surrounding properties is minimized and that the objectives of the Community Plan are met. The conditions may include, but shall not be limited to time restrictions, hours of operation, periodic review above and beyond what is re-

quired by this Code, increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication of additional right-of-way and improvement of the same, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction to view or reduction of light or air to adjacent property and requiring sight-obscuring fencing and landscaping where appropriate to reduce noise or glare, maintain the property in a character in keeping with the surrounding area, or for aesthetic reasons. [Ord. 667-85 §1, passed June 10, 1985; Ord. 864-

92 §8, passed April 13, 1992.]

### **Section 34.185 Issuance, Renewal and Automatic Termination.**

(1) A transitional use permit shall be issued for a period of time determined to be appropriate by the City Council.

(2) A permit may be renewed by the Council at the end of the time period previously approved. An application for renewal shall be required to meet the eligibility criteria for an original application contained in TDC 34.183 and 34.182. However, the applicant for renewal need not establish that the use being proposed for renewal is more compatible with surrounding uses than the current use.

(3) Where the life span of eligibility for the structure has been determined or established by the City through an earlier Transitional Use Permit, such life span is presumed to be accurate and shall not be renewed or extended unless the Council finds by clear and convincing evidence that the current applicant meets the eligibility criteria. Where the life span of eligibility for the structure is renewed or extended, a new life span shall be established.

(4) All applications shall be made jointly by the recorded contract purchaser or owner of the property as well as the lessee or proposed user of the property and structure. The transfer of a permit shall only be permitted where the underlying property or business ownership is transferred, so long as the use of the structure remains un-

changed. The Planning Director shall determine whether a new application and permit is required and such determination may be appealed to the Council. Each tenant of a structure shall submit a separate application.

(5) All Transitional Use Permits shall become void without a hearing if any of the following occur:

(a) The permit has not been exercised for 12 months;

(b) The use approved is discontinued for 12 months; or

(c) The period of time for which the permit has been granted expires without a renewal. [Ord. 667-85 §1, passed June 10, 1985.]

### Section 34.186 Process.

(1) All permit requests shall be submitted on forms prescribed by the Planning Director. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use, the application fee established by City Council resolution, a written explanation demonstrating compliance with the provisions of this section and other relevant characteristics. In addition, the applicant shall adequately describe the hardship associated with strict code interpretation and the ways in which impacts upon nearby properties and uses are to be alleviated. The Planning Director shall prepare a staff report recommending a tentative decision to the Council.

(2) Before acting on a request for a transitional use permit, the City Council shall consider the request at a public hearing conducted in the manner provided for in TDC 31.077. The City Council must find that the eligibility criteria are met before an application is approved.

(3) In a case where a Transitional use terminates or relocates before the expiration of the life span of eligibility established for the structure, a new transitional use, if approved by Council, may occupy the structure under prescribed conditions for no more than the previously approved life span of eligibility for the structure.

(4) The Council may approve, approve with conditions, or deny a transitional use permit application based on the criteria listed above. The

Council shall, in addition, place a specific time limit on the permit.

(5) An original application may include a single lot or part thereof or more than one adjacent tax lots. [Ord. 667-85 §1, passed June 10, 1985; Ord. 715-87 §11, passed Feb. 23, 1987; Ord. 743-88 §21, passed March 18, 1988.]

### Section 34.190 Manufactured Dwelling Park Development Standards.

(1) The standards set forth below are in addition to the regulations contained in ORS Chapter 446 as now or hereafter constituted, and OAR Divisions 23 and 28, as now or hereafter constituted. Should a conflict arise between the City of Tualatin standards and the statutes or regulations contained in the applicable chapters and divisions of ORS and OAR, then the more restrictive standards shall apply.

(2) The standards contained in this section shall apply to all manufactured dwelling park developments, which are established after the effective date of this section, and to all increases in the numbers of spaces contained in or attached to parks, which are in existence on the date this section becomes effective.

(3) Manufactured dwelling park developments and modifications to existing manufactured dwelling parks to which this section applies shall be reviewed through the Architectural Review Process for compliance with the Tualatin Development Code and any other applicable regulations and ordinances of the City. No person may establish, operate, rent, lease, or occupy a manufactured dwelling park or manufactured dwelling park space without first applying for and obtaining approval through the Architectural Review Process.

(4) Only those manufactured homes and mobile homes, which have a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.) as amended on August 22, 1981, shall be permitted. Recreational vehicles as defined in ORS 446.003(31) and camping vehicles as defined in ORS 446.310(3) shall not be used for residential purposes in manufactured

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dwelling parks and shall not be rented a space or hooked up to sewer, water, or electrical facilities within a manufactured dwelling park.

(5) The minimum gross acreage for a manufactured dwelling park shall be not less than one acre.

(6) The manufactured dwelling park street system shall include at least one direct access to a public street, containing a right-of-way width of not less than 50 feet.

(7) Each manufactured dwelling space shall be designed to include not less than two standard size automobile parking spaces. Parking spaces shall be located within each manufactured dwelling space and may be designed either end-to-end or side-to-side. Such parking spaces shall be paved in accordance with City standards for residential driveways.

(8) Each manufactured dwelling shall have its wheels, axles, tongue, and traveling lights removed.

(9) Each manufactured dwelling shall have a continuous and permanently affixed skirt installed. Such skirting shall be composed of the same material and finish as the exterior of the manufactured dwelling or material with a brick-like finish or as otherwise approved through the Architectural Review Process.

(10) No extension, accessory structure, or other out building shall be attached to a manufactured dwelling, except for structures conforming to the definition contained in ORS 446.003(1) concerning accessory structures.

(11) The distance between any two manufactured dwellings, including any approved accessory building, structure, awning, or tipout, shall be not less than ten feet on either side and either end.

(12) The distance between a manufactured dwelling, including approved accessory buildings, structures, awnings, or tipouts, and the nearest manufactured dwelling park property line or other permanent park structure shall be not less than 15 feet, unless the applicable setback requirement of the RML District is greater than 15 feet, in which case the greater distance shall apply.

(13) The distance between a manufactured dwelling and the nearest manufactured dwelling park street shall be no less than eight feet.

(14) The distance between a manufactured dwelling and the nearest manufactured dwelling park sidewalk shall be not less than five feet. [Ord.

590-83 §1, passed April 11, 1983; Ord. 713-87, passed Feb. 23, 1987; Ord. 988-97, §3, passed Dec. 8, 1997.]

### **Section 34.200 Tree Cutting Without Architectural Review, Subdivision or Partition Approval, or Permit Prohibited.**

(1) Except as provided in TDC 34.200(5), no person shall cut a tree within the City limits without first obtaining a permit from the City or approval through the Architectural Review, Subdivision or Partition Review process. Incentives for tree retention are found in TDC Chapter 73, Community Design Standards.

(2) As used in this ordinance, “park” means a City-owned tract of land, designated and used by the public for active and passive recreation.

(3) The following exemptions apply to tree cutting:

(a) General Exemption. Four or fewer trees may be cut within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, except when the tree to be cut:

(i) Is located in the Greenway Protection Overlay District (GPO);

(ii) Is located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);

(iii) Is a Heritage Tree; or

(iv) The tree was previously required to be retained under an approved Architectural Review of the Tualatin Development Code.

(b) Parks and golf courses are exempt if both the following are met:

(i) The property’s owner or owner’s agent has submitted a tree management plan to the Community Development Director and has received approval from the Director. The tree management plan shall be approved for a five year period, after which the property owner or owner’s agent must submit a new tree management plan for approval or

comply with requirements set out in the applicable Architectural Review decision.

(ii) This exemption supersedes the Architectural Review requirements with regard to tree-cutting except as provided in subsection (i) of this section.

(4) Forest Harvesting Exemption. The harvesting of forest tree species for the commercial value of the timber is permitted subject to all the following conditions and restrictions:

(a) The Forest Harvesting Exemption. All of the following criteria must be met in order for the exemption to exist.

(i) The property from which the forest species are to be harvested must be in a property tax deferred status based on agricultural or forest use under any or some combination of the following:

- Farm Deferral according to state law.
- Forest Land Deferral according to state law.
- Small Woodlands Deferral according to state law.

(ii) The property from which the forest species are to be harvested must have been in property tax deferred status on the effective date of this ordinance or at the time of annexation of the property by the City, whichever occurs later.

(b) Revocation of the Forest Harvesting Exemption. Property, or portion of the property exempted under TDC, 34.200(3)(a) shall cease to be exempted from the provisions of this ordinance immediately upon the filing of an application for any of the following land use actions:

- (i) Subdivision or Partition review;
- (ii) Conditional Use;
- (iii) Architectural Review.

(c) Reinstatement of the Forest Harvesting Exemption. Property or portions of the property previously exempted under TDC 34.200(3)(a) and revoked in accordance with TDC 34.200(3)(b) will be considered reinstated under TDC 34.200(3)(a) if:

(i) The property remains tax deferred in accordance with TDC 34.200(3)(a) and meets the conditions of either TDC 34.200(3)(c)(ii) or 34.200(3)(c)(iii);

(ii) The land use action that affected the revocation was denied and the appeals period has expired; or

(iii) The land use action that affected the revocation was approved, and the proposed development which affected the filing of the land use action did not occur; and the approval that was granted, including extensions has expired.

(d) The Planning Director shall prepare a listing of properties exempted under this section upon the effective date of this ordinance and update the list annually.

(5) Orchards. Tree cutting is permitted in orchards of commercial agricultural production.

(6) Public Right-of-Way. Trees within public right-of-way shall be governed by TDC Chapter 74, Public Improvement Requirements.

(7) Federal, state, county, or City road, water, sanitary sewer, or storm sewer improvements and maintenance of City owned property are exempt from this ordinance.

(8) Building permits issued in connection with parcels approved for construction of single family dwellings are exempt from this ordinance. [Ord. 963-96 §4, passed June 24, 1996; Ord. 1187-05, passed 5/23/05.]

**Section 34.210 Application for Architectural Review, Subdivision or Partition Review, or Permit.**

(1) When a property owner wishes to cut trees in addition to those permitted under TDC 34.200(2)(a) to develop property, and the development is subject to Architectural Review, Subdivision or Partition Review, the property owner shall apply for approval to cut trees as part of the Architectural Review, Subdivision or Partition Review. The granting or denial of approval will be based on the criteria in TDC 34.230.

(2) When a property owner wishes to cut trees in addition to those permitted under TDC 34.200(2)(a) for reasons other than those identified in TDC 34.210(1) the permit process shall be as follows:

(a) A property owner desiring to cut trees in addition to those permitted under TDC 34.200(2)(a) shall file an application for a permit with the Planning Director.

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(b) Applications shall be made upon forms furnished by the City.

(c) The application shall contain a site plan, the number, size, species and location of the trees to be cut and a report from a qualified arborist stating the reason for cutting or removal based on the criteria in TDC 34.230.

(d) Mailing list of all property owners within 300 feet of the property.

(e) The application shall be approved or denied in accordance with criteria listed in TDC 34.230. [Ord. 963-96 §4, passed June 24, 1996.]

### Section 34.220 Fees.

(1) Architectural Review, Subdivision or Partition Review. In accordance with the Architectural Review process, TDC Chapter 73, Subdivision or Partition Review process, TDC Chapter 36.

(2) Permit. The application shall be accompanied by a filing fee established by Council resolution. The filing fee is not refundable, regardless of whether a permit is granted. All permits shall be valid for one year from the date of issue. [Ord. 963-96 §4, passed June 24, 1996.]

### Section 34.230 Criteria.

The Planning Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.

(1) The Planning Director may approve a request to cut a tree when the applicant can satisfactorily demonstrate that any of the following criteria are met:

(a) The tree is diseased, and

(i) The disease threatens the structural integrity of the tree; or

(ii) The disease permanently and severely diminishes the aesthetic value of the tree; or

(iii) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or aesthetic value.

(b) The tree represents a hazard which may include but not be limited to:

(i) The tree is in danger of falling;

(ii) Substantial portions of the tree are in danger of falling.

(c) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

(2) If none of the conditions in TDC 34.240(1) are met, then the Planning Director shall evaluate the condition of each tree based on the following criteria. A tree given a rating of one on a factor will not be required to be retained.

FACTOR	VARIATION OF CONDITION FACTOR	AWARDED
Trunk Condition	Sound and solid (5) Sections of bark missing (3) Extensive decay and hollow (1)	_____
Crown Development	Full and balanced (5) Full but unbalanced (3) Unbalanced and lacking a full crown (1)	_____
Structure*	Sound (5) One major or several minor limbs dead (3) Two or more major limbs dead (1)	_____
* For deciduous trees only		

### Section 34.240 Emergencies.

(1) If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit shall be issued by the Planning Director without payment of a fee and without formal application. If the Planning Director is un-

available the property owner may proceed to cut the tree or trees without a permit to the extent necessary to avoid the immediate danger or hazard. If a tree is cut under this section without filing of an application with the Planning Director, the person doing so shall report the action to the Planning Director within two working days,

without payment of fee, and shall provide such information and evidence as may be reasonably required by the Planning Director to explain and justify the action taken. Where no emergency is found to exist, the cutting or removal of a tree or trees is prohibited. [Ord. 963-96 §4, passed June 24, 1996.]

**Section 34.250 Notice of Decision.**

(1) Architectural Review, Subdivision or Partition Review. Notice of decision shall be in accordance with the Architectural Review, Subdivision or Partition Review Process in Chapters 31 and 36 respectively. If approval is granted to cut a Heritage Tree, a copy of the decision shall be sent to the chairman of the Tualatin Park Advisory Committee.

(2) Permit. The decision shall be in writing and shall be sent in accordance with TDC 31.074. If the application for cutting pertains to a Heritage Tree, the decision shall also be sent to the chairman of the Tualatin Park Advisory Committee.

[Ord. 963-96 §4, passed June 24, 1996; Ord 1096-02 §14, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

**Section 34.260 Request for Review**

(1) Architectural Review, Subdivision or Partition Review. Requests for review shall be in accordance with the Architectural Review, Subdivision or Partition review process of TDC 31.076, 36.161, and 36.250, respectively.

(2) Permit. The decision shall become final 14 calendar days after the date the notice of the decision is given, unless request for review of the decision is sought in accordance with TDC 31.076, 36.161, OR 36.250. The request for review shall be submitted on the City form provided for that purpose. The request for review shall be heard by City Council in accordance with TDC 31.076 and 31.077. The written decision of the City Council shall be final. [Ord. 963-96 §4, passed June 24, 1996; Ord 1096-02 §15, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

**Section 34.270 Tree Protection During Construction.**

(1) Any tree required to be retained either through Architectural Review, Subdivision or Partition Review, or permit process that will be impacted by nearby construction activities must

be protected in accordance with the TDC 73.250(2).

**Section 34.300 Accessory Dwelling Units**

The purpose of accessory dwelling units is to:

- (1) Provide needed space for elderly family members or returning adult children;
- (2) Encourage affordable housing units;
- (3) Allow small households to retain large houses as residences;
- (4) Permit young households to achieve home ownership; and
- (5) Encourage living areas that minimally affect the quality or character of existing neighborhoods.

**Section 34.310 Standards**

(1) An accessory dwelling unit shall be within a detached single-family dwelling or be in, or partly in, an addition to a detached single-family dwelling in the RL Planning District or in the RML Planning District in a Small Lot Subdivision.

(2) There shall be no more than one accessory dwelling unit per lot.

(3) An accessory dwelling unit shall not exceed 50% of the gross floor area (house and garage) of the existing detached single-family dwelling up to a maximum of 800 square feet.

(4) Neither a garage or a former garage shall be converted to an accessory dwelling unit.

(5) In addition to the parking spaces required in TDC 73.370 for the detached single-family dwelling, one paved on-site parking space shall be provided for the accessory dwelling unit and the space shall not be within five feet of a side or rear property line.

(6) The accessory dwelling unit's front door shall not be located on the same street frontage as the detached single family dwelling's front door unless the door for the accessory dwelling unit already exists.

(7) The accessory dwelling unit shall not be sold separate from the single family dwelling or as a condominium.

(8) The accessory dwelling unit shall be served by the same water meter as the single family dwelling.

(9) The accessory dwelling unit shall be served by the same electric meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(10) The accessory dwelling unit shall be served by the same natural gas meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(11) The accessory dwelling unit shall be connected to the single family dwelling by an internal doorway.

(12) If the gross floor area of the existing single family dwelling is to be enlarged when an accessory dwelling unit is created, the proposed enlargement shall not increase the gross floor area of the single family dwelling more than 10% and it shall be of the same or similar architectural design, exterior materials, color and roof slope as the single family dwelling. The enlargement shall be reviewed through the Architectural Review process to ensure compliance with Subsections 1-6 and 8-12 of this section.

(13) When the accessory dwelling unit is proposed to be created and if no enlargement of the existing single family dwelling is proposed, the owner of the single family dwelling within which the accessory dwelling unit is to be located shall notify the Planning Director by letter that an accessory dwelling unit is proposed. The letter shall state the owners name and mailing address, address of the accessory dwelling unit, the gross square footage of the single family dwelling and the gross square footage of the accessory dwelling unit.. [Ord. 963-96 §4, passed June 24, 1996; Ord. 1026-99 §16, passed Aug.

9, 1999.] Ord. 585-82 repealed by 592-83 §3, passed Dec. 13, 1982.

## Chapter 35

### Nonconforming Uses, Structures And Signs

#### Sections:

- 35.010 Purpose and Intent.**
- 35.020 Continuation of Nonconforming Uses or Structures.**
- 35.030 Alteration or Enlargement Prohibited.**
- 35.040 Discontinuance of a Nonconforming Use.**
- 35.050 Damage to Nonconforming Structure.**
- 35.060 Conditions for Granting Reinstatement of Nonconforming Use.**
- 35.070 Initiating Reinstatement of Nonconforming Use or Structure.**
- 35.080 Recess of Hearing by Council.**
- 35.090 Repairs to Nonconforming Structure.**
- 35.100 Completion of Building.**
- 35.200 Nonconforming Signs.**
- 35.300 Wireless Communication Facilities**

#### **Section 35.010 Purpose and Intent.**

(1) To carry out the purposes, goals and objectives of the Tualatin Community Plan, it is necessary and desirable that all uses and structures incompatible with permitted uses or structures in each planning district be strictly regulated and permitted to exist only under specific regulations. It is the purpose of such specific regulations and control over such incompatible uses and structures that such nonconforming uses or structures be discontinued or brought into conformity with permitted uses or structures in each planning district.

(2) See TDC 35.200 for signs.

#### **Section 35.020 Continuation of Nonconforming Uses or Structures.**

(1) Any nonconforming use of a structure or land existing on the date of the adoption of the Tualatin Community Plan, or any use of a structure or land becoming nonconforming subsequent to the effective date of the adoption of said Plan, may be continued, used, occupied or maintained only in accordance with the provisions of this chapter.

(2) See TDC 35.200 for signs.

#### **Section 35.030 Alteration or Enlargement Prohibited.**

(1) A nonconforming structure or use of land may be continued, but shall not be altered or enlarged, except for warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District which can be altered and enlarged. For purposes of this chapter, enlargement or alteration of a nonconforming structure or use of land shall not include improvements to required paving, landscaping, or other aesthetic improvements to the premises. Structural expansion or any change in the external dimensions of the building shall be considered an alteration or enlargement, unless such changes are primarily for aesthetic improvements. A structure conforming as to use but nonconforming as to setback or yard requirements may be altered or enlarged, providing the alteration or enlargement does not result in a violation of the Tualatin Community Plan. A nonconforming structure or use of land may be altered or enlarged when such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.

(2) See TDC 35.200 for signs. [Amended by Ord. 1049-00 §7, passed Mar. 13, 2000.]

#### **Section 35.040 Discontinuance of a Nonconforming Use.**

(1) If a nonconforming structure or use of land is discontinued for more than 12 months, it shall not be re-established unless specifically approved by the City Council. Approval by the City Council shall be granted or denied only after a public hearing is conducted on the proposed continuance. Notice of such public hearing shall be given in the manner required in TDC 31.077.

(2) See TDC 35.200 for signs. [Sec. 35.040 amended by Ord. No. 743-88, Sec. 21, passed March 28, 1988.]



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### **Section 35.050 Damage to Nonconforming Structure.**

(1) If a nonconforming structure or a structure containing a nonconforming use is destroyed or damaged by any cause to an extent requiring the discontinuance of the use for more than 6 months while making repairs, a future structure or use on the property shall conform to the provisions of the Tualatin Community Plan unless reinstatement of the nonconforming structure or use is approved by the Council in accordance with TDC 35.040, except for warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District which are not required to be reinstated.

(2) See TDC 35.200 for signs. [Amended by Ord. 1049-00 §8, passed Mar. 13, 2000.]

### **Section 35.060 Conditions for Granting Reinstatement of Nonconforming Use.**

(1) No reinstatement of a nonconforming structure or use shall be granted by the City Council unless it can be shown that all of the following conditions exist:

(a) The nonconforming structure or use, if reinstated, will not be materially detrimental to the objectives of the Tualatin Community Plan.

(b) The nonconforming structure or use, if re-instated, will not have an unreasonable detrimental effect upon the value or use of property located within 300 feet of the exterior boundaries of the property on which the reinstated nonconforming use or structure is sought.

(c) The request for reinstatement of a nonconforming structure or use was filed with the Planning Department not more than 6 months from the date on which the nonconforming structure or use was discontinued.

(2) The City Council may attach conditions to the reinstatement that it finds necessary to protect the best interests of the surrounding property including, but not limited to, compliance with those provisions of the Tualatin Community Plan that are necessary to protect the health, peace, safety and welfare of the public.

(3) See TDC 35.200 for signs.

### **Section 35.070 Initiating Reinstatement of Nonconforming Use or Structure.**

(1) A request for reinstatement of a nonconforming use or structure may be initiated by a property owner or his authorized agent by filing an application with the Planning Department on the forms provided. The application shall be accompanied by a fee as provided by City Council resolution.

(2) See TDC 35.200 for signs. [Sec. 35.070 amended by Ordinance No. 715-87, passed February 23, 1987.]

### **Section 35.080 Recess of Hearing by Council.**

(1) The Council may recess a hearing on a request for reinstatement to obtain additional information or to serve further notice upon other property owners who it decides may be interested or affected by the proposed reinstatement. Upon recessing for this purpose, the Council shall announce the time, place and date when the hearing will be resumed.

(2) See TDC 35.200 for signs.

### **Section 35.090 Repairs to Nonconforming Structure.**

(1) Nothing contained in this chapter is intended to prohibit the owner or occupier of a nonconforming structure or use of land from making repairs to an existing nonconforming structure, when such repairs are necessary to make the structure habitable or safe for occupancy.

(2) See TDC 35.200 for signs.

### **Section 35.100 Completion of Building.**

(1) Nothing contained in this chapter shall require any change in the plans, alteration, construction or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the effective date of the adoption of the Tualatin Community Plan; provided, however, in the event that the designated use will be nonconforming, it shall be deemed a discontinued nonconforming use if not occupied or used within 1

year of the date of issuance of the building permit.

(2) See TDC 35.200 for signs.

## **Section 35.200 Nonconforming Signs.**

(1) Existing signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:

(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.

(b) A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.

(c) A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

(d) A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a nonconforming sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance. The Planning Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

[Chapter 35 amended by Ord. 960-96, Sec. 9, passed May 28, 1996.]

## **Section 35.300 Wireless Communication Facilities**

(1) Wireless communication facilities (WCFs) that have received land use approvals from the City as meeting the provisions of the Tualatin Development Code (TDC), but do not comply with the TDC because it was amended, are nonconforming WCF's.

(2) A nonconforming WCF outside the I-5 corridor is allowed to remain, but shall not be altered or enlarged, except for the addition of technology-supporting equipment and collocation equipment, provided the collocation equip-

ment consists of the use of davit arms, not more than five (5) feet in length. If collocation equipment other than davit arms are proposed, it shall not project more than five feet out from the side of the monopole. For purposes of this section, alteration or enlargement shall include structural expansion of the external dimensions of the WCF, including the addition of antenna platforms, expansion of ground-level equipment areas, and expansion of equipment buildings. For purposes of this section, “technology-supporting equipment” includes devices for 911 operations, smaller antenna platforms that are used to replace existing larger antenna platforms, or any other alteration or addition of a device that reduces the size of existing equipment.

(3) A nonconforming WCF in the I-5 corridor is allowed to remain and can be altered by an increase in height up to 120 feet, the addition of collocation equipment, provided it consists of the use of davit arms, not more than five (5) feet in length or other equipment that does not project out from the side of the monopole more the five feet, and the addition of technology-supporting equipment. For purposes of this section, “technology-supporting equipment” includes devices for 911 operations, smaller antenna platforms that are used to replace existing larger antenna platforms, or any other alteration or addition of a device that reduces the size of existing equipment. (Ord. 1116-02, Add, 08/26/2002)

**Chapter 36**

**Subdividing, Partitioning and Property Line Adjustments**

**Sections:**

- 36.010 Title.**
- 36.020 Authority and Purpose.**
- 36.030 Jurisdiction.**
- 36.040 Enforcement and Penalties.**
- 36.050 Interpretation, Conflict and Rules of Construction.**
- 36.060 Variances, Minor Variances and Exceptions.**
- 36.070 Land Divisions and Property Line Adjustments.**
- 36.080 Approval of Streets and Ways.**
- 36.090 Issuance of Building Permits.**

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- 36.130 Phasing.**
- 36.140 Review Process.**
- 36.160 Subdivision Plan Approval.**
- 36.161 Requests for Review of Subdivision and Partition Decision**
- 36.162 Modifications to Subdivision Plan Approval.**
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**Section 36.010 Title.**

This Chapter may be cited as the "Land Division Chapter" of the Tualatin Development Code. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §9, passed Nov. 9, 1998.]

**Section 36.020 Authority and Purpose.**

(1) This Chapter is adopted pursuant to the authority delegated to the City of Tualatin under the Oregon Constitution Article XI, Section 2; ORS Chapters 92 and 197; and the City of Tualatin Charter of 1967, as amended.

(2) The purpose of this chapter is to protect the public health, safety and general welfare while allowing for efficient development of property and to implement the requirements of the Tualatin Development Code, City Ordinances and other applicable regulations.

(3) The provisions in this Chapter shall be administered to ensure orderly growth and development and shall implement and facilitate the provisions in the Tualatin Community Plan, Tualatin Community Map and capital improve-

ment plans. [Ord. 590-83 §1, passed April 11, 1983; Ord. 954-95 §1, passed Dec. 11, 1995.]

### **Section 36.030 Jurisdiction.**

(1) The provisions in this Chapter shall be applicable throughout the City.

(2) Except as otherwise provided in this section, subdivision and partition applications which have received approval from the City, and subdivision and partition applications submitted prior to the effective date of this Chapter, for which a complete application together with applicable fees has been received, shall not be subject to the requirements of this Chapter, but shall comply with the requirements of the Subdivision Ordinance, Ordinance Number 176-70, as amended. All applications submitted on or after the date this Chapter becomes effective shall be subject to the provisions of this Chapter. Requests for extensions, replats and modifications of the subdivision or partition plan approval, or property line adjustment applications, which are received by the City after the effective date of this Chapter shall be subject to the requirements of this Chapter.

(3) Unless otherwise specified the requirements of this Chapter shall apply to subdivisions, partitions and property line adjustments.

[Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.040 Enforcement and Penalties.**

(1) The City Engineer shall be responsible for enforcement of the provisions of this Chapter.

(2) A violation of any of the provisions of this Chapter, or offering to sell, contracting to sell or selling land or an interest in land, contrary to the provisions of this Chapter, or contrary to the subdivision or partition plat, or the survey map of the property line adjustment, is unlawful and a civil infraction. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.050 Interpretation, Conflict and Rules of Construction.**

(1) The provisions of this Chapter shall be interpreted and applied as the minimum re-

quirements. Requests for interpretations of the provisions of this Chapter shall be as set forth in TDC 31.070.

(2) Where the conditions imposed by or under any provisions of this Chapter appear to conflict with conditions imposed by any other provisions of this Chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the method or condition which imposes the more restrictive or higher standard or requirement shall be construed as governing.

(3) Unless this Chapter indicates otherwise the principles of statutory construction contained in ORS 174.040 (severability), 174.100 (definitions), 174.110 (singular or plural number, masculine, feminine or neuter gender), and 174.120 (computation of time) are adopted and incorporated by this reference. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.060 Variances, Minor Variances and Exceptions.**

(1) When necessary, variances and minor variances to the requirements set forth in this Chapter shall be in accordance with TDC Chapter 33.

(2) For subdivisions and partitions, the variance or minor variance shall be considered as part of the subdivision or partition approval process. Variances in conjunction with a subdivision or partition shall be decided by the City Council. Minor variances in conjunction with a subdivision or partition shall be decided by the City Engineer.

(3) For property line adjustments the variance shall be considered and decided at any time prior to the decision being issued and the minor variance shall be considered and decided as part of the City Engineer's decision for the property line adjustment. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §10, passed Nov. 9, 1998; Ord 1096-02 §16, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.070 Land Divisions and Property Line Adjustments.**

(1) All land divisions shall be created by a subdivision or partition plat and must comply with ORS Chapter 92 and this Chapter.

(2) All property line adjustments shall be executed by deed and must comply with ORS Chapter 92 and this Chapter.

(3) No subsequent land division or property line adjustment shall be approved on the same lot or parcel until the previously approved land division or property line adjustment has been filed and recorded in accordance with the provisions of this Chapter, or the previous approval is withdrawn, modified or otherwise invalidated.

[Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.080 Approval of Streets and Ways.**

(1) The subdivision or partition plat shall provide for the dedication of all public rights-of-way, reserve strips, easements, tracts and accessways, together with public improvements therein approved and accepted for public use.

(a) The applicant shall comply with the requirements of TDC Chapter 74, Public Improvement Requirements.

(b) The applicant shall comply with the design and construction standards set forth in the Public Works Construction Code.

(c) The applicant shall provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.

(2) The subdivision or partition plat shall indicate the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-way and easements.

(3) Approval of the subdivision or partition plat by the City shall constitute acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein. [Ord. 590-83 §1, passed

April 11, 1983.]

### **Section 36.090 Issuance of Building Permits.**

(1) Except as provided in subsection (5) of this section no building permit or permits to connect to City utility services shall be issued for lots within a subdivision or partition plat until the City Engineer has determined that the corresponding public improvements are substantially complete to assure that the health and

safety of the citizens will not be endangered from inadequate public facilities.

(2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:

(a) the completion of all required public improvements in accordance with the Public Works Construction Code; and

(b) the acceptance of the public improvements by resolution of the City Council.

(3) No building permits shall be issued or utility service approved for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:

(a) all required public improvements have been completed in accordance with the Public Works Construction Code; and

(b) the public improvements have been accepted by resolution of the City Council.

(4) City approval for use of a public improvement prior to the final approval and acceptance by the City of the subdivision plat shall not be construed as a release or waiver of any security which has been filed to assure compliance with the subdivision plan approval or any related agreements.

(5) For a subdivision or partition in commercial or manufacturing planning districts or multi-family residential developments which require Architectural Review approval, the City Engineer may authorize building permits to be issued prior to the public improvements being substantially complete provided the following conditions are satisfied:

(a) A Public Works Permit for the public improvements has been issued;

(b) An Architectural Review for the development has been approved;

(c) The subdivision or partition plat is recorded;

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(d) All easements and dedications required of any development approval have been recorded; and

(e) Such building permits are conditioned to deny occupancy until the public improvements in the subdivision are complete and are accepted by resolution of the City Council.

[Ord. 590-83 §1, passed April 11, 1983. Amended by Ord. 1016-99 §1, Passed April 12, 1999.]

### PROCEDURE FOR SUBDIVIDING

#### Section 36.110 Approval Required.

(1) No land may be subdivided or replatted except in accordance with this Chapter and if a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, in accordance with the approval criteria in TDC Chapter 33.

(2) The procedure for review and action on subdivision applications, and requested variances and minor variances, is intended to provide orderly and expeditious processing of such applications and to require conditions of development approval to protect the health and safety of the citizens. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §11, passed Nov. 9, 1998; Ord 1096-02 §17, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

#### Section 36.120 Applications and Filing Fee.

(1) The applicant shall discuss the preliminary plans with the City Engineer in a pre-application conference prior to submitting an application. An applicant for a subdivision shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall prepare and submit a City of Tualatin development application, available from the City Engineer.

(2) The application shall contain:

(a) the proposed plat name, approved by the County Surveyor;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(c) the signatures of the property owners and applicants; and

(d) the site location by address and current County Tax Assessor's map and tax lot numbers.

(e) A description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Subdivision Application.

(f) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.

(g) A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(h) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(i) 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 the ODOT Rail Division and the railroad company that the application has been received.

(3) The subdivision application shall be submitted to the City Engineer, along with:

(a) the subdivision plan;

(b) preliminary utility plans for streets, water, sanitary sewer and storm drainage;

(c) a black and white 8½" x 11" site plan suitable for reproduction;

(d) a completed City fact sheet;

(e) a Clean Water Services Service Provider letter; and

(f) other supplementary material as may be required, such as:

(i) deed restrictions; or

(ii) for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

(4) The following general information shall be shown on the subdivision plan:

(a) appropriate identification clearly stating the map is a subdivision plan;

(b) proposed plat name, approved by the County Surveyor;

(c) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(d) the date the plan was prepared;

(e) north arrow;

(f) scale of drawing;

(g) location of the subdivision by 1/4 Section, Township and Range;

(h) existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

(i) proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;

(j) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;

(k) easements, including location, width and purpose of all recorded and pro-posed easements in or abutting the site;

(l) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;

(m) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;

(n) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and 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;

(o) approximate lot dimensions, including all existing property lines and their lengths and

the approximate location and dimensions of all proposed lots;

(p) approximate area of each lot;

(q) proposed lot numbers;

(r) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic land-marks;

(s) all lots and tracts of land intended to be dedicated or reserved for public use;

(t) a vicinity map showing a minimum one mile radius;

(u) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(v) other information required by the City Engineer.

(5) The subdivision application shall be accompanied by a nonrefundable fee as established by City Council resolution. The subdivision application shall not be accepted until the fee has been paid to the City. This fee does not apply towards any building permit or other fees that may later be required.

(6) The applicant shall submit, along with the subdivision application:

(a) A mailing list in accordance with TDC 31.077(3).

(b) A verified statement showing that one or more signs, as directed by the City Engineer, have been posted on the property in a conspicuous location which indicates that a subdivision 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 City Engineer 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.

(7) Unless otherwise specified in the subdivision application, or approval, or in express direction from the City Engineer, any material submitted by the applicant with a subdivision application



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which exceeds the TDC requirements shall be considered a part of the subdivision plan approval.

(8) The applicant has the burden of demonstrating compliance with the applicable development regulations.

(9) The applicable time period for action on the subdivision application shall not commence until the City Engineer has determined that the application is complete.

(a) If the City Engineer fails to make such determination of completeness within 30 days of the date of its submission, or resubmission, the subdivision application shall be deemed complete upon the expiration of the 30 day period for purposes of commencing the applicable time period, unless:

(i) the application lacks information required to be submitted; or

(ii) the required fees have not been submitted; or

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the subdivision application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as the City Engineer deems necessary to make an informed decision.

(10) The City Engineer shall prepare the standard form of Development Application for subdivision plans, including provisions which will best accomplish the intent of this section. [Ord. 590-83 §1, passed April 11, 1983; Ord. 931-94 §3, passed Sept. 12, 1994; Ord. 933-94 §12, passed Nov. 28, 1994; Ord. 954-95 §2, passed Dec. 11, 1995; Ord. 1009-98 §12, passed Nov. 9, 1998; Ord. 1070-01 §6, passed Apr. 9, 2001; Ord. 1096-02 §18, Jan 28, 2002.]. (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003; Ord. 1096-02, Amended, 01/28/2002; Ord. 1070-01, Amended, 04/09/2001)

### Section 36.130 Phasing.

(1) Subject to the approval by the City pursuant to this section, an applicant may create a subdivision plat or construct the public improvements for a subdivision plat in phases. If the applicant intends to utilize this phasing option the applicant shall submit a phasing plan to the City Engineer for approval with the subdivision application and

plan. The City Engineer shall determine the timing of the completion of the public improvements and the conditions of development.

(2) The applicant shall construct all public improvements in each phase.

(a) Prior to issuance of building permits in a particular phase, the public improvements necessary to provide adequate public facilities for the particular phase shall be substantially complete.

(b) When the City Engineer has determined the public improvements in the particular phase are substantially complete and prior to acceptance of the improvements by the City, the City may issue 50 percent of the building permits prior to acceptance of the improvements by the City as set forth in TDC 36.174.

(c) The public improvements shall first be accepted by resolution of the City Council before building permits exceeding 50 percent may be issued in a particular phase.

(d) Public improvements may be submitted for City acceptance by phase.

(3) The subdivision plan approval for the first phase shall expire 24 months from the date of subdivision plan approval by the City Engineer. Future phases shall expire 24 months after the date of recording of the subdivision plat of the immediately preceding phase. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §13, passed Nov. 9, 1998; Ord. 1058-00 §1, passed Sep. 25, 2000; Ord. 1096-02 §19, Jan 28, 2002.]. (Ord. 1096-02, Amended, 01/28/2002)

### Section 36.140 Review Process.

(1) Review of subdivision applications shall be a limited land use decision process. Before approval may be granted on a subdivision application, the City Engineer shall first establish that the subdivision proposal conforms to the Tualatin Development Code and applicable City ordinances and regulations, and requested variances or minor variances to the dimensional standards of lots or the minimum lot size, conform with the approval criteria in the TDC Chapter 33. Failure of the proposal to conform is sufficient reason to deny the application.

(2) After the subdivision application is deemed complete, the City Engineer shall provide written

notice of the application to and and invite comments from:

(a) potentially affected governmental agencies such as the school district in which the subdivision is located, the fire district, the Oregon Department of Transportation, Tri-Met, Clean Water Services and Washington or Clackamas County;

(b) utility companies;

(c) City departments;

(d) property owners within 300 feet of the entire contiguous site. The list shall be compiled from the most recent property tax assessment roll and be done in accordance with TDC 31.071(7); and

(e) neighborhood associations recognized in accordance with TDC 31.065 whose boundaries include the site.

(3) The notice sent in TDC 36.140(2) shall:

(a) state that written comments shall be submitted within 14 calendar days of the mailing date of the notice in order to be considered as a basis for a request for review;

(b) state that issues which may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient clarity and detail to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(c) list the applicable criteria by code section for the decision;

(d) include the street address or other easily understood geographical reference to the subject property;

(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day after notice was sent;

(f) state that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost;

(g) state of the local government contact person and telephone number; and

(h) briefly summarize the local decision-making process for the limited land use decision being made.

(4) Failure of a person or agency to receive the notice required in TDC 36.140(2) shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(5) Comments must be received by the City Engineer within 14 calendar days of the date the notice was mailed. Signed comments shall be in writing. Comments must raise issues with sufficient detail and clarity to enable the decision-maker to respond to the issue. Requests for review may be made only by parties who submitted written comments and may be adversely affected by the decision within the 14 calendar-day period.

(6) Prior to making a decision, the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

(7) The approval of a subdivision application shall not automatically grant other approvals that may be required by the Development Code or City ordinances. However, a decision on a requested minor variance to the dimensional standards of lots or the minimum lot size, shall be included in the subdivision decision.

(8) Approval or denial of a subdivision shall be based upon and accompanied by a brief statement that

(a) explains the criteria and standards considered relevant to the decision;

(b) states the facts relied upon in making the decision; and

(c) explains the justification for the decision based on the criteria, standards and facts set forth.

(9) Notice of the decision shall be provided to the applicant, property owner, and any person who submitted written comments within the 14 calendar-day comment period. Notice of the decision shall include a description of rights to request a review of the decision.

(10) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City En-

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gineer may request that the City Council review the subdivision without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all subdivisions except for expedited subdivisions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the subdivision application and requested minor variances. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §14, passed Nov. 9, 1998; Ord 1096-02 §20, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### Section 36.160 Subdivision Plan Approval.

(1) A subdivision or expedited subdivision application shall not be approved unless the City Engineer first finds that adequate public improvements are, or will be, made available to serve the proposed subdivision.

(2) The City Engineer may approve, approve with conditions, or deny the application based upon demonstrated compliance with applicable City regulations. The City Engineer's decision shall be supported by written findings and reasons for the decision. Findings and reasons may consist of references to the applicable Development Code, ordinance provisions, or special studies. The decision shall also include an explanation of the rights of each party to request a review of the decision.

(3) One copy of the subdivision plan and decision shall be filed with both the City Recorder and the City Engineer.

(4) The decision of the City Engineer on a subdivision shall become final 14 calendar days after the date the notice of the decision is given, unless written request for review is sought.

(5) The approval for the subdivision shall expire 24 months from the date the decision becomes final.

(6) A subdivision plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

(a) protect the public from the potentially deleterious effects of the proposal;

(b) fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal;

(c) further the implementation of the requirements of the Tualatin Development Code.

(7) A subdivision in the RL District for single family residential development or in the RML District for a small lot subdivision shall not be approved unless the number of lots meets the minimum 80 percent density requirement in the RL or RML Planning District. [Ord. 590-83 §1, passed April 11, 1983; Ord. 933-94 §§13 and 14, passed Nov. 28, 1994; Ord. 954-95 §4, passed Dec. 11, 1995; Ord. 1009-98 §16, passed Nov. 9, 1998; Ord 1026-99 §17, passed Aug 9, 1999. Ord. 1058-00 §2, passed Sep. 25, 2000; Ord 1096-02 §22, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### Section 36.161 Requests for Review of Subdivision and Partition Decision

(1) A request for review shall be on a City form. The completed form at a minimum shall consist of the following:

(a) the description of the subject property or the proposed name of the project;

(b) the date on which the request for review is received by the City Engineer;

(c) a statement that the form shall be signed and submitted in writing;

(d) a statement of the issues on which the request for review is based;

(e) a statement that the City Engineer may request additional information for administrative purposes; and

(f) a place to indicate how a person is adversely affected by the decision and how the decision is allegedly not in conformance with applicable code requirements.

(2) Upon receipt of a request for review, the City Engineer shall indicate the date of receipt, schedule a City Council hearing and give notice of the hearing in accordance with TDC 31.077. A request for review shall be accompanied by a fee as established by City Council resolution. The request shall be received in writing at the City offices by 5:00 pm on the fourteenth calendar day after the notice of decision was sent.

(3) The Council shall conduct a de novo hearing in accordance with the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077.

The review conducted by the Council shall be limited to the issues raised during the 14 calendar-day comment period. Notice of the final decision of the City Council may be provided to any person, but shall be mailed by first class mail to

(a) the applicant and owner of the subject property;

(b) the appellant;

(c) all other persons who submitted comments on the application and who may be adversely affected by the decision. [Ord. 1096-02 §23, Jan 28, 2002] (Ord. 1096-02, Add, 01/28/2002)

### **Section 36.162 Modifications to Subdivision Plan Approval.**

(1) After the City Engineer has approved, or conditionally approved, the subdivision or expedited subdivision plan, but before the subdivision plat has been approved, any proposed modifications to the subdivision plan shall be submitted to the City Engineer for approval. The City Engineer shall determine if the proposed modifications are material or immaterial in nature.

(2) Immaterial modifications to a subdivision plan approval are changes which do not result in noncompliance with subdivision approval criteria, and include:

(a) lot dimension changes;

(b) street location changes;

(c) lot pattern changes; and

(d) density decreases provided the 80 percent minimum density requirement is met.

(3) Immaterial modifications shall meet the following standards:

(a) Accessways to adjacent streets or properties shall not be relocated more than 25 feet from the location approved on the subdivision plan. In addition, accessways shall not be relocated to a different adjacent property.

(b) Stub streets shall not be changed to non-through streets.

(c) Cul-de-sacs shall not be changed to stub streets.

(d) Density decreases shall not exceed a 20 percent reduction in the total number of approved lots or dwelling units provided the 80 percent minimum density requirement is met. For an Expedited Subdivision Application, the density shall

not be decreased to a density that would violate the density criterion for the Expedited Subdivision Application process nor violate the 80 percent minimum density requirement.

(e) The proposed modification shall not result in a change or deletion of a condition of approval of the subdivision plan approval. Changes to the conditions of approval shall be processed as set forth in TDC 36.162(4) and (5).

(4) If the proposed modifications are found to be immaterial and the subdivision plan as modified meets the conditions of the earlier subdivision plan approval, the requirements of the TDC and other applicable regulations, the City Engineer shall approve in writing the proposed modifications with or without conditions.

(5) A proposed material modification, or a modification which results in a subdivision plan that no longer meets the conditions of the subdivision plan approval or the requirements of the TDC and other applicable regulations, shall require a new application in accordance with TDC 36.120. The application shall follow the limited land use process as described in TDC 36.140. An Expedited Subdivision Application shall be submitted to the City Engineer for a decision.

(6) The nonrefundable fee for modification of the subdivision plan approval, as established by resolution of the City Council, shall be submitted with the request for modification. [Ord. 590-83 §1, passed April 11, 1983; Ord. 954-95 §5, passed Dec. 11, 1995; Ord. 1009-98 §17, passed Nov. 9, 1998; Ord. 1026-99 §18, passed Aug. 9, 1999; Ord 1096-02 §24, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.170 Subdivision Plat.**

(1) Except where the the City Engineer decision or Council decision in a request for review on the subdivision or expedited subdivision plan specifically provides otherwise, within 24 months after approval of the subdivision plan, the applicant shall cause the subdivision, or an approved phase thereof, to be surveyed and a subdivision plat prepared in conformance with the approved subdivision plan.

(2) Within 24 months after approval of the subdivision plan, the applicant shall submit the subdivision plat, financial assurances, where applicable, and all supplemental information to the

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City Engineer and receive the approval of the City.

(3) If the applicant has not submitted the subdivision plat, financial assurances, where applicable, and all supplemental information to the City Engineer not less than 30 days before such 24-month period expires, the subdivision plan approval shall expire at the end of the 24 months.

[Ord. 590-83 §1, passed April 11, 1983; Ord. 954-95 §7, passed Dec. 11, 1995; Ord. 1058-00 §3, passed Sep. 25, 2000; Ord 1096-02 §25, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### Section 36.172 Information on Subdivision Plat.

(1) In addition to information otherwise specified by ORS Chapter 92, the following information shall be submitted on the subdivision plat:

(a) plat name, date, north arrow, scale of drawing, and legend;

(b) the location, width and centerline of all streets, recorded easements and accessways intercepting the boundary of the site;

(c) all existing and proposed easements shall be shown and shall be clearly identified as to intended purpose; easement width, length and bearing shall be shown; and sufficient ties to locate the easement with respect to the plat shall be shown;

(d) the width of the portion of any street being created; the width of any existing right-of-way; new and existing streets shall be identified by the approved street names;

(e) identification of land to be dedicated or reserved for any purpose, public or private, to distinguish it from lots intended for conveyance and building purposes;

(f) a declaration as required by ORS 92.075; and

(g) plat restrictions required in the subdivision plan approval.

(2) Supplemental information with the subdivision plat shall include:

(a) any deed restrictions;

(b) dedication deeds requiring separate documents;

(c) copies of instruments conveying or dedicating property or interests to the County, the  
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State of Oregon or other public agency, if not conveyed by the plat;

(d) when required, written certification by the applicant's engineer that private streets have been constructed in accordance with the subdivision plan approval and City standards; and

(e) provisions for access to and maintenance of drainage facilities not located within public streets, if any. [Ord. 590-83 §1, passed April 11, 1983.]

### Section 36.174 Agreement for Public Improvements.

(1) Where the applicant wishes to submit the subdivision plat for City acceptance prior to installing all required public improvements pursuant to the subdivision plan approval and subdivision regulations, the applicant shall submit a Compliance Agreement and written assurances, as set forth in this section, to the City Engineer.

(2) The applicant shall submit for City approval, a Compliance Agreement between the owner and the City whereby the owner promises to complete the required public improvements relating to the subdivision in accordance with City regulations within a specified time period in exchange for which the City approves the subdivision plat in advance of completion of all required public improvements.

(3) In addition to the Compliance Agreement, the applicant shall submit one of the following types of assurance:

(a) a Corporate Surety Bond issued by a surety company authorized to transact business in the State of Oregon;

(b) a cash deposit; or

(c) cash in escrow.

(4) Such assurance of full and faithful performance of said Compliance Agreement shall be for a sum approved by the City Engineer as sufficient to cover 100 percent of the cost of completing the required public improvements by the City in the event the applicant fails to construct such improvements in accordance with the Compliance Agreement and City regulations. The costs of City completion of public improvements include, but are not limited to:

(a) related engineering;

- (b) right-of-way acquisition;
- (c) easement acquisition and public contracting costs;
- (d) labor and materials; and
- (e) incidental expenses.

(5) In the event the applicant fails to perform all provisions of the Compliance Agreement, the City is authorized, but not required, to complete unfinished or improperly constructed portions of the required public improvements and to use the assurance for reimbursement to cover the City's costs, including bringing any necessary action to collect such funds.

(a) If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City to satisfy the provisions of the Compliance Agreement upon the applicant's failure to do so, the City shall release the balance.

(b) If the amount of the bond, cash deposit, or cash in escrow is less than the costs so incurred by the City, the applicant shall be liable to the City for such additional costs. The City shall have a lien on the subdivision still owned by the owner in an amount which represents the difference between the City costs and the amount received by the City pursuant to the applicant's assurance.

(6) If the applicant fails to perform under the provisions of the Compliance Agreement the City may, as an additional but not exclusive remedy, refuse to issue additional building permits for properties within the subdivision.

(7) The City Engineer shall prepare standard forms of Compliance Agreement and Escrow Agreement, including provisions which will best accomplish the intent of this Section. Use of such forms by the applicant in accordance with this section are presumed to be satisfactory to the City. [Ord. 590-83 §1, passed April 11, 1983.]

**Section 36.176 Approval of the Subdivision Plat by the City.**

(1) Upon receipt by the City Engineer, the subdivision plat and related materials shall be reviewed for compliance with the subdivision plan approval and applicable regulations.

(2) The City Engineer shall determine whether the applicant has complied with one of the following alternatives:

(a) all public improvements have been installed in accordance with City regulations and accepted by the City Council; or

(b) a Compliance Agreement has been entered into by the applicant and acceptable assurance has been submitted and accepted by the City as set forth in TDC 36.174.

(3) If the City Engineer determines that the subdivision plat conforms with the subdivision plan approval and other requirements, disregarding immaterial changes, the Mayor and City Recorder shall be so advised. The Mayor may then approve the subdivision plat by signing it without further action by the City Council.

(4) If the subdivision plat is not in full conformance with the approved subdivision plan and applicable regulations, it shall be returned to the applicant for revision and resubmittal. [Ord. 590-83 §1, passed April 11, 1983.]

**Section 36.178 Recording of Subdivision Plat.**

(1) After approval by the Mayor, the City Engineer shall return the subdivision plat and other related materials to the applicant, who shall transmit them to the County Surveyor.

(2) After the County Surveyor determines the final subdivision plat and related materials fully conform with State and County requirements, and receives payment of the required fees for such service, the County Surveyor will approve the plat and deliver it to the County Recorder's Office.

(3) No building permits shall be issued until the applicant obtains and delivers to the City Engineer a mylar copy of the subdivision plat showing that it has been officially approved by the County Surveyor and recorded. [Ord. 590-83 §1, passed April 11, 1983.]

**PROCEDURE FOR PARTITIONING.**

**Section 36.210 Approval Required.**

(1) No land may be partitioned except in accordance with this Chapter and if a minor variance is requested to the dimensional standards of

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the lots or the minimum lot size, in accordance with the approval criteria in TDC Chapter 33.

(2) The procedure for review and action on partition applications, and requested minor variances, is intended to provide orderly and expeditious processing of such applications and to require conditions of development approval to protect the health and safety of the citizens. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §19, passed Nov. 9, 1998.]

### Section 36.220 Applications and Filing Fee.

(1) Prior to the submittal of a partition application, an applicant for a partition shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

(2) The applicant shall prepare and submit a City of Tualatin Development Application, available from the City Engineer.

(3) The application shall contain:

(a) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(b) the signatures of the property owners and applicants;

(c) the site location by address and current County Tax Assessor's map and tax lot numbers; and

(d) a description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Partition Application.

(e) if a minor variance is requested to the dimensional standards of the lots or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.

(f) a "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(g) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(h) 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

the ODOT Rail Division and the railroad company that the application has been received.

(4) The partition application shall be submitted to the City Engineer, along with:

(a) the partition plan;

(b) preliminary utility plans for streets, water, sanitary sewer and storm drainage; and

(c) a black and white 8½" x 11" site plan suitable for reproduction;

(d) a completed City fact sheet; and

(e) other supplementary material as may be required, such as:

(i) deed restrictions; or

(ii) for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

(5) The following general information shall be shown on the partition plan:

(a) appropriate identification clearly stating the map is a plan;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(c) the date the plan was prepared;

(d) north arrow;

(e) scale of drawing;

(f) location of the partition by 1/4 Section, Township and Range;

(g) existing streets (public or private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

(h) proposed streets (public or private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;

(i) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the partition plan, and illustrating the connections to transit routes,

pedestrian and bike facilities, and accessways to adjacent properties;

(j) easements, including the location, width and purpose of all recorded and proposed easements in or abutting the proposed site;

(k) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of all existing and proposed on-site and off-site storm drainage lines, and the approximate location and size of water lines;

(l) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;

(m) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and 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;

(n) approximate parcel dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed parcels;

(o) approximate area of each parcel;

(p) proposed parcel numbers;

(q) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;

(r) all parcels or tracts of land intended to be dedicated or reserved for public use;

(s) a vicinity map showing a minimum 1-mile radius;

(t) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(u) other information required by the City Engineer.

(6) The partition application shall be accompanied by a nonrefundable fee as established by City Council resolution. The partition application shall not be accepted until the fee has been paid to the City. This fee shall not apply towards any building permit fees that may later be required.

(7) The applicant shall submit, along with the partition application, a mailing list in accordance with TDC 31.077.

(8) The City Engineer may require information in addition to that stated in this section.

(9) Unless otherwise specified in the partition application, approval, or in express direction from the City Engineer, any material submitted by the applicant with the partition application which exceeds the TDC requirements shall be considered a part of the recommended decision.

(10) The applicant has the burden in all cases of demonstrating compliance with applicable development regulations.

(11) The applicable time period for action on the partition application shall not commence until the City Engineer has determined that the application is complete.

(a) In the event such determination of completeness is not made within 30 days of the date of its submission, or resubmission, the development application shall be deemed complete upon the expiration of the 30 day period for purposes of commencing the applicable time period, unless:

(i) the application lacks information required to be submitted; or

(ii) the required fees have not been submitted; and

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the partition application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as deemed necessary to make an informed decision, though such additional or corrected information will result in extending the applicable time period for action by the City.

(12) The City Engineer shall prepare the standard form of Development Application for partition plans, including provisions which will best accomplish the intent of this section. [Ord. 590-83 §1,

passed April 11, 1983; Ord. 954-95 §8, passed Dec. 11, 1995; Ord. 1009-98 §20, passed Nov. 9, 1998; Ord. 1070-01 §7, passed Apr. 9, 2001; Ord 1096-02 §26, Jan 28, 2002.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003; Ord. 1096-02, Amended, 01/28/2002; Ord. 1070-01, Amended, 04/09/2001)



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### Section 36.230 Review Process.

(1) Review of partition applications shall be a limited land use decision process in accordance with this section. Before a decision is made on a partition application, it shall first be established that the partition proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations and requested minor variances to the dimensional standards of the lots or the minimum lot size, conform with the approval criteria in TDC Chapter 33. Failure to conform is sufficient reason to deny the application.

(2) Prior to the City Engineer issuing a decision on the partition application the applicant shall obtain any required use approvals, including but not limited to plan amendment and conditional use permit, except for minor variances which shall be reviewed and decided as part of the partition decision. Partition with a concurrent variance shall be decided by the City Council.

(3) After the partition application is deemed complete, written notice of the application inviting comments shall be provided to:

(a) potentially affected governmental agencies such as, the school district in which the partition is located, the fire district, Clean Water Services, the Oregon Department of Transportation, Tri-Met, Washington or Clackamas County;

(b) utility companies;

(c) City departments;

(d) surrounding property owners within 300 feet of the entire contiguous site. This list shall be compiled from the most recent property tax assessment roll and this shall be deemed met by an affidavit or other certification that such notice was given; and

(e) neighborhood associations recognized in accordance with TDC 31.065, whose boundaries include the site.

(4) The notice sent in TDC 36.230(3) shall:

(a) state that signed written comments shall be submitted by letter or facsimile within 14 calendar days of the mailing date of the notice to be considered as a basis for requesting a review;

(b) state that issues that may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in

writing prior to the expiration of the comment period. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(c) list the applicable criteria by code section for the decision;

(d) include the street address or other easily understood geographical reference to the subject property;

(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day;

(f) state that copies of all evidence relied upon by the applicant are available for review, and copies can be obtained at cost;

(g) state the local government contact person and telephone number;

(h) briefly summarize the local decision-making process for the limited land use decision being made; and

(i) state that notice of decision will be provided only to those who submitted written comments in accordance with this section.

(5) Failure of a person or agency to receive the notice required in TDC 36.230(3) shall not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice in accordance with this section was given.

(6) Comments shall be received by the City Engineer within 14 calendar days of the date when the notice was mailed. Signed comments shall be in writing or received by facsimile. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issues. Requests for review may be made only by persons who submitted written comments within the 14 calendar-day period, who may be adversely affected by the City Engineer's decision and may only be submitted in writing.

(7) Prior to making a decision the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

(8) When the City Engineer determines that a complete application for a proposed development

raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the partition without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all partitions except for expedited partitions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the partition application and requested minor variances.

(9) The City Council may review and approve a partition application when it is submitted as part of an Industrial Master Plan in accordance with TDC Chapter 37. Such City Council review shall then be conducted in accordance with TDC 31.077. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the partition application and requested minor variances. [Ord. 590-83 §1, passed April 11, 1983; Ord. 954-95 §9, passed Dec. 11, 1995; Ord. 1009-98 §21, passed Nov. 9, 1998; Ord. 1035-99 §1, passed Nov. 8, 1999; Ord 1096-02 §27, Jan 28, 2002.], (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.240 Final Decision.**

(1) The City Engineer shall render a final decision for a partition or an Expedited Partition Application.

(2) No partition or expedited partition application shall be approved by the City Engineer unless adequate public facilities are available to serve the proposed partition.

(3) The City Engineer's decision may be to approve, approve with conditions or deny the partition or expedited partition application based upon demonstrated compliance with applicable City regulations. The City Engineer's decision shall be supported by written findings and reasons for the decision. Findings and reasons may consist of references to the applicable Development Code or ordinance provisions.

(4) The final decision shall be written, and at a minimum shall identify:

- (a) the applicant;
- (b) the date of the decision;
- (c) the decision;

(d) any time frame and conditions to which the decision is subject;

(e) a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in the rendering the decision, explains the justification for the decision based on the criteria, standards and facts set forth; and

(f) an explanation of the rights to request a review of the decision.

(5) Notice of the decision shall be provided to the applicant, property owner, and any party who submitted comments within the 14 calendar-day comment period. Notice of the decision shall include a description of rights to request a review of the decision.

(6) The decision of the City Engineer shall become final 14 calendar days after the date the notice of the decision is given unless a written request to review the decision has been received by the City in accordance with applicable procedures provided in TDC 36.161. If a request for City Council review is timely and properly filed, the decision on the partition application shall not be final until a final determination is made by the City Council.

(7) The final decision of the City Engineer, or approval by the City Council, shall expire 24 months from the date the final decision is issued, or the resolution is adopted.

(8) A partition plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

- (a) protect the public from the potentially deleterious effects of the proposal;
- (b) fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the impacts of the proposal;
- (c) further the implementation of the requirements of the Tualatin Development Code.

(9) The final decision of the City Council on a partition associated with an Industrial Master Plan shall be subject to all requirements of TDC 36.240. [Ord. 590-83 §1, passed April 11, 1983; Ord. 931-94 §4, passed Sept. 12, 1994; Ord. 933-94 §15, passed Nov. 28, 1994; Ord. 954-95 §10, passed Dec. 11, 1995; Ord. 1009-98 §22, passed Nov. 9, 1998; Ord. 1026-99 §19, passed Aug. 9, 1999; Ord. 1035-99 §2, passed Nov. 8, 1999; Ord. 1058-00 §4, passed Sep. 25, 2000; Ord 1096-02 §28, Jan 28, 2002.], (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.242 Modifications to Final Decision.**

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(1) After the partition application has received final approval, including requested minor variances to the dimensional standards of the lots or the minimum lot size, whether or not subject to conditions, but before the partition plat has been approved, any proposed modifications to the partition plan shall be submitted to the City Engineer for approval. The City Engineer shall determine if the proposed modifications are material or immaterial in nature.

(2) Immaterial modifications to a final decision for a partition application are changes which do not result in a noncompliance with partition approval criteria, and include:

- (a) lot dimension changes;
- (b) street location changes; and
- (c) lot pattern changes.

(3) Immaterial modifications shall meet the following standards:

(a) Accessways to adjacent streets or properties shall not be relocated more than 25 feet from the location approved on the partition plan. In addition, these improvements shall not be relocated to a different adjacent property.

(b) Stub streets shall not be changed to non-through streets.

(c) Cul-de-sacs shall not be changed to stub streets.

(d) The proposed modification shall not result in a change or deletion of a condition of approval of the final decision. Changes to the conditions of approval shall be processed as set forth in TDC 36.242 (5) and (6).

(4) If the proposed modifications are found to be immaterial and the partition plan as modified meets the conditions of the final decision, the requirements of the TDC including the 80 percent minimum density requirement and other applicable regulations, the City Engineer shall approve in writing the proposed modifications with or without conditions. The decision shall be filed and mailed as set forth in TDC 31.074 or in accordance with state law for Expedited Partition Plans.

(5) A proposed modification that is determined to be material in nature or which results in a partition plan that no longer meets the conditions of

the final decision or the requirements of the TDC including the 80 percent minimum density requirement and other applicable regulations, shall require a new application in accordance with TDC 36.220.

(6) The nonrefundable fee for modification of the final decision, as established by resolution of the City Council, shall be submitted along with the request for modification or the partition plan approval. [Ord. 590-83 §1, passed April 11, 1983; Ord. 954-95 §11, passed Dec. 11, 1995; Ord. 1009-98 §23, passed Nov. 9, 1998; Ord. 1026-99 §20, passed Aug. 9, 1999.]

### Section 36.250 Requests for Review.

(1) A request for review for a partition shall follow the procedure set forth in TDC 36.161. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §24, passed Nov. 9, 1998; Ord. 1096-02 §29, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### Section 36.270 Partition Plat.

(1) Except where the final decision specifically provides otherwise, or where an extension is specifically approved, within 24 months after the issuance of the final decision, the applicant shall cause the site to be surveyed and a partition plat prepared and supplemental information submitted to the City Engineer in conformance with the final decision and this Chapter.

(2) If the applicant has not submitted the partition plat and all supplemental information to the City Engineer not less than 30 days before such 24-month period expires, the final decision shall expire at the end of the 24 months. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1058-00 §5, passed Sep. 25, 2000.]

### Section 36.272 Information on Partition Plat.

(1) In addition to information otherwise specified by ORS Chapter 92, the following information shall be submitted on the partition plat:

(a) date, north arrow, scale of drawing, and legend;

(b) the location, width and centerline of all streets, accessways and recorded easements intersecting the boundary of the site;

(c) all existing and proposed easements shall be shown and shall be clearly identified as to intended purpose; the easement width, length and bearing shall be shown; and sufficient ties to lo-

cate the easement with respect to the plat shall be shown;

(d) the width of the portion of any street being created; the width of any existing right-of-way; new and existing streets shall be identified by the approved street names;

(e) identification of land to be dedicated or reserved for any purpose, public or private, to distinguish it from parcels intended for conveyance and building purposes;

(f) a declaration as required by ORS 92.075; and

(h) plat restrictions required in the final decision or partition plan approval.

(2) Supplemental information with the partition plat shall include:

(a) any deed restrictions;

(b) dedication deeds requiring separate documents;

(c) copies of instruments conveying or dedicating property or interests to the County, the State of Oregon or other public agency, if not conveyed by the plat;

(d) when required, written certification by the applicant's engineer that private streets have been constructed in accordance with the partition plan approval and City standards; and

(e) provisions for access to, and maintenance of, drainage facilities not located within public streets, if any. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.274 Approval of Partition Plat by City.**

(1) Upon receipt by the City Engineer, the partition plat and related materials shall be reviewed for compliance with the final decision and applicable regulations.

(2) If the City Engineer determines that the partition plat conforms with the final decision and other requirements, disregarding immaterial changes, the Mayor and City Recorder shall be so advised. The Mayor may then approve the partition plat by signing it without further action by the City Council.

(3) If the partition plat is not in full conformance with the final decision and applicable regulations, it shall be returned to the applicant

for revision and resubmittal. [Ord. 590-83 §1, passed April 11, 1983; Ord 1096-02 §30, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.276 Recording of Partition Plat.**

(1) After approval by the Mayor, the City Engineer shall return the partition plat and other related materials to the applicant, who shall transmit them to the County Surveyor.

(2) After the County Surveyor determines the partition plat and related materials fully conform with State and County requirements, and receives payment of the required fees for such service, the County Surveyor will approve the plat and deliver it to the County Recorder's Office.

(3) No building permits shall be issued until the applicant obtains and delivers to the City Engineer a mylar copy of the partition plat, showing that it has been officially approved by the County Surveyor and recorded. [Ord. 590-83 §1, passed April 11, 1983.]

## **PROCEDURE FOR PROPERTY LINE ADJUSTMENT.**

### **Section 36.310 Approval Required.**

(1) No property line may be adjusted except in accordance with this Chapter and if a minor variance is requested to the dimensional standards of the lots or the minimum lot size, in accordance with the approval criteria in TDC Chapter 33.

(2) The procedure for review and approval of property line adjustment applications, and requested minor variances, is intended to provide orderly and expeditious processing of such applications and to require conditions of development approval to protect the health and safety of the citizens.

(3) No additional lots shall be created by a property line adjustment.

(4) All lots shall conform to the minimum lot size requirements of the TDC, unless a minor variance to the dimensional standards of the lots or the minimum lot size, is approved as part of the Property Line Adjustment decision. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §26, passed Nov. 9, 1998.]

### **Section 36.320 Applications and Filing Fee.**

(1) The applicant shall prepare and submit a City of Tualatin Development Application, available from the City Engineer.

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(2) The application shall contain:

(a) the names, addresses and telephone numbers of the property owners, applicants, agents and surveyors;

(b) the signatures of the property owners and applicants; and

(c) the site location by address and current County Assessor's map and tax lot numbers.

(d) if a minor variance is requested to the dimensional standards of the lots or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33 and a mailing list in accordance with TDC 31.077.

(e) a "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(f) 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 the ODOT Rail Division and the railroad company that the application has been received.

(3) The application shall be submitted to the City Engineer, along with a sketch map and other supplementary material as may be required.

(4) The following general information shall be shown on the sketch map:

(a) the date the sketch was prepared;

(b) north arrow;

(c) scale of drawing;

(d) existing and proposed lot sizes;

(e) existing and proposed lot lines;

(f) existing and proposed structures;

(g) existing and proposed easements; and

(h) other information required by the City Engineer.

(5) The property line adjustment application shall be accompanied by a nonrefundable fee as established by City Council resolution. The application shall not be accepted until the fee has been paid to the City. This fee shall not apply towards any building permit fees that may later be required.

(6) The applicant has the burden in all cases of demonstrating compliance with applicable development regulations.

(7) The City Engineer may require information in addition to that stated in this section.

(8) The City Engineer shall prepare the standard form of Development Application for property line adjustments, including provisions which will best accomplish the intent of this section. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §27, passed Nov. 9, 1998; Ord. 1070-01 §8, passed Apr. 9, 2001; Ord 1096-02 §31, Jan 28, 2002.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1096-02, Amended, 01/28/2002; Ord. 1070-01, Amended, 04/09/2001)

### Section 36.330 Review Process.

(1) For any property line adjustment application to be approved, it shall first be established that the resulting lots conform to the Tualatin Development Code, and applicable City ordinances and regulations, and requested minor variances to the dimensional standards of the lots or minimum lot size, conform to the approval criteria in TDC Chapter 33. Failure to conform is sufficient reason to deny the application.

(2) Prior to the City Engineer issuing a decision on the property line adjustment application the applicant shall obtain any required use approvals, including but not limited to plan amendments, variances and conditional use permits, except for minor variances which shall be reviewed and decided as part of the property line adjustment decision.

(3) Before the commencement of the applicable time period for City action, the property line adjustment application shall first be certified or deemed complete by the City Engineer.

(a) In the event such certification of the application is not made within 30 days of the date of its submission, or resubmission, the application shall be deemed complete after 30 days for purposes of commencing the applicable time period, unless:

(i) the application lacks information to be submitted; or

(ii) the required fees have not been submitted; and

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the application.

(b) The City Engineer may subsequently require correction of any information found to be in error and submittal of additional information not specified in this Chapter, as the City Engineer deems necessary to make an informed decision.

(4) After the property line adjustment application is deemed complete, the City Engineer shall provide one copy of the sketch map and supplemental material to, and invite comments from City departments.

(5) Failure of the City to send the information set forth in subsection (4) of this section to a City department, or failure of a City department to receive this information, shall not invalidate any proceeding in connection with the application.

(6) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the property line adjustment without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the property line adjustment application, including a requested minor variance to the dimensional standards of the lots or the minimum lot size. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §28, passed Nov. 9, 1998; Ord 1096-02 §32, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.340 Decision.**

(1) Within 30 days from the date the property line adjustment application, including a requested minor variance to the dimensional standards of the lots or the minimum lot size, is deemed complete, the City Engineer shall issue a decision to approve or deny the application.

(2) The decision shall include findings of fact and conclusions based upon applicable criteria. The City Engineer's decision shall be supported by written findings and reasons for the decision based upon applicable regulations. Findings and reasons may consist of references to the applicable Development Code or Ordinance provisions.

(3) The decision shall be written, and at a minimum shall identify the applicant, the date of the decision, the decision, and any time frame to which the decision is subject.

(4) Except as otherwise provided, failure of the City Engineer to make a decision on a property line adjustment application within 30 days from the date the application is deemed complete shall constitute approval of the particular application, unless the applicant consents to an extension of time.

(5) The decision of the City Engineer shall not be considered final until a written notice of the decision is given to the owners of the properties listed on the application and if a minor variance is requested, also to the owners of properties (fee title) within 300 feet of the subject property.

(6) The decision of the City Engineer shall be appealable for 14 calendar days after the date the notice of the decision is given. A written request for review of the decision by City Council shall be in accordance with applicable procedures and on a form provided for that purpose, as set forth in TDC 31.075 and 31.076. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §29, passed Nov. 9, 1998; Ord 1096-02 §33, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 36.350 Requests for Review.**

(1) When a request for review by the City Council is received by the City Engineer, the review hearing shall be scheduled for an appropriate City Council meeting date in accordance with TDC 31.076.

(2) The City Council shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures as provided in TDC 31.077.

(3) Upon review, the decision shall be to approve, approve with conditions or deny the application under review, including a requested minor variance to the dimensional standards of the lots or the minimum lot size. The decision shall include findings of fact and conclusions for the decision, which shall be based upon applicable criteria.

(4) The decision shall be written and at a minimum shall identify the property line adjustment application, the applicant or a person to be contacted on behalf of the applicant, the date of

the decision, the decision, and any conditions to which the decision is subject. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §30, passed Nov. 9, 1998.]

### **Section 36.360 Survey Map.**

(1) A common property line that is relocated through a property line adjustment process shall be surveyed and monumented except as set forth in ORS Chapter 92.

(2) When required, surveys shall be filed with, and approved by, the County Surveyor prior to filing and recording the necessary deeds with the County.

(3) The survey map shall contain all the information required by the County Surveyor and the requirements of State law, ORS Chapter 209. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §31, passed Nov. 9, 1998.]

### **Section 36.370 Final Approval.**

(1) Except where the City Engineer's decision or City Council's approval of a property line adjustment, including a requested minor variance to the dimensional standards of the lots or the minimum lot size, specifically provides otherwise, within 24 months after the issuance of the decision or approval, the applicant shall cause the property line to be surveyed and a survey map prepared in conformance with the property line adjustment as approved.

(2) Within the 24-month period, prior to recording, the applicant shall submit the survey map to the City Engineer for review. The City Engineer shall determine that all conditions of the decision or approval have been satisfied.

(3) The Finance Department of the City shall determine that any City liens, assessments and in lieu of payments assigned to the properties, if any, are reapportioned to correspond with the new land unit configuration.

(4) If the survey map fully complies with City requirements, the City Engineer shall issue a final approval to the applicant within 30 days of receiving the survey map.

(5) If the survey map is not in full compliance, it shall be returned to the applicant for revision and resubmittal. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §32, passed Nov. 9, 1998; Ord. 1058-00 §6, passed Sep. 25, 2000; Ord 1096-02 §34, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

(Revised 07/04)

### **Section 36.380 Recording of Survey Map by County Surveyor.**

(1) After the final approval on a property line adjustment survey is issued by the City Engineer the survey map and other data shall be returned to the applicant, who shall transmit them to the County Surveyor for examination for compliance with applicable provisions of State law and County regulations.

(2) When the County Surveyor finds the documents in full conformance with county requirements, and receives payment of the required fees for such service, the County Surveyor shall approve the survey map by recording.

(3) No building permits shall be issued until the applicant obtains and delivers to the City Engineer a copy of the survey map as officially approved by the County Surveyor and recorded. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1009-98 §33, passed Nov. 9, 1998.]

## **LOT REQUIREMENTS.**

### **Section 36.410 Double Frontage and Reverse Frontage.**

(1) Double frontage and reversed frontage lots should be avoided except where essential to provide separation of residential development from railroad tracks or crossings, traffic arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

(2) Residences on double frontage lots shall be oriented towards the lower classification street adjacent to the lot:

(a) local street instead of collector or arterial; and

(b) collector street instead of arterial.

(3) If two local streets are adjacent to a series of adjacent double frontage lots, then residences on all such lots shall be oriented towards the same local street. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.420 Existing Structures and Appurtenances.**

(1) Any existing structures proposed to be demolished shall be removed prior to the City approval of the subdivision or partition plat. Any structures determined to be a historic City land-

mark shall be reviewed in accordance with TDC Chapter 68.

(2) Any existing wells shall be abandoned in the manner prescribed by State and County regulations prior to the City approval of the subdivision or partition plat.

(3) Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks shall be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the subdivision or partition plat. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.430 Large Lots.**

When subdividing, partitioning or adjusting land into large lots which at some future time are possible to be resubdivided, repartitioned or readjusted to a size which more closely conforms to the other lots in the subdivision or area, the applicant shall submit a future streets plan. The future streets plan shall indicate that proposed large lots be of such size and shape and contain such building site restrictions as will provide for the extension and opening of streets at such intervals and the subsequent division of any such large lot into smaller size lots which meet the requirements of the TDC. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.440 Monuments.**

Survey markers and monumentation shall be placed as required by State law. Any monuments that are disturbed before all improvements are completed shall be replaced by the applicant to conform to the requirements of State law. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.450 Side Lot Lines.**

The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.460 Size and Shape.**

(1) The lot size, width, shape and orientation shall be appropriate for the location of the lot and shall comply with the planning district standards for the type of development and use contemplated.

(2) These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by public sewer or public water supply, the lots shall also conform to any special requirements developed by the County Health Department or the Department of Environmental Quality with respect to sewage disposal and water supply.

(b) Where the planning district designation is for commercial or industrial use, other lot sizes, widths and areas may be permitted at the discretion of the City Council. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(c) Where the property constitutes or is part of a conditional use approval and fully complies with specific conditions imposed at the time of approval of the conditional use, other lot sizes, widths and areas may be permitted at the discretion of the City Council. [Ord. 590-83 §1, passed April 11, 1983.]

### **Section 36.470 Frontage on Public Streets**

All lots created after September 1, 1979 shall abut a public street, except for the following:

(1) Secondary condominium lots, which shall conform to TDC 73.400 and TDC 75;

(2) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by Chapters 71, 72 Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5 respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;

(3) Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots shall occur via a shared driveway within a tract. The tract shall have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:

(a) Does not exceed 250 feet in length,

(b) If the tract exceeds 150 feet in length, it has a turn around facility as approved by the Fire Marshal for fire and life safety,



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(c) The tract does not serve more than 6 lots,

(d) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74,

(e) A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Engineer prior to issuance of a building permit, and

(f) Access easements have been provided to all properties needing access to the driveway.

(4) Lots in the Manufacturing Park Planning District which have access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way. [Ord. 1054-

00 §1, passed Aug 14, 2000.]

## Chapter 37

### Industrial Master Plan

#### Sections:

**37.010 Purpose**

**37.020 Application Requirements.**

**37.030 Criteria for Review**

**37.040 Review and Approval**

#### Section 37.010 Purpose

The Tualatin City Council may approve an Industrial Master Plan within the Manufacturing Park Planning District that sets particular standards for development within the Industrial Master Plan Area defined by such plan, in accordance with the Tualatin Community Plan and the Leveton Tax Increment Plan. Such approved plans are intended to achieve a campus-like setting within an Industrial Master Plan Area, while allowing development to occur independently on a number of smaller parcels within that area. It is the intent of this chapter to provide procedures and criteria for the submission and review of such Industrial Master Plan applications. [Added by Ord. 1035-99 §3, passed Nov. 8, 1999.]

#### Section 37.020 Application Requirements.

(1) A request for an Industrial Master Plan or modification of an existing Industrial Master Plan shall be initiated by the owner or owners of all properties within the Industrial Master Plan Area or an authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. Prior to the submittal of an application, an applicant shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant may submit a written application addressing applicable review criteria and a site plan, as outlined in (3) below, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by a fee as established by City Council

resolution and the information outlined in TDC 31.071(7) for notification purposes.

(2) An Industrial Master Plan may be approved based on proposed parcel boundaries; in this case development under the Industrial Master Plan shall be conditioned on creation of the proposed parcels through the subdivision or partition process or may be the subject of a concurrent land division application. Partition applications associated with an Industrial Master Plan may be approved by City Council in accordance with TDC 36.230(8).

(3) In addition to the information necessary to satisfy the approval criteria specified below, the following information shall be included in the application or on accompanying drawings:

(a) A completed application form accompanied by the appropriate fee with the correct map and tax lot numbers and location of property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.

(b) One copy of a written statement that includes the following items:

(i) A complete list of all land use reviews requested;

(ii) A complete description of the proposal;

(iii) A description of how all approval criteria for the land use review are met;

(iv) Any request for alternate development standards, pursuant to (4) below, shall be included in the written statement.

(c) A site or development plan. At least one complete copy must be 8½ inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:

(i) All existing or proposed property lines with dimensions and total lot area;

(ii) North arrow and scale of drawing;

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(iii) Adjacent streets, motor vehicle circulation systems, including connections off site, location of parking areas, and design to include number of spaces, location of loading areas, curbs, and sidewalks;

(iv) Easements and on-site utilities;

(v) General location of existing and proposed building envelopes;

(vi) Location of adjacent off-site buildings;

(vii) Types and location of vegetation, street trees, screening, fencing, and building materials;

(viii) Pedestrian and bicycle access and circulation systems, including connections off site and bicycle parking areas;

(ix) Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site;

(x) Conceptual building materials and location of landscaped areas; and

(xi) Partition application if applying for concurrent approval in accordance with TDC 36.220.

(d) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(e) 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 the ODOT Rail Division and the railroad company that the application has been received.

(4) An Industrial Master Plan may specify, for the entire Industrial Master Plan Area as a whole or for each individual parcel therein, the following alternate development standards which shall supersede conflicting provisions otherwise applicable:

(a) Setbacks from each lot line to buildings, parking areas and circulation areas. Required setbacks may be exact, or minimum and maximum ranges may be specified. Required setbacks may be greater than or less than those required under TDC 62.060.

(b) Locations of shared parking and circulation areas and access improvement, including

truck maneuvering and loading areas and common public or private infrastructure improvements.

(c) Building heights and placement and massing of buildings with respect to parcel boundaries.

(d) Location and orientation of building elements such as pedestrian ways or accesses, main entrances and off-street parking or truck loading facilities, including the number of off-street parking spaces and loading docks required.

(e) Lot dimensions and area provided that no individual parcel shall be less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive unless otherwise provided under TDC 62.050(1).

(f) Location of required building and parking facility landscaped areas.

(5) Except as specifically provided in subsection (4) above, all other provisions of this Code shall apply within an Industrial Master Plan Area. [Added by Ord. 1035-99 §4, passed Nov. 8, 1999; Ord 1096-02 §35, Jan 28, 2002.] (Ord. 1157-04, Amended, 03/08/2004; Ord. 1149-03, Amended, 10/13/2003; Ord. 1096-02, Amended, 01/28/2002)

### Section 37.030 Criteria for Review

The City Council shall approve an Industrial Master Plan, after a hearing conducted pursuant to TDC 32.040, provided that the applicant demonstrates that the following criteria are met:

(1) Public facilities and services, including transportation, existing or planned, for the area affected by the use are capable of supporting the proposed development or will be made capable by the time development is completed.

(2) The location, design, size, color and materials of the exterior of all structures for the proposed development and use is compatible with the character of other developments within the same general vicinity.

(3) The internal circulation, building location and orientation, street frontage, parking, setbacks, building height, lot size, and access are in accordance with TDC Chapter 62 unless otherwise approved through the Industrial Master Plan process. [Added by Ord. 1035-99 §5, passed Nov. 8, 1999.]

## **Section 37.040 Review and Approval**

(1) Before acting on a request for an Industrial Master Plan, the application shall be considered by the City Council at a public hearing conducted in the manner provided for in TDC 31.077. The City Council may continue a hearing in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the Council shall announce the time, place and date when the hearing will be resumed.

(2) The City Council may approve, approve with conditions, or deny the application for an Industrial Master Plan. The City Council may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. [Added by Ord.

1035-99 §6, passed Nov. 8, 1999.]

## Chapter 38

### Sign Regulations

**Sections:**

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- 38.020 Authority.**
- 38.030 Purpose and Intent.**
- 38.040 Jurisdiction.**
- 38.050 Exempt Signs.**
- 38.060 Sign Permit Required.**
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- 38.140 Signs Permitted in the Residential Low Density (RL) Planning District.**
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- 38.170 Signs Permitted in the Residential High Density (RH) Planning District.**
- 38.180 Signs Permitted in the Residential High Density/High Rise (RH/HR) Planning District.**
- 38.190 Signs Permitted in the Office Commercial (CO) and Mid-Rise Office Commercial (CO/MR) Planning Districts.**
- 38.200 Signs Permitted in the Neighborhood Commercial (CN) Planning District.**
- 38.210 Signs Permitted in the Recreation Commercial (CR) Planning District.**
- 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.**
- 38.225 Signs Permitted in the Mixed Use Commercial Overlay District.**
- 38.230 Signs Permitted in the Medical Center (MC) Planning District.**

- 38.240 Signs Permitted in the Light Manufacturing (ML), General Manufacturing (MG) and Manufacturing Park (MP) Planning Districts.**

**Section 38.010 Title.**

This Chapter shall be known and may be cited as the "Sign Regulation Chapter" of the Tualatin Development Code. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

**Section 38.020 Authority.**

This Chapter is adopted pursuant to the authority delegated to the City of Tualatin under the Oregon Constitution Article XI, Section 2 and the City of Tualatin Charter of 1967, as amended. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

**Section 38.030 Purpose and Intent.**

(1) The purpose and intent of this Chapter is to:

- (a) implement the Sign Objectives in Chapter 20,
- (b) ensure orderly signage and
- (c) establish reasonable regulations for sign design, construction, installation, repair and maintenance.

(2) The regulations may result in a reduction in an owner's desired level of signage. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

**Section 38.040 Jurisdiction.**

This Chapter applies to signs within the City Limits and all the planning districts of the City of Tualatin. Other regulations of the City may also apply to signs. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

**Section 38.050 Exempt Signs.**

The following signs are exempt from the regulations of this Chapter, but may be subject to other regulations of the City.

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(1) Signs authorized and installed by the Unified Sewerage Agency or public utilities, such as electricity, natural gas, telephone and cable television, which are directly related to utility facilities in the public right-of-way and easements, and which aid public safety, identify the location of underground or aboveground facilities, or assist the public utility in repairing or maintaining its facilities. Signs erected for office uses, storage yards and other primary activities of the agency or company are not exempt.

(2) Signs erected by the City of Tualatin or the Tualatin Development Commission.

(3) Signs and traffic control devices erected by the State of Oregon or the counties of Washington or Clackamas in the public right-of-way or public easements for traffic control, traffic safety or public works construction purposes.

(4) Signs not legible from public rights-of-way or from outdoor areas open to the public, such as parking lots, outdoor hallways and pass-throughs.

(5) Signs inside a building, except window signs.

(6) Signs affixed to vehicles where the communicative purpose is incidental to the use as a vehicle.

(7) Garage sale signs, erected in accordance with Ordinance No. 554-81, as amended.

(8) Street addresses.

(9) "Neighborhood Watch" and "Block Home" signs.

(10) City-awarded plaques related to historic resources and heritage trees.

(11) "No parking", "handicapped/ disabled parking" and "car pool/van pool" signs. [Ord. 590-83

§1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

### Section 38.060 Sign Permit Required.

(1) Except as provided in (2) below, no person shall erect, construct, modify, relocate, use or replace a sign, change a sign face, or alter a sign or sign structure unless a sign permit and any required building permit and electrical permit have been issued.

(2) The following signs are not required to obtain a sign permit, however, they shall comply with applicable sign regulations:

(a) exempt signs in accordance with TDC 38.050,

(b) a directory sign's change of reader-board copy of two inches or less in height,

(c) lawn signs,

(d) temporary window signs and displays that do not meet the definition of a sign, for example, murals.

(e) inlaid floor signs in the Mixed Use Commercial Overlay District.

(f) directional signs in the Mixed Use Commercial Overlay District.

(3) A separate sign permit application shall be submitted for each sign erected, constructed, modified, relocated, replaced, face changed or structurally altered and for sign repair that includes these activities. Sign maintenance requires no permit. All proposed work on a sign shall be shown in the sign permit application.

(4) When required by the Uniform Building Code or the Building Official, a separate building permit shall be obtained from the City for the erection, construction, modification, relocation, replacement, change of sign face or alteration of a sign or sign structure.

(5) When required by the State Electrical Code or the Building Official, an electrical permit shall be obtained from the issuing authority before connecting an electrical sign to a source of electricity. The electrical components of signs shall meet the applicable electrical standards as shown by certification from those testing laboratories approved by the State of Oregon as meeting the testing standards for electrical safety as required by Oregon Revised Statutes 479.510 - 479.855 and Oregon Administrative Rule 918-330-000, as constituted on the effective date of this ordinance or as may hereafter be amended.

(6) Building and electrical permits shall be applied for in accordance with the procedures of the issuing agency, provided such permits are not issued until a sign permit has been issued.

(7) The Community Services Director may require a sign permit application be submitted for each sign on a property required to have a permit if no permit for such sign has been previously issued. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Amended Ord. 1176-04, passed 11/22/2004.]

### **Section 38.070 Sign Permit Process.**

(1) A person may apply for a sign permit and any required building permit and/or electrical permit concurrently. A decision on the sign permit shall be issued first, followed by decisions on the related building or electrical permits.

(2) A sign permit application form, check-sheet and instruction sheet shall be established and made available by the Planning Director. Sign permit applications which do not provide the information required by this ordinance, the application form, checksheet and instruction sheet may be rejected by the Planning Director. The Planning Director shall determine if an application provides the required information.

(3) A complete sign permit application shall be submitted to and reviewed by the Planning Director. The application is not complete unless the application fee is submitted with the application. The application shall be approved, approved with conditions or denied by the Planning Director, whose decision is final. The Planning Director shall not approve a sign permit to erect any new freestanding or wall signs on a tax lot with one or more nonconforming freestanding or wall signs erected on it unless the statement in TDC 35.200(3)(d) appears on the sign permit. An application for a sign that is erected prior to submitting the application and does not meet the requirements of this Chapter shall be denied.

(4) Where a sign permit is required, a sign contractor registered with the State of Oregon Construction Contractors Board shall be the applicant. A person, other than the registered sign contractor, may deliver and submit the application to the Planning Director. The application shall contain or include the following information:

(a) name, mailing address and telephone number of:

(i) the land and building owners or authorized agents,

(ii) the company and a contact person for which the sign is intended, and

(iii) the sign contractor company and a contact person.

(b) the sign contractor's Construction Contractors Board Number,

(c) the signatures of the land and building owners and the sign contractor applicant and

(d) tax map, lot number and street address of the property for which the sign is intended.

(e) a site plan drawn to scale showing the proposed location of the sign, existing signs and their heights, widths, face areas and percentage of wall area, property lines, distance of the sign to the property lines, vehicle access points and driveways, the dripline of trees if the proposed sign is to be within five feet of the dripline of a tree and the outline of existing and proposed structures on the property.

(f) two sets of clearly legible blueprints, ink drawings or photocopies of the plans and specifications for the proposed sign drawn to scale.

(g) applications for wall signs shall include elevations drawn to scale, including dimensions (height and width), of the owned or leased wall to which the sign is to be attached. Such elevations shall show the building owner's designated sign band.

(h) The sign permit application fee.

(i) Other information requested by the Planning Director, including but not limited to recorded easements, property line dimensions and the location of on-site and abutting sidewalks.

(5) After a complete sign permit application has been submitted and accepted, the applicant may request in writing that the application be withdrawn. The Planning Director may return the application, and reimbursement of the application fee, if any, shall be in accordance with TDC 38.080.

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(6) If the work authorized by the sign permit is not completed within 90 days after the date of sign permit issuance, the permit shall expire and be null and void. Upon written request of the applicant, submitted to the Planning Director prior to the expiration date, one 90-day extension of the sign permit approval may be granted by the Planning Director if there have been no amendments to the specific sign regulations that applied to the proposed sign at the time the sign permit was first approved. The Planning Director's decision shall be in writing and mailed to the applicant. As used in this subsection "completed" means the work performed meets the approved sign permit and any conditions attached thereto.

(7) The Planning Director may revoke any sign permit where there has been a violation of the provisions of this Chapter or a misrepresentation of fact on the permit application, the materials submitted as part of the application, or both.

(8) The Planning Director may issue a sign permit, if a sign permit is required, to erect a temporary sign on a property with no building, provided the proposed temporary sign meets all applicable regulations.

(9) The Planning Director shall not issue a sign permit to erect a permanent sign, or to change a sign face on an existing permanent sign, on a property with no building or with an unoccupied building.

(10) The Planning Director shall not issue a sign permit to erect a permanent sign, or to change a sign face on an existing permanent sign, on an unoccupied building. [Ord. 590-83 §1, passed

April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

### **Section 38.080 Sign Permit Fees.**

(1) Fees for sign permit applications, extensions of sign permit approvals, sign variances, sign interpretations and other sign application actions shall be established and amended by City Council Resolution.

(2) The sign permit fee shall be doubled when a sign subject to permit requirements has been erected in whole or in part, including but

not limited to excavation, prior to obtaining a sign permit.

(3) If a complete sign permit application is withdrawn, the permit fee shall be refunded in whole provided the sign permit application review process has not begun. The review process begins when staff lists the application on the sign permit application log sheet. If the sign application review process has begun, the application fee shall not be refunded. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

### **Section 38.090 Sign Ordinance Interpretations.**

An interpretation of Chapter 38 or the sign definitions in Chapter 31 shall be in accordance with TDC 31.070. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

### **Section 38.100 General Provisions.**

(1) Location. Except for traffic control devices, public signs and special event banner signs, signs shall be located on private property outside of the public right-of-way and shall not extend over or into the public right-of-way. Signs shall not be constructed in or extend over or into easements for public sewer, water or storm drain lines or within five feet of such lines, or within the dripline of existing trees. Shingle signs in the Central Urban Renewal Areas Central Design District may extend over the publicly owned promenade, public sidewalks and private walkways.

(2) Vision Clearance Area. Signs may be located in vision clearance areas provided they do not extend into the space from higher than 24 inches above the curb, or if no curb exists from higher than 30 inches above grade, to lower than eight feet above the curb or grade, except as noted below in this subsection. Support structures, such as posts, for freestanding signs which extend higher than eight feet above grade may be located in a vision clearance area only if the combined total width of the support structures in the vision clearance area is one foot or less and the combined total depth of support



structures in the vision clearance area is one foot or less.

(3) **Pedestrian Area Clearance.** Signs erected over or extending over private or public pedestrian walkways or paths shall provide a vertical clearance of at least eight feet from the surface of the walkway or path to the lowest portion of the sign.

(4) **Signs Incorporated Into Fences.** Except for signs at subdivision entrances located in a private tract median island within a public right-of-way, monument signs may be affixed to and be part of a masonry fence. Pole signs shall be affixed only to the ground.

(5) **Copy.** Copy shall be placed only on the sign face.

(6) **Dedication for Right-of-Way.** Signs and their structures and foundations shall be removed from property subject to dedication to the public before such dedication shall be accepted by the City.

(7) **Illumination.**

(a) Lights providing indirect illumination onto signs shall be directed so the source of light is not visible from the public right-of-way or from properties in residential planning districts.

(b) Neon lighting is the only permitted lighting for direct illumination. Neon, incandescent and fluorescent lighting are permitted for indirect or internal illumination.

(c) The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliampere fluorescent light sources spaced not closer than eight inches on center.

(8) **Sign Maintenance and Repair.** All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn, damaged or are unsafe or pose a danger to the public shall be maintained, repaired or removed.

(9) **Signage For Additional Uses in the Central Urban Renewal District and the Leveton Tax Increment Financing District.** In specific situations the Tualatin Development Code permits selected uses from a given "home" planning district to locate in another "receiving"

planning district as an additional use when the "receiving" district is in the Central Urban Renewal District or the Leveton Tax Increment Financing District. When an additional use exists in a "receiving" planning district, the sign regulations of the "home" planning district shall apply to the additional use. For example, the uses listed in the permitted use section of the General Commercial Planning District are permitted in Blocks 28 and 29 of the Central Urban Renewal District, which are in the Light Manufacturing Planning District, as additional uses. The General Commercial Planning District sign standards apply to a General Commercial use in Blocks 28 and 29 of the Central Urban Renewal District. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 966-97 §1, passed Jan. 13, 1997.]

### **Section 38.110 Sign Types**

(1) **Freestanding Monument Sign Provisions.**

(a) Monument signs shall be erected on grade or set into a hillside. If the monument sign is supported by a pole, the sign shall extend down to within four inches of grade to cover the pole so that no more than four inches of the pole is visible.

(b) The sign faces of a monument sign shall be parallel or in a "V" shape provided the inside angle of the "V" shall not be more than 90 degrees.

(2) **Freestanding Pole Sign Provisions.**

(a) **Freestanding Pole Sign Supports.**

(i) Freestanding pole signs shall be supported by no more than two poles, posts, columns or similar supports. Guy wires and similar stabilization methods are not permitted.

(ii) The poles, posts, columns or similar supports for freestanding pole signs shall be closed to present a round, oval, polygon or similar exterior appearance. Exposed angle-iron supports such as I-beams are not permitted.

(iii) The poles, posts, columns or similar supports for freestanding pole signs may be covered with a pole-cover as a method of improving the appearance of the support(s).

(iv) The total width, including any pole-cover, of the poles, posts, columns or similar supports for freestanding pole signs shall be

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no wider than 25 percent of the sign face's width.

(v) Except for Freeway-Oriented Activity Area freestanding pole signs, the poles, posts, columns or similar supports for freestanding pole signs may be illuminated by direct illumination provided the illumination of each support is horizontal around the support and extends no more than two feet below the bottom or above the top of the sign face and in no case is less than eight feet above grade.

(vi) The poles, posts, columns or similar supports for freestanding pole signs shall be plumb (straight up).

### (b) Freestanding Pole Signs.

(i) No portion of a freestanding pole sign shall extend on or over a building.

(ii) The faces of two-sided pole signs shall be parallel to each other.

### (3) Wall Sign Provisions.

#### (a) Sign Bands.

(i) A sign band shall be designated for each building by the building/property owner as part of the first sign permit application for that building after the effective date of this ordinance.

(ii) The sign band shall be located on a wall or awning, or the fascia of a canopy or marquee, or in the space between posts or columns which are directly below with the wall above and in the same vertical line as the wall above. The sign band shall not include windows. The sign band shall be no greater in height from top to bottom than the allowed wall sign height.

(iii) The sign band for existing wall signs with an approved sign permit shall be that portion of the wall where the existing sign is located.

(iv) The sign band shall be located in the same relative position on each elevation; however, the band may reflect architectural elements and grade changes. The band may include, but is not limited to, a continuous horizontal painted band, a continuous horizontal architectural feature, a continuous horizontal band of similar exterior material such as courses of

colored or textured brick, or concrete block. The sign band shall not extend above the top of a wall or a parapet. Except as provided in TDC 38.225, sign bands on awnings, canopies and marquees shall not extend above the top of nor below the bottom of the awning, canopy or marquee.

(b) Except for window signs, shingle/blade signs attached to a wall, and wall mounted plaque and directory signs, permanent wall signs shall be erected within the sign band.

(c) Wall signs may be erected on doors, provided the sign band includes the door.

(d) Wall Sign Extensions. Wall signs shall not extend above the top of nor below the bottom of the sign band.

(e) Wall Sign Depth. Wall signs shall not extend out from the wall greater than 1.33 feet (16 inches). Except as provided in TDC 38.225, shingle/blade signs attached to a wall may extend no greater than four feet.

(f) Wall Sign Face Orientation. Wall sign faces shall be parallel to the wall to which they are attached. Except as provided in TDC 38.225, shingle/blade signs attached to a wall shall be perpendicular to the wall to which they are attached.

(4) Shingle Sign and Blade Sign Provisions. Shingle signs and blade signs may be erected in the Mixed Use Commercial Overlay District subject to TCD 38.225 and in the Central Design District subject to the following limitations after first obtaining a sign permit.

(a) Location: Shingle signs and blade signs need not be placed within the sign band for wall signs. Shingle signs and blade signs shall be attached to a wall or the underside of an awning, canopy, marquee or building overhang.

(b) Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet.

(c) Number of Sides: No more than two.

(d) Height of Sign Face: 1.5 feet in the Central Design District.

(e) Width of Sign Face: Three feet in the Central Design District.

(f) Sign Face Area: 4.5 square feet in the Central Design District.

(g) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.

(h) Illumination: Indirect in the Central Design District.

(i) Guy wires cables and similar stabilization methods are not permitted.

(5) Banner Signs. A temporary banner sign may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts.

(b) One per tax lot may be displayed, or in commercial and industrial planning districts one per lease space may be displayed by a tenant.

(c) Except as set forth in (g) below, a banner shall be erected on a building wall and secured to prevent it from flapping in the wind.

(d) Except as set forth in (g) below, a banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(e) Except as set forth in (g) below, a banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a property shall not exceed 60 days in a calendar year.

(f) Except as set forth in (g) below, the banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.

(g) Public schools are permitted banner signs subject to the following standards. A banner may be erected on a wall, freestanding sign, or monument sign, provided it is secured to prevent it from flapping in the wind. A banner shall not be erected sooner than 60 calendar days prior to the event it advertises. The total display time for all banner signs shall not be longer than

90 calendar days in a school year. A banner shall be no greater than four feet in height from top to bottom and 80 square feet in area.

(6) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. The standards applicable to temporary banners do not apply to special event banners. Special event banners shall not cross rights-of-way.

(7) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following limitations and after first obtaining a sign permit.

(a) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.

(b) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.

(c) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.

(d) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

(8) Directional Signs. Directional signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed for conditional uses in the RL Planning District and permitted and conditional uses in all other planning districts, except the CN Planning District where they are not allowed.

(c) Location on Site: If they are not 100 percent visually screened from the public right-

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of-way, they shall be erected at least 30 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 30 feet of the public right-of-way.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: No more than one per aisle or aisle intersection or drive-through lane or drive-through lane intersection.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal.

(9) Directory Signs. Directory signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent wall or free-standing monument signs.

(b) They shall be allowed in the CO, CO/MR, MC, CC, CG, ML, MG and MP Planning Districts. The property the sign is to be located on shall contain at least two buildings with not less than 2,000 square feet of gross floor area each, or the property shall contain at least one building with not less than 3,000 square feet of gross floor area and have no fewer than four tenants.

(c) Location on Site: Wall directories shall be erected on sign bands and monument directories shall be erected at least 60 feet from a public right-of-way.

(d) Location as Part of a Fence: Not permitted.

(e) Number: One per primary public customer doorway to the business.

(f) Number of Sides: No more than one for a wall directory. No more than two for a monument directory, except in the MC Planning District where four are allowed.

(g) Height of Sign: No higher than three feet for a wall directory. No higher than six feet for a monument directory.

(h) Sign Face Area: Wall directories shall be no more than six square feet and monuments shall be no more than 24 square

feet, except in the MC Planning District where 30 square feet is allowed.

(i) Illumination: Indirect or internal.

(j) Height of Copy: No higher than two inches, except that 20 per cent of the sign face area may have copy up to five inches. In the MC Planning District all copy may be no higher than four inches, except that 20 per cent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(k) That portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(10) Entry/Exit Signs. Entry/exit signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent freestanding pole or monument signs.

(b) They shall be allowed in the CO, CO/MR, CR, MC, CC, CG, ML, MG and MP Planning Districts or at public schools in any planning district.

(c) Location on Site: They shall be located within 15 feet of the edge of the on-site vehicular driveway. They may be located in the vision clearance area.

(d) Location as Part of a Fence: They may be affixed to and made part of a fence.

(e) Number: One for each vehicular driveway access from a public right-of-way approved through the Architectural Review process. When the vehicular driveway access from a public right-of-way is a joint access serving two or more tax lots which are under different ownerships, two signs are permitted (one on each side of the driveway) for each joint driveway access approved through the Architectural Review process.

(f) Number of Sides: No more than two.

(g) Height of Sign: No higher than 2.5 feet.

(h) Sign Face Area: No more than four square feet.

(i) Illumination: Indirect or internal only.

(11) Home Occupation Signs. Home occupation signs may be erected subject to the follow-

ing limitations without first obtaining a sign permit.

(a) They shall be erected only on the inside of a window.

(b) They shall be allowed in a dwelling unit in all planning districts.

(c) Number: No more than one per dwelling unit.

(d) Number of Sides: No more than one.

(e) Height of Sign: No higher than one foot.

(f) Sign Face Area: No more than one square foot.

(g) Illumination: Not permitted.

(12) Lawn Signs. Lawn signs may be erected subject to the following limitations without first obtaining a sign permit. The purpose of lawn signs is to allow property owners and real estate agencies to show that a property or building is for sale or rent, and to display political messages.

(a) For single family, duplex and multi-family uses.

(i) They shall be temporary pole or A-frame signs.

(ii) Number: On a property being offered for sale, one sign per public street frontage. On properties other than a property being offered for sale, no more than three signs total may be erected. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: Temporary pole signs shall be no higher than six feet. Temporary A-frame signs shall be no higher than two feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No more than six square feet, but additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Removal: On a property being offered for sale, they shall be removed within 30 days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within 12 days after the election.

(viii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(b) For undeveloped residential subdivision lots and undeveloped land in the RL Planning District.

(i) They shall be temporary pole or monument signs.

(ii) Location on Site: On private property.

(iii) Number: One per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iv) Number of Sides: No more than two.

(v) Height of Sign: No higher than six feet, except additional lawn signs erected during the election period specified above shall be no higher than three feet.

(vi) Sign Face Area: No more than 12 square feet.

(vii) Illumination: Not permitted.

(viii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(c) For undeveloped land in multi-family, commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than 12 feet. Additional lawn signs erected dur-

## Tualatin Development Code

ing the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(d) For developed land in commercial and industrial planning districts.

(i) They shall be temporary pole or monument signs.

(ii) Number: On a property being offered for sale or lease, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(iii) Number of Sides: No more than two.

(iv) Height of Sign: No higher than nine feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(v) Sign Face Area: No greater than 32 square feet. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(vi) Illumination: Not permitted.

(vii) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(13) Overhead Door Signs. Overhead door signs may be erected subject to the following limitations after first obtaining a sign permit.

(a) They shall be permanent wall signs.

(b) They shall be allowed for permitted or conditional uses in commercial, medical center or industrial planning districts.

(c) Location on Building: They shall be erected at the uppermost area of the overhead door opening or on the wall immediately above

an overhead door opening provided the top of the sign face is no higher than 1.5 feet above the top of the overhead door opening.

(d) Number: One per overhead door.

(e) Number of Sides: No more than one.

(f) Height Above Grade: The top of the sign face shall be no higher than 1.5 feet above the top of the overhead door opening.

(g) Height of Sign Face: No higher than eight inches.

(h) Area: No more than six square feet.

(i) Illumination: Indirect.

(14) Public Transit Shelter Signs. Public transit shelter signs may be erected subject to the following limitations without obtaining a sign permit.

(a) They shall be window or wall signs.

(b) They shall be allowed in all planning districts.

(c) Location on Building: On the wall or in the window of a public transit shelter.

(d) Number: One per wall not to exceed two walls of a public transit shelter.

(e) Number of Sides: No more than one.

(f) Height Above Grade: No higher than the top of the wall or window.

(g) Height of Sign Face: No higher than two feet.

(h) Area: No greater than two square feet.

(i) Illumination: Not permitted.

(15) Subdivision Identification Signs. Subdivision identification signs may be erected subject to the following limitations and after first obtaining a sign permit.

(a) They shall be permanent monument signs.

(b) They shall be allowed for approved or recorded subdivisions in the RL, RML, ML and MG Planning Districts.

(c) Location on Site: On private property at a subdivision entrance or on a private tract median island within the public right-of-way.

(d) Location as Part of a Fence: Except at a subdivision entrance on a private tract median island within the public right-of-way, the

sign may be affixed to and be part of a masonry fence.

(e) Number: One per public street entry into the subdivision.

(f) Number of Sides: No more than two.

(g) Height Above Grade: In the RL and RML Districts, no higher than five feet, unless the sign is at a subdivision entrance on a private tract median island within the public right-of-way, in which case it shall be no higher than 2.5 feet. In the ML and MG Districts, no higher than eight feet.

(h) Width of Sign: There is no standard for signs located outside a median. A sign at a subdivision entrance on a private tract median island within the public right-of-way shall be no wider than 50 percent of the width of the median measured from curb to curb or where there is no curb from edge of pavement to edge of pavement, provided the area limitation below is met, and it shall be centered in the median.

(i) Area: No more than 18 square feet, except in the ML and MG Districts where the area shall be no more than 25 square feet.

(j) Illumination: In the RL and RML Districts, indirect, unless it is located in a median, then no illumination is allowed. In the ML and MG Districts, indirect or internal is allowed.

(k) Separation: In the ML and MG Districts at least 100 feet shall separate Subdivision Identification Signs from all other permanent freestanding signs, except Directional, Directory and Entry/Exit Signs.

(16) Window Signs. Permanent window signs, including but not limited to neon signs, washable paint such as nonwater soluble, and vinyl appliques, shall first obtain a sign permit. Temporary window signs, including but not limited to butcher paper signs, and water soluble paint, may be erected without obtaining a sign permit. Window signs may be erected subject to the following limitations.

(a) They shall be allowed for permitted and conditional uses in commercial or industrial planning districts.

(b) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(c) Number: No limit provided the sign face area standard is met.

(d) Area: No more than 35 percent of the owned or leased window area.

(e) Illumination: Direct or indirect.

(17) Service Station Signs. Service station signs may be erected subject to the following limitations and after first obtaining a sign permit. In those planning districts where service stations are allowed as permitted or conditional uses, service station signs are allowed only in place of and not in addition to, the signs, other than service station signs, allowed in those planning districts.

(a) Monument signs are permitted. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a monument sign in a MCC apply, TDC 38.110(1), the following standards apply.

(i) Type: Monument Sign.

(ii) Location as Part of a Fence:

The sign may be affixed to and made part of a masonry fence.

(iii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the pole sign complies with (b) below and other regulations applicable to such signs.

(iv) Number of Sides: No more than two.

(v) Height Above Grade: No higher than eight feet.

(vi) Area: No more than 55 square feet. Gas product price signs shall be included in the 55 square foot maximum.

(vii) Illumination: Indirect or internal only.

(viii) Letter, Symbol, Logo Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter to the bottom of the letter. Numbers may be less than one foot high.

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(b) Pole signs are permitted in place of the monument signs allowed in (a) above. Unless the service station is located in a Major Commercial Center (MCC) in the Central or General Commercial Planning Districts where the standards for a pole sign in a MCC apply, TDC 38.110(2), the following standards apply.

(i) Type: Pole Sign.

(ii) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage. When more than one sign is permitted, one may be a monument sign and one may be a pole sign, provided the monument sign complies with (a) above and other applicable regulations. For Freeway-Oriented Activities, only one of the above permitted pole signs may be a Freeway-Oriented Activity Sign.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than 15 feet, except a permitted Freeway-Oriented Activity Sign may be up to 45 feet.

(v) Height of Sign Face: No higher than eight feet, except a permitted Freeway-Oriented Activity Sign may be up to 16 feet.

(vi) Area: No more than 48 square feet, except a permitted Freeway-Oriented Activity Sign may be up to 250 square feet. Gas product price signs shall be included in the 48 or 250 square foot maximums.

(vii) Illumination: Indirect or internal only.

(c) Wall Signs Are Permitted. If used, the following standards apply.

(i) Type: Wall sign.

(ii) Location on Building: On a building wall or canopy fascia or both. No wall sign shall be located on a wall or spanner panel under the canopy roof.

(iii) Number: No more than one sign per building wall or canopy fascia, not to exceed three signs total.

(iv) Number of Sides: No more than one.

(v) Height Above Grade: No higher than the height of the sign band.

(vi) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos) shall be more than two feet high and provided the sign face shall not extend above or below the sign band.

(vii) Area: No more than 24 square feet. Gas product price signs shall be included in the 24 square foot maximum.

(viii) Illumination: Indirect or internal.

(d) Signs are permitted on gas pumps, provided no more than two sides of each pump are used and the signs do not exceed five square feet on each side.

(e) See TDC 38.110(4-16) for additional signage and if used, the standards of TDC 38.110(4-16) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 966-97, §2, passed Jan. 13, 1997; Amended Ord 1176-04, 11/22/2004; Amended Ord. 1194-05, 8/22/2005.]

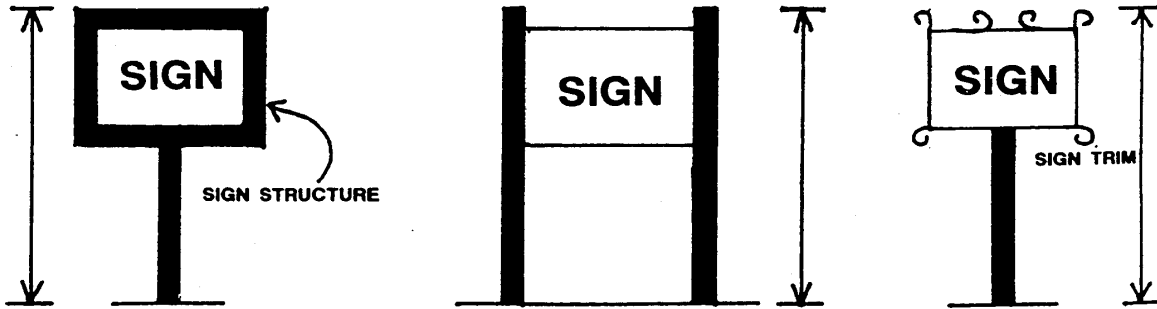
### Section 38.120 Measuring Signs and Building/Structure Elevations.

The diagrams provided in this section are intended for illustration only. Signs and building or structure elevations shall be measured as follows:

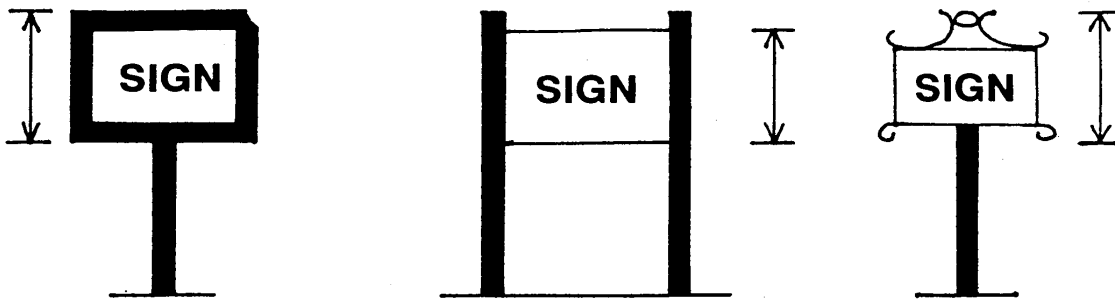
#### (1) Freestanding Pole Signs.

(a) Height of Sign: The measurement shall be from the grade to the highest point of the sign, including the sign face structure, pole and any projection, decoration or trim of the sign face structure or pole. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

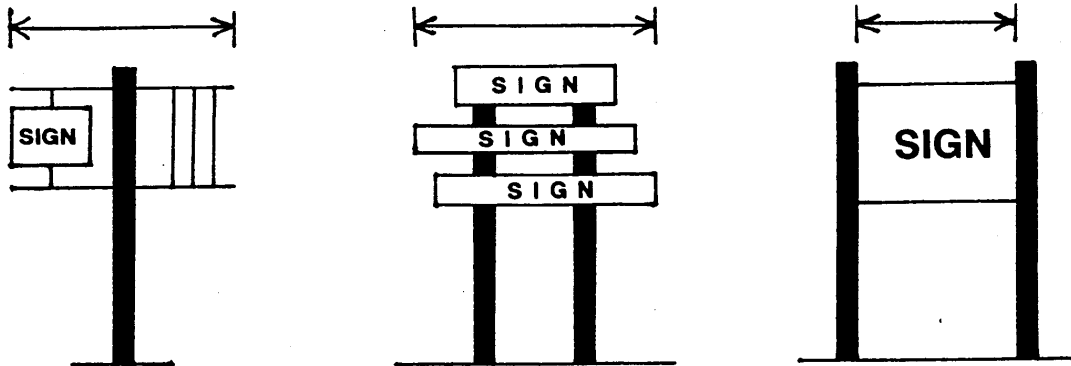




(b) Height of Sign Face: The measurement shall be from the lowest point to the highest point of the sign face, including the sign face structure and any projection, decoration or trim of the sign face or structure.

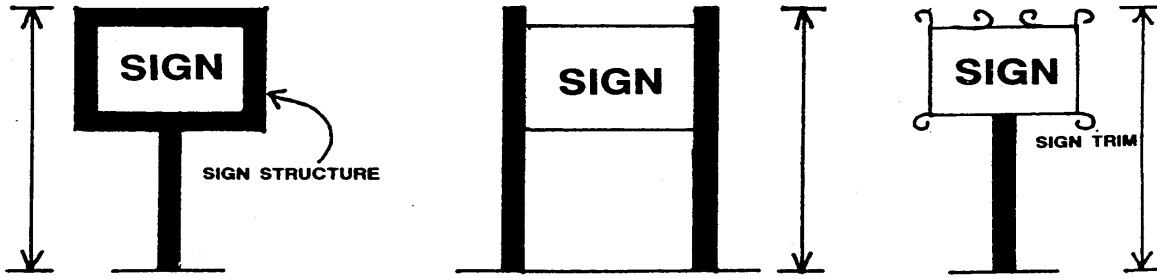


(c) Width of Sign Face: The measurement shall extend from the outer edges side to side and include the structure projection, decoration or trim of the sign face or structure, but not the supporting pole.

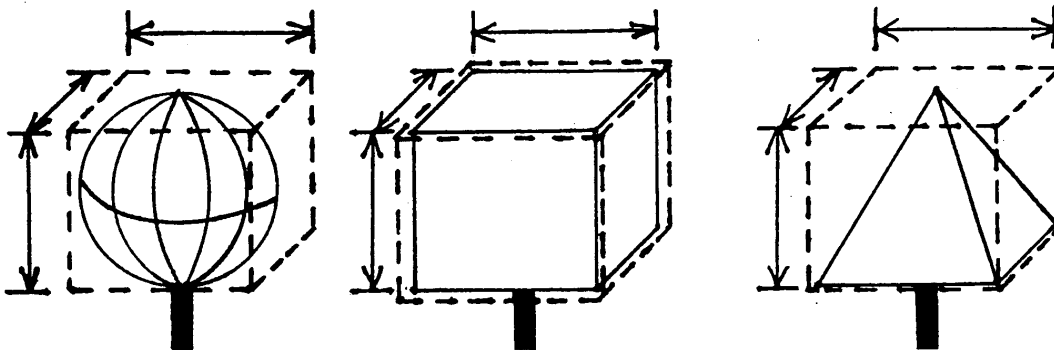


(d) Sign Face Area, Single and Double-Sided Signs: Only one side of a sign shall be measured. When the sides of a double sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projection, decoration or trim of the sign face and any direct illumination on the sign pole, within not more than three squares or rectangles or both which touch and sum the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.

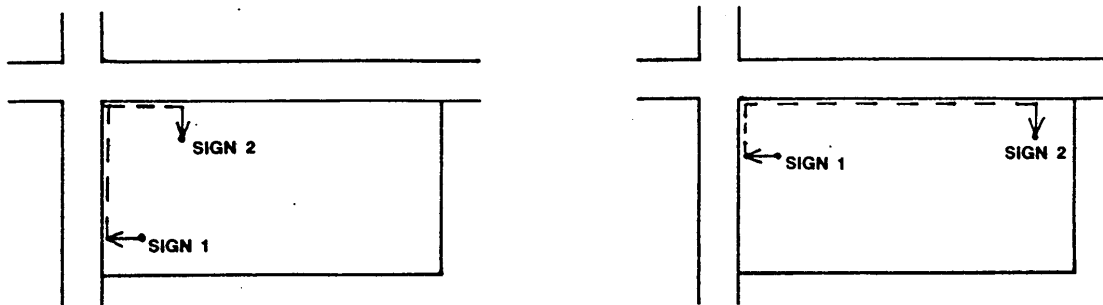
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(e) Sign Face Area for Signs With More Than Two Sides (multi-faceted signs): The measurement shall enclose the sign faces and structures, including any projection, decoration or trim of the sign faces and structures and any direct illumination on the sign pole, within a square or rectangle and summing the area of the six sides.



(f) On-site Separation Between Signs: When freestanding signs are required to be separated by a specific distance from each other, the distance shall be measured beginning at the center of the footprint of one sign, then measuring by the shortest route to the nearest property line, then along the property line to the point on the property line nearest to the second sign and then by the shortest route to the center of the footprint of the second sign. If the above directions result in two or more different measurements, the shortest shall be used.

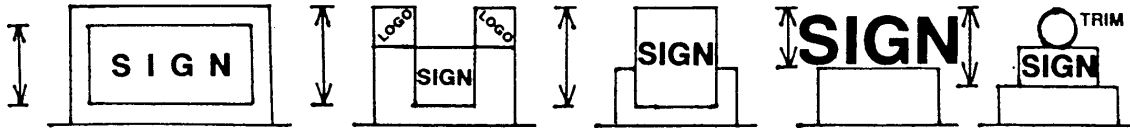


## (2) Freestanding Monument Signs.

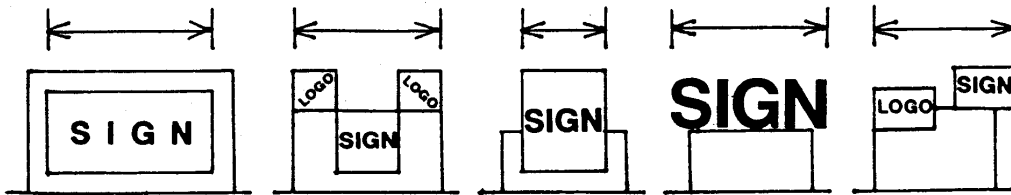
(a) Height of Sign: The measurement shall be from the grade to the highest point of the sign, including the sign face, structure and any projection, decoration or trim of the sign face or structure.



(b) Height of Sign Face: The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration or trim of the sign face.

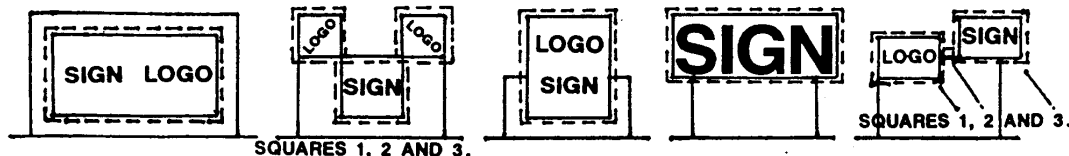


(c) Width of Sign Face: The measurement shall extend from the outer edges side to side and include any projection, decoration or trim of the sign face.

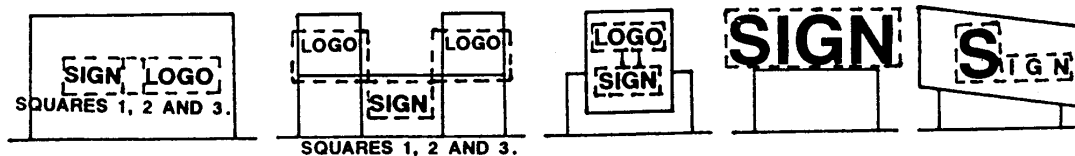


(d) Sign Face Area: Only one side of a sign shall be measured. When the sides of a double sided sign are not equal, the larger side shall be measured. The measurement shall enclose the sign face, including any projection, decoration or trim of the sign face, within not more than three squares or rectangles or both which touch and sum the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.

**CABINETS**



**INDIVIDUAL LETTERS**

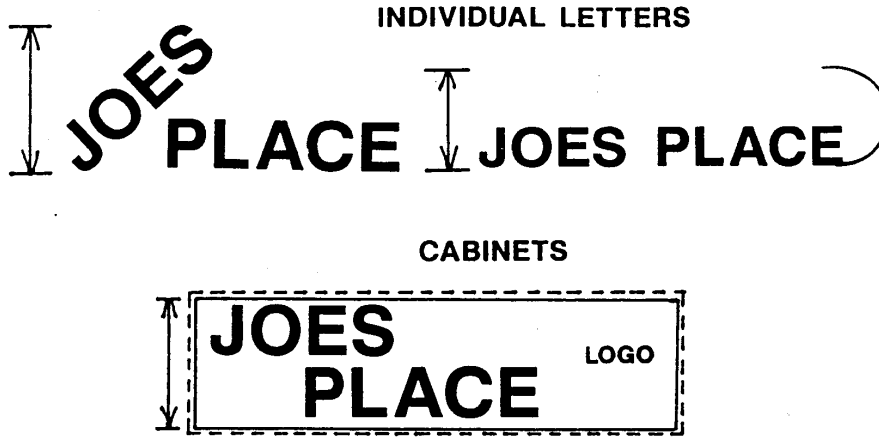


(e) On-site Separation Between Signs: See Section (1)(f), above.

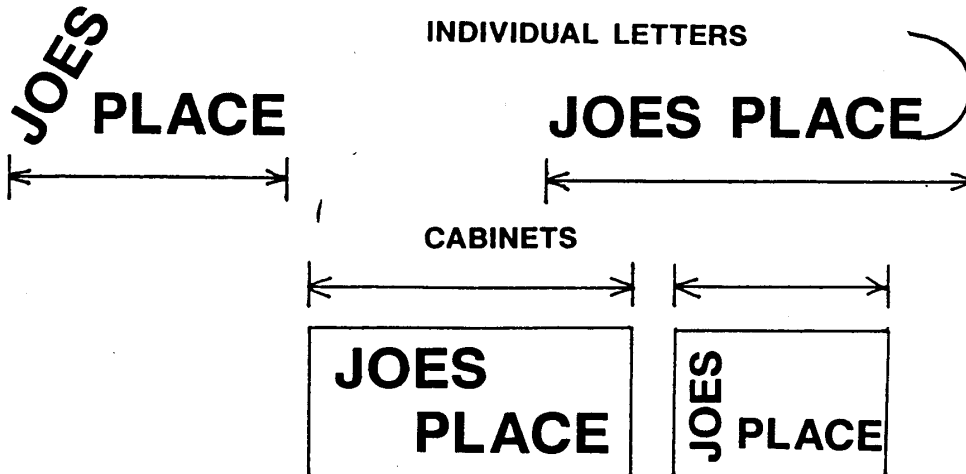
(3) Wall Signs.

(a) Height of Sign Face: The measurement shall be from the lowest point to the highest point of the sign face, including any projection, decoration, individual letters, cabinet or trim of the sign face.

# Tualatin Development Code



(b) Width of Sign Face: The measurement shall extend from the outer edges side to side and shall include any projection, decoration or trim of the sign face.

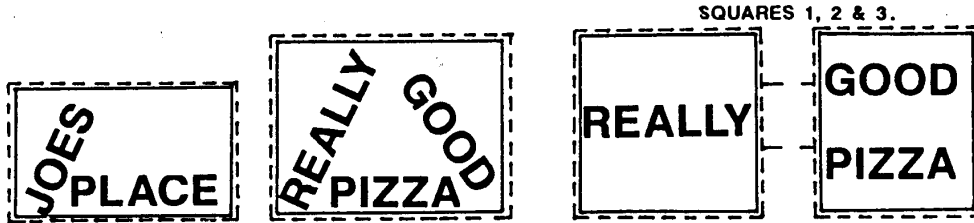


(c) Sign Face Area: The measurement shall enclose the sign face, including any projection, decoration or trim of the sign face, within not more than three squares or rectangles or both which touch and sum the areas. The squares or rectangles may be rotated. The minimum dimension of a square or rectangle connecting two sign faces is one foot.

INDIVIDUAL LETTERS

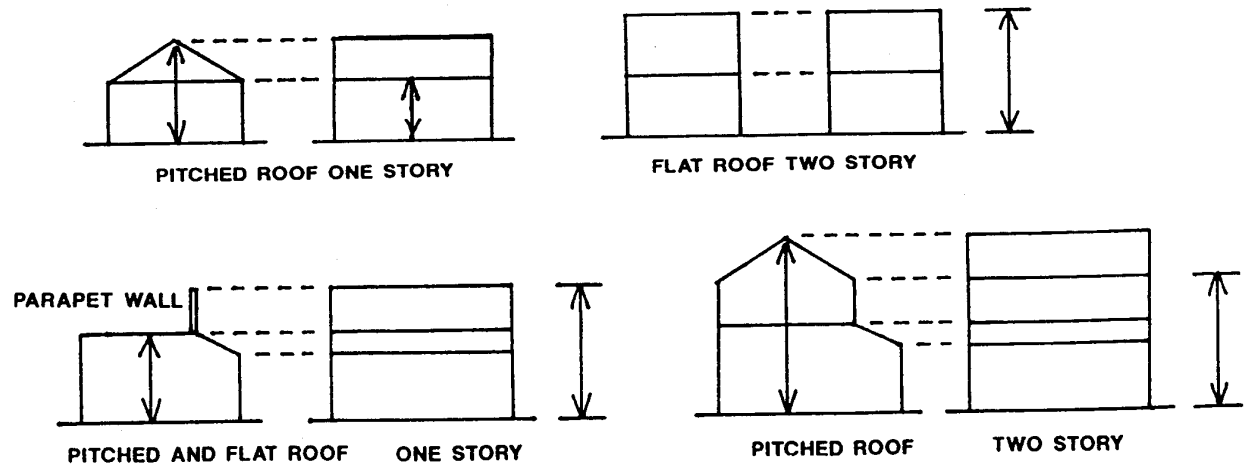


CABINETS

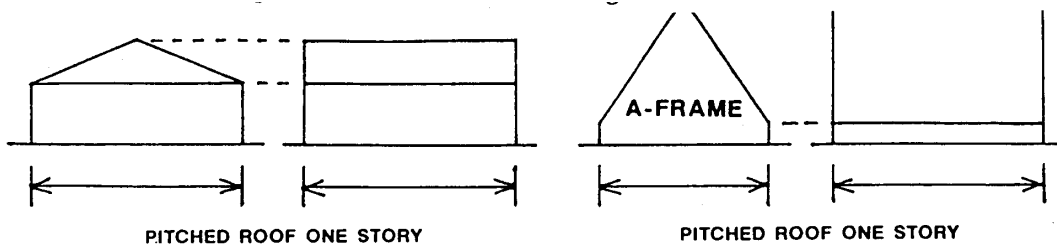


(4) Building and Structure Elevations. The measurement shall be of the tenant's owned or leased wall and from the perspective of an architectural elevation.

(a) Height of Elevation: The measurement shall be from the grade to the highest point, except flagpoles and similar spires, of the building or structure wall, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them as shown below.



(b) Width of Elevation: The measurement shall be from the outer edges side to side, including all vertical surfaces and non-vertical surfaces which have a vertical surface above them. The following figures illustrate the methods.



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### Section 38.130 Prohibited Signs.

Nothing contained in this section shall be construed to prohibit the display of national flags, state flags of the United States, special purpose districts, or local governments. The following signs or advertising devices are prohibited by this Chapter.

(1) A sign not specifically permitted by this Chapter, except as otherwise provided in Chapter 33 for approved sign variances and Chapter 35 for legal nonconforming signs.

(2) A sign required to have been issued a sign permit, but for which no sign permit has been issued.

(3) Any sign which is erected and fails to comply with sign regulations.

(4) A-frame (sandwich board) sign, except as otherwise provided in TDC 38.110(12), Lawn Signs.

(5) Abandoned sign.

(6) Animated sign.

(7) Balloons (including children's balloons and balloons inflated by blown, pumped or forced air); blimps, festoon lighting, inflatable signs, pennants and streamers.

(8) Bench sign or a sign on other furniture.

(9) Fin sign; flashing sign.

(10) Indirect illuminated signs which direct light into residential districts.

(11) Obscene sign.

(12) Obstructing sign.

(13) Portable sign, except as otherwise provided in TDC 38.110(5) and (12) for temporary banners and lawn signs, respectively.

(14) Readerboard sign, mechanical or electronic, except as otherwise provided in TDC 38.110(9)(k) and 38.225(1)(j) for directory signs, 38.140(2)(b) and (2)(d)(vii), 38.150(5)(b), 38.160(2)(b), 38.170(2)(b) and 38.180(2)(b) for schools and churches, 38.240(1)(a)(vii) for schools for kindergarten through 12, and 38.220(1)(c)(viii) and 38.220(1)(d)(vii) for cinemas, theaters and churches.

(15) Roof sign.

(16) Rotating, revolving or moving signs.

(17) Search lights, beacons or strobe lights.

(18) Shingle/blade signs, except as otherwise provided in TDC 38.230(1)(b)(vii), 38.220(1)(d)(viii) and 38.225(1).

(19) Signs attached to trees.

(20) Snipe signs and nonpublic signs attached to or mounted on objects within the public right-of-way, such as on utility poles.

(21) Signs attached to or located on a stationary vehicle or trailer which is visible from a public right-of-way or parking lot or other area accessible to the public, and intended primarily for display of the sign.

(22) Signs resembling official traffic signs or signals, for example signs stating "stop," "go slow," "caution," "danger" and "warning," except officially authorized or installed by the City of Tualatin, State of Oregon or Washington or Clackamas County.

(23) Signs with visible incandescent bulbs or fluorescent tubes or signs with a visible immediate source of illumination, except neon. The erection or placement on any exterior portion of a building or structure of incandescent or fluorescent illumination is prohibited, except incandescent bulbs of less than 15 watts during the period November 1 through January 10.

(24) Signs which have lost their status as legal signs either due to alteration, modification, relocation or replacement without first obtaining a sign permit when a sign permit is required.

(25) Signs associated with illegal uses according to the provisions of the Tualatin Development Code or decisions on applications made pursuant to the Tualatin Development Code.

(26) Signs which constitute a public nuisance.

(27) Unsafe signs.

(28) Signs which incorporate flames or emit sounds or odors.

(29) Electrical signs whose electricity is provided by any means except underground wiring.

(30) Signs supported in whole or in part by cables or guy wires or which have cables or guy wires extending to or from them.

(31) Permanent signs on a property with no building.

(32) Permanent signs on a building with no occupants. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 966-97, §3, passed Jan. 13, 1997; Amended Ord. 1120-02, 11/15/2002; Amended Ord. 1176-04, 11/22/2004; Amended Ord. 1200-05, 10/24/05.]

### **Section 38.140 Signs Permitted in the Residential Low Density (RL) Planning District.**

(1) No sign shall be permitted in the RL Planning District for permitted uses and conditional uses that allow single family dwellings except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

(2) No sign shall be permitted in the RL Planning District for conditional uses other than single family dwellings except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

(b) Monument signs are permitted. If used, the following standards apply.

(i) Number: One per frontage on a public street right-of-way, and no more than one on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than five feet.

(iv) Area: No more than 18 square feet.

(v) Illumination: Indirect.

(vi) Location: No greater than 30 feet from the frontage property line along the public street right-of-way.

(vii) For churches the sign may be an internally illuminated mechanical readerboard provided it is on the frontage of an arterial or collector street designated in the TDC, Table 11-2, and the readerboard portion is no more than 75 per cent of the allowed sign face area.

(c) Wall signs are permitted. If used, the following standards apply:

(i) Number: In addition to the monument signs permitted in TDC 38.140(2)(b) above, each building on the site is permitted one

wall sign, provided that the building has no less than 2000 square feet of gross floor area.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Area: One wall sign on one of the buildings shall be no more than 16 square feet. Wall signs on all other buildings shall be no more than eight square feet.

(v) Illumination: Indirect.

(d) In place of one of the monument signs allowed in TDC 38.140(2)(b) above, public schools are permitted pole signs subject to the following standards:

(i) Number: One per school site.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than 15 feet.

(iv) Height of Sign Face: No higher than five feet.

(v) Area: No more than 35 square feet.

(vi) Illumination: Internal or indirect.

(vii) Mechanical Readerboard: The sign may be a mechanical readerboard.

(viii) Location: Elementary school readerboards shall be on an arterial public street right-of-way frontage or a collector frontage if no arterial frontage exists.

(e) In place of the wall signs allowed in TDC 38.140(2)(c) above, public schools are permitted wall signs subject to the following standards:

(i) Number: Each building on the school site is permitted wall signage on each elevation. One sign per elevation is allowed.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than five feet, except that one wall sign on the east elevation of the primary building at a public high school may be up to 10 feet in height.

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(v) Area: No more than 75 square feet, except one wall sign on the east elevation of the primary building at a public high school shall not exceed 300 square feet.

(vi) Illumination: Internal or indirect.

(3) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 1002-98 §1, passed April 27, 1998] (Ord. 1120-02, Amended, 11/15/2002)

### Section 38.150 Signs Permitted in the Residential Medium to Low Density (RML) Planning District.

(1) No sign shall be permitted in the RML Planning District for permitted multifamily developments of more than two dwelling units except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) Monument signs are permitted. If used, the following standards apply:

(i) Number: One per motor vehicle access to a public street right-of-way and no more than one at each motor vehicle access. For multi-family developments located on parcels of at least 3.0 acres, an additional monument sign is permitted on each public street right-of-way frontage of a development on a collector or arterial street if motor vehicle access for the development is not taken from the collector or arterial street. The additional street frontage along the collector or arterial shall be at least 250 feet. Additional monument signs are not permitted on frontages on Interstate 5 and railroad rights-of-way.

(ii) Location: Monument signs permitted at the access shall be placed within 75 feet of the access. Additional monument signs allowed along collector or arterial street frontage shall be placed within 60 feet of the right of way.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than five feet.

(v) Area: No more than 18 square feet.

(vi) Illumination: Indirect or internal.

(c) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One per development in place of a monument sign.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than two feet.

(v) Area: No more than 18 square feet.

(vi) Illumination: Indirect or internal.

(2) No sign shall be permitted in the RML Planning District for permitted duplexes on one tax lot except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(3) No sign shall be permitted in the RML Planning District for permitted manufactured dwelling parks except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) Monument signs are permitted. If used, the following standards apply.

(i) Number: One per motor vehicle access to a public street right-of-way and no more than one at each motor vehicle access.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than five feet.

(iv) Area: No more than 18 square feet.

(v) Illumination: Indirect or internal.

(vi) Location: Monument signs permitted at motor vehicle accesses shall be placed within 75 feet of the centerline of the access.



(4) No sign shall be permitted in the RML Planning District for small lot subdivisions except the following:

(a) Subdivision, home occupation and public transit shelter signs in accordance with TDC 38.110(15), (11) and (14).

(5) No sign shall be permitted in the RML Planning District for conditional uses other than single family dwellings except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) See TDC 38.140(2)(b) and (c) for monument and wall signs.

(6) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 966-97 §5, passed Jan. 13, 1997; Ord. 1002-98 §2, passed April 27, 1998.]

**Section 38.160 Signs Permitted in the Residential Medium to High Density (RMH) Planning District.**

(1) No sign shall be permitted in the RMH Planning District for permitted multifamily developments except the following: See TDC 38.150(1).

(2) No sign shall be permitted in the RMH Planning District for conditional uses except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) See TDC 38.140(2)(b) and (c) for monument and wall signs.

(3) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

**Section 38.170 Signs Permitted in the Residential High Density (RH) Planning District.**

(1) No sign shall be permitted in the RH Planning District for permitted multifamily developments except the following: See TDC 38.150(1).

(2) No sign shall be permitted in the RH Planning District for conditional uses except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) See TDC 38.140(2)(b) and (c) for monument and wall signs.

(3) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

**Section 38.180 Signs Permitted in the Residential High Density/High Rise (RH/HR) Planning District.**

(1) No sign shall be permitted in the RH/HR Planning District for permitted multifamily developments except the following:

(a) See TDC 38.150(1)(a) and (b).

(b) Wall signs are permitted. If used, the following standards apply:

(i) Location on building: On a building wall on the sign band on the first or second story.

(ii) Number: One per development in place of a monument sign.

(iii) Number of Sides: No more than one.

(iv) Height Above Grade: No higher than the height of the sign band.

(v) Height of Sign Face: No higher than two feet.

(vi) Area: No more than 18 square feet.

(vii) Illumination: Indirect or internal.

(2) No sign shall be permitted in the RH/HR Planning District for conditional uses except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) See TDC 38.140(2)(b) and (c) for monument and wall signs.

(3) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

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### Section 38.190 Signs Permitted in the Office Commercial (CO) and Mid-Rise Office Commercial (CO/MR) Planning Districts.

(1) No sign shall be permitted in the CO and CO/MR Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply.

(i) Number: One per frontage on a public street right-of-way with a maximum of two, except in the CO/MR District where the maximum of two does not apply, and no more than one on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than 10 feet.

(iv) Area: No more than 32 square feet.

(v) Illumination: Indirect or internal.

(vi) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) Wall signs for one story buildings are permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than three feet provided that no letter or number is higher than two feet. Logos, including logos composed of letters or numbers, may be up to three feet in height.

(v) Area: No more than 40 square feet.

(vi) Illumination: Indirect or internal.

(c) Wall signs for buildings with two or more building floors are permitted. If used, the following standards apply:

(i) Number: One on each wall not to exceed four walls of a building. For one building wall with a wall area greater than 4,500 square feet, three wall signs are allowed on the sign band provided the signs are separated by a minimum of 25 feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than three feet provided that no letter or number is higher than two feet. Logos, including logos composed of letters or numbers, may be up to three feet in height.

(v) Area: No more than 40 square feet.

(vi) Illumination: Indirect or internal.

(d) Main Building Entrance wall signs for buildings with two or more building floors are permitted. If used, the following standards apply:

(i) Number: One on a main building entrance wall sign band not to exceed one entrance of a building.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the main building entrance sign band.

(iv) Height of Sign Face: No higher than two feet.

(v) Area: No more than 20 square feet.

(vi) Illumination: Indirect or internal.

(2) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 1002-98 §3, passed April 27, 1998; Ord. 1013-99 §§3 and 4, passed Jan. 11, 1999.]

## **Section 38.200 Signs Permitted in the Neighborhood Commercial (CN) Planning District.**

(1) No sign shall be permitted in the CN Planning District except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: No more than one.  
 (ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than five feet.

(iv) Area: No more than 32 square feet.

(v) Illumination: Indirect or internal.

(b) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One per owner or tenant space not to exceed two walls of a building and provided such walls face a public street.

(ii) Number of Faces: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than one foot.

(v) Area: No more than 16 square feet.

(vi) Illumination: Indirect or internal.

(2) See TDC 38.110(5-16) for additional signage and if used, the standards of TDC 38.110(5-16) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

## **Section 38.210 Signs Permitted in the Recreation Commercial (CR) Planning District.**

(1) No sign shall be permitted in the CR Planning District for permitted and commercial conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: No more than one.  
 (ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than five feet.

(iv) Area: No more than 32 square feet.

(v) Illumination: Indirect or internal.

(b) Wall signs are permitted. If used, the following standards apply:

(i) Number: One per owner or tenant space not to exceed two walls of a building.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

(iv) Height of Sign Face: No higher than two feet.

(v) Area: No more than 32 square feet.

(vi) Illumination: Indirect or internal.

(2) No sign shall be permitted in the CR Planning District for multifamily conditional uses except the following:

(a) Home Occupation and Public Transit Shelter Signs in accordance with TDC 38.110(11) and (14).

(b) See TDC 38.140(2)(b) and (c) for monument and wall signs.

(3) No sign shall be permitted in the CR Planning District for manufactured dwelling park conditional uses except the following:

(a) Home occupation and public transit shelter signs in accordance with TDC 38.110(11) and (14).

(b) See TDC 38.140(2)(b) for monument signs.

(4) See TDC 38.110(5-15) for additional signage and if used, the standards of TDC 38.110(5-15) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996.]

## **Section 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.**

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in

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the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Indirect or internal.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage. A Freeway-Oriented Activity Sign may be substituted for one of these signs for a Freeway-Oriented Activity. Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except Freeway-Oriented Activity and Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except the Freeway-Oriented Activity Sign may be up to 45 feet and the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except the Freeway-Oriented Activity sign may be up to 16 feet and the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except the Freeway-Oriented Activity Sign may be up to 250 square feet and the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Direct, indirect or internal, except the Freeway-Oriented Activity sign and the Major Commercial Center sign shall not be direct.

## (viii) Mechanical Readerboard:

For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and nonnumerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 per cent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square

feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

(viii) In the Central Design District, for each owned or leased space, in place of one wall sign, one shingle sign or blade sign may be erected in accordance with TDC 38.110(4).

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 966-97 §4, passed Jan. 13, 1997; Ord. 990-98 §1, passed Feb. 9, 1998; Ord. 1002-98 §4, passed April 27, 1998; Ord. 1120-02, Amended, 11/15/2002; Amended Ord. 1176-04, 11/22/2004; Amended Ord. 1994-05, 8/22/2005]

### Section 38.225 Signs Permitted in the Mixed Use Commercial Overlay District.

(1) No sign shall be permitted in the Mixed Use Commercial Overlay District for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, TDC 38.110(1) and the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet.

(iv) Area: No more than 40 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

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(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) A project sign is permitted. If used, the following standards apply:

(i) Number: One for a project.

(ii) Number of Sides: One.

(iii) Height Above Grade: No higher than eight feet.

(iv) Sign Face Height: No higher than six feet.

(v) Sign Face Area: No more than 200 square feet.

(vi) Letter, Number, Symbol Size: No higher than four feet, except logos which can be up to six feet high.

(vii) Illumination: Direct, indirect or internal.

(viii) Location: At the intersection of two public streets. The sign shall be no greater than 60 feet from the frontage property line along the public right-of-way.

(ix) Type: The sign face shall be on a freestanding wall or a wall set into a slope.

(x) Separation: There shall be at least 100 feet separating the project sign from a sign allowed in TDC 38.225(1)(a).

(c) Wall signs are permitted. If used, TDC 38.110(3) and the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. Two wall signs are allowed on an owned or leased wall of 3,000-4,999.9 square feet provided the distance between the two signs is greater than 25 feet. Three wall signs are allowed on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than 10 feet, provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 percent of the wall area is

allowed, whichever is greater. For walls whose area is 400.1 to 3,999.9 square feet, a total sign area of no more than 125 square feet is allowed. For walls whose area is equal to or greater than 4,000 square feet, a total sign area of no more than 150 square feet.

(vi) Illumination: Direct, indirect or internal.

(d) Wall Mounted Plaque signs are permitted. If used, the following standards apply:

(i) Number: One at each customer entry area.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the top of the door at a customer entry area.

(iv) Height of Sign Face: No higher than two feet.

(v) Sign Face Area: No more than four square feet. The area shall not be included in the area in TDC, 38.225(1)(c)(v) above.

(vi) Illumination: Indirect.

(vii) Location: To the side of a customer entry area. They need not be placed within the sign band for wall signs.

(viii) Sign Depth. The plaque may be flush with or inset into a wall, or may extend out from a wall no more than one inch.

(ix) Sign Face Orientation: The face shall be parallel to a wall.

(e) Shingle signs and blade signs are permitted. If used, the following standards apply:

(i) Location: Shingle signs and blade signs need not be placed within the sign band. Blade signs shall be attached to the wall of a building and shingle signs shall be attached to the underside of an awning, canopy, marquee or building overhang.

(ii) Number: In addition to the wall signs allowed in TDC, 38.225(1)(c), one shingle sign or one blade sign for each owned or leased wall, except as allowed in TDC 38.225(1)(k).

(iii) Number of Sides: No more than two.

(iv) Height of Sign Face: Shingle signs shall be no higher than three feet. Blade signs shall be no higher than 10 feet, except as allowed in TDC 38.225(1)(k).

(v) Width of Sign Face: Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs shall not extend greater than four feet beyond the building wall.

(vi) Sign Face Area: No more than 16 square feet, except as allowed in TDC 38.225(1)(k). The area shall not be included in the area in TDC 38.225(1)(c)(v).

(vii) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.

(viii) Illumination: Direct, indirect or internal.

(ix) Guy wires, cables and similar stabilization methods are not permitted.

(f) Inlaid Floor signs are permitted. If used, the following standards apply:

(i) Number: One for each customer entry area.

(ii) Height Above Grade: The surface of the sign shall not extend above the surface of the floor/walkway.

(iii) Sign Face Area: Not greater than 20 square feet.

(iv) Illumination: Direct, indirect or internal.

(v) Location: In a customer entry area on private property, set in the floor/walkway.

(g) Window signs are permitted. If used, the following standards apply:

(i) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(ii) Number: No limit provided the sign face area standard is met.

(iii) Sign Face Area: No more than 35 percent of the owned or leased window area.

(iv) Illumination: Direct or indirect.

(h) Awning, Canopy and Marquee signs are permitted. If used, the following standards apply:

(i) Number: No limit provided the sign face area standard is met.

(ii) Number of Sides: No more than one.

(iii) Height of Sign Face: No higher than the height of the awning or canopy. For marquees, no higher than the height of the fascia. For marquees

with signage on top of the fascia, no more than 16 inches, except as allowed in TDC 38.225(1)(k).

(iv) Area: No more than 35 percent of the area of each awning, canopy and marquee provided the total signage of all awnings, canopies and marquees are on an owned or leased wall is no more than 40 square feet. For marquees with signage on top of the fascia, the area to be used in calculating the 35 percent is the allowed height of the sign, 16 inches, multiplied by the length of the front and sides of the marquee.

(v) Illumination: Direct, indirect or internal.

(vi) Location: For awnings and canopies, the signage shall be on the awning or canopy. For marquees the signage shall be on the fascia, or on top of the fascia provided it is individual letters, numbers or elements.

(i) Directional signs are permitted. If used, the following standards apply:

(i) They shall be permanent freestanding pole or monument signs.

(ii) Location on Site: If they are not 100 percent visually screened from the public right-of-way, they shall be erected at least 60 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 60 feet of the public right-of-way.

(iii) Location as Part of a Fence or Freestanding Wall: They may be affixed to and made part of a fence or freestanding wall.

(iv) Number: No more than four per vehicle or pedestrian aisle or aisle intersection.

(v) Number of Sides: No more than 4.

(vi) Height of Sign: No higher than eight feet.

(vii) Sign Face Area: No more than four square feet per side. If affixed to a building wall the area shall not be included in the area in TDC 38.225(1)(c)(v).

(viii) Illumination: Indirect or internal.

(j) Directory signs are permitted. If used, the following standards apply:

(i) They shall be permanent wall or freestanding monument signs.

(ii) Location on Site: Wall directories need not be erected on sign bands. Monument direc-

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atories shall be at least 60 feet from a public right-of-way and within 30 feet of a customer entry area.

(iii) Location as Part of a Fence or Freestanding Wall: They may be affixed to and made part of a fence or freestanding wall.

(iv) Number: One per customer entry area.

(v) Number of Sides: One for a wall directory and no more than four for a monument.

(vi) Height of Sign: No higher than three feet for a wall directory and six feet for a monument.

(vii) Sign Face Area: No more than six square feet for a wall directory and 24 square feet for a monument.

(viii) Illumination: Indirect or internal.

(ix) Height of Copy: No higher than two inches, except 20 per cent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(x) The portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(k) Additional Blade and Marquee signage for eligible locations. This section allows an increase in the number, height, and sign face area of blade signs and an increase in the height of sign face area for marquee signs (with signage on top of the fascia) for business occupants which meet all of the criteria below. For blade signs all other standards of Section 38.225(1)(e) shall apply. For marquee signs all other standards of Section 38.225(1)(h) shall apply.

(i) Criteria: This section applies only to business tenants which meet all of the following criteria (1) the building owned or leased by the business tenant is within a commercial development that is greater than 20 acres in size; (2) the total wall area owned or leased by the business tenant is greater than 1,000 square feet; (3) the building floor area owned or leased by the business tenant is greater than 15,000 square feet; and, (4) the building area owned or leased by the business tenant is not adjacent to the public right-of-way.

(ii) Blade Signs - Number: two signs on two owned or leased walls; one sign for all other owned or leased walls.

(iii) Blade Signs - Height of Sign Face: No higher than 16 feet.

(iv) Blade Signs - Sign Face Area: No more than 40 square feet. The area shall not be included in the area in TDC, 38.225(1)(c)(v).

(v) Marquee Signs – Height of Sign Face Area: For marquees with signage on top of the fascia, no more than 36 inches.

(2) Signage in addition to (1) above is allowed. If used, the following standards apply.

(a) Banner Sign, Temporary. A temporary banner sign may be erected subject to the following standards and after first obtaining a sign permit.

(i) One per tax lot or lease space may be displayed by a tenant.

(ii) A banner shall be erected on a building wall and secured to prevent it from flapping in the wind.

(iii) A banner shall not be erected sooner than 30 calendar days prior to a new business opening.

(iv) A banner shall be displayed at least seven days and may be displayed up to 60 days, but the total number of days for all banners displayed on a tax lot or lease space shall not exceed 60 days in a calendar year.

(v) A banner shall be no greater than three feet in height from top to bottom and 42 square feet in area.

(b) Banner Signs, Special Event. Special event banner signs may be erected after first obtaining City Council approval. The City Council shall review and determine the size, number, location and other issues related to special event banner signs. Special event banners shall not cross rights-of-way.

(c) Construction and Public Utility Facility Construction Signs. A temporary sign in association with construction on private property or of public utility facilities may be erected subject to the following standards and after first obtaining a sign permit.

(i) No more than one construction sign and one public utility facility construction sign, a total of two, may be displayed at a time on a property.

(ii) They may be erected no earlier than the day after a building permit and public works construction permit have been applied for and the appropriate fee paid.



(iii) They may be displayed only during the period of the construction project and shall be removed no later than 15 days after the issuance of a final occupancy permit for a construction sign, or acceptance by the City of Tualatin or other public agency of the public facility for a public utility facility construction sign.

(iv) The sign height shall be no higher than nine feet and the sign face area no greater than 32 square feet.

(d) Home Occupation Signs. Home occupation signs may be erected subject to the following standards. A sign permit is not required.

(i) They shall be erected only on the inside of a window.

(ii) They are allowed in a dwelling unit.

(iii) Number: No more than one per dwelling unit.

(iv) Number of Sides: No more than one.

(v) Height of Sign: No higher than one foot.

(vi) Sign Face Area: No more than one square foot.

(vii) Illumination: Not permitted.

(e) Lawn Signs. Lawn signs may be erected subject to the following standards without first obtaining a sign permit. The purpose of lawns signs is to show that a property or building is for sale or rent, and to display political messages.

(i) For undeveloped land:

(A) They shall be temporary pole or monument signs.

(B) Number: On a property being offered for sale, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(C) Number of Sides: No more than two.

(D) Height of Sign: No higher than 12 feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(E) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square

feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(F) Illumination: Not permitted.

(G) Consent: They shall be erected with the documented consent of the property owner or authorized representative.

(ii) For developed land:

(A) They shall be temporary pole or monument signs.

(B) Number: On a property being offered for sale or lease, one per public street frontage. An unlimited number of additional lawn signs may be erected during the period 60 days prior to and extending no more than 12 days after a general, primary or special election.

(C) Number of Sides: No more than two.

(D) Height of Sign: No higher than nine feet. Additional lawn signs erected during the election period specified above shall be no higher than three feet.

(E) Sign Face Area: No greater than 32 square feet. Additional lawn signs erected during the election period specified above shall be no more than four square feet.

(F) Illumination: Not permitted.

(G) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(f) Public Transit Shelter Signs. Public transit shelter signs may be erected subject to the following standards without obtaining a sign permit.

(i) They shall be window or wall signs.

(ii) Location on Building: On the wall or in the window of a public transit shelter.

(iii) Number: One per wall not to exceed two walls of a public transit shelter.

(iv) Number of Sides: No more than 1.

(v) Height Above Grade: No higher than the top of the wall or window.

(vi) Height of Sign Face: No higher than two feet.

(vii) Area: No greater than two square feet.

(viii) Illumination: Not permitted.

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(g) Service Station Signs. Service station signs may be erected subject to the following standards and after first obtaining a sign permit. Service station signs are allowed only in place of and not in addition to, the signs allowed in TDC 38.225(1) above.

(i) Monument signs are permitted. If used, the following standards apply.

(A) Type: Monument Sign.

(B) Location as Part of a Fence: The sign may be affixed to and made part of a masonry fence.

(C) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are no less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided only one sign is located on each frontage.

(D) Number of Sides: No more than two.

(E) Height Above Grade: No higher than eight feet.

(F) Area: No more than 55 square feet. Gas product price signs shall be included in the 55 square foot maximum.

(G) Illumination: Indirect or internal only.

(H) Letter, Symbol, Logo Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter to the bottom of the letter. Numbers may be less than one foot high.

(ii) Wall Signs Are Permitted. If used, the following standards apply.

(A) Type: Wall sign.

(B) Location on Building: On a building wall or canopy fascia or both. No wall sign shall be located on a wall or spanner panel under the canopy roof.

(C) Number: No more than one sign per building wall or canopy fascia, not to exceed three signs total.

(D) Number of Sides: No more than one.

(E) Height Above Grade: No higher than the height of the sign band.

(F) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos) shall be more than two feet high and provided the sign face shall not extend above or below the sign band.

(G) Area: No more than 24 square feet. Gas product price signs shall be included in the 24 square foot maximum.

(H) Illumination: Indirect or internal.

(iii) Signs are permitted on gas pumps, provided no more than two sides of each pump are used and the signs do not exceed five square feet on each side. [Ord. 1176-04, 11/22/04; Amended by Ord. 1194-05, §4, 8/22/2005].

### Section 38.230 Signs Permitted in the Medical Center (MC) Planning District.

(1) No sign shall be permitted in the MC Planning District for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One per motor vehicle access to a public street right-of-way with a maximum of four accesses, and no more than one at each motor vehicle access.

(ii) Number of Sides: No more than three sides per sign. A fourth side may be used if it faces the flow of traffic exiting the site.

(iii) Height Above Grade: No higher than eight feet, except the sign at the main/emergency services driveway may be up to 12 feet.

(iv) Area: No more than 40 square feet per sign face, except if the main/emergency services driveway access sign is 12 feet in height, the area may be up to 48 square feet.

(v) Illumination: Indirect or internal.

(vi) Location: Monument signs permitted at motor vehicle accesses shall be placed within 75 feet of the centerline of the access.

(b) Wall signs are permitted. If used, the following standards apply:

(i) Number: Except on walls which face and are within 150 feet of a public right-of-way, except on a wall with a Hospital Identification Wall Sign and except on walls leased or owned by nonmedical uses, one sign per tenant space not to exceed three walls of a building for owned or leased space. No wall signs are permitted on walls which face and are within 150 feet of a public right-of-way, or are leased or owned by nonmedical uses.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than two feet.

(v) Area: No greater than 32 square feet, except shingle signs shall be no greater than 20 square feet.

(vi) Illumination: Direct, indirect or internal.

(vii) For each owned or leased space, in place of one wall sign, one shingle sign may be erected in accordance with TDC 38.110(4).

(c) Hospital Identification Wall signs are permitted. If used, the following standards apply:

(i) Number: One for a hospital tower building, located on the north or west elevation of the northwest hospital tower building.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band. The sign band shall not exceed the height of the top of the windows on the highest floor of the northwest hospital tower building.

(iv) Height of Sign Face: No higher than eight feet, provided no letter or number is higher than four feet.

(v) Area: No more than 100 square feet.

(vi) Illumination: Direct or internal.

(2) See TDC 38.110(5-16) for additional signage and if used, the standards of TDC 38.110(5-16) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 1002-98 §5, passed April 27, 1998; Ord. 1063-01 §2, passed Feb. 12, 2001.] (Ord. 1063-01, Amended, 02/12/2001)

### **Section 38.240 Signs Permitted in the Light Manufacturing (ML), General Manufacturing (MG) and Manufacturing Park (MP) Planning Districts.**

(1) No sign shall be permitted in the ML, MG or MP Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Location on Site: No greater than 100 feet from the frontage property line along the public street right-of-way.

(ii) Number: One per frontage on a public street right-of-way with a maximum of two and no more than one on each frontage.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than 10 feet.

(v) Area: No more than 40 square feet.

(vi) Illumination: Indirect or internal.

(vii) For schools for kindergarten through 12 in a ML Planning District, one sign may be an internally illuminated mechanical readerboard provided it is on the frontage of an arterial or collector street designated in Table 11-2 and the readerboard portion is no more than 75 percent of the allowed sign face area.

(b) Wall signs are permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed two walls for each owned or leased space and not to exceed four elevations of each building.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band.

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(iv) Height of Each Letter, Number, Symbol or Logo: No higher than four feet.

(v) Area: No more than five percent of the wall's elevation provided that an area of at least 32 square feet is permitted and the maximum is 150 square feet.

(vi) Illumination: Indirect or internal.

(vii) In the MP District in place of one wall sign, one monument sign, in addition to the monument signs allowed in (a) above, is allowed, provided it is in the yard setback area abutting the wall where the wall sign would have been located, is within 100 feet of a primary public customer doorway in the wall where the wall sign would have been located and is at least 100 feet from any other monument sign.

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply. [Ord. 590-83 §1, passed April 11, 1983; Ord. 960-96 §5, passed May 28, 1996; Ord. 1002-98 §6, passed April 27, 1998; Ord. 1200-05, passed October 24, 2005.]

## Chapter 40

### Low Density Residential Planning District (RL)

#### Sections:

- 40.010 Purpose.**
- 40.015 Permitted Density.**
- 40.020 Permitted Uses.**
- 40.030 Conditional Uses Permitted.**
- 40.040 (Repealed.)**
- 40.050 Lot Size for Permitted Uses.**
- 40.055 Lot Size for Greenway and Natural Area Tracts and Lots.**
- 40.060 Lot Size for Conditional Uses.**
- 40.070 Setback Requirements for Permitted Uses.**
- 40.080 Setback Requirements for Conditional Uses.**
- 40.085 Setback Requirements Adjacent to the Norwood Expressway.**
- 40.090 Projections Into Required Yards.**
- 40.100 Structure Height.**
- 40.110 Access.**
- 40.120 Off-Street Parking and Loading.**
- 40.130 Floodplain District.**
- 40.140 Community Design Standards.**
- 40.145 Placement Standards for Manufactured Homes.**
- 40.150 Landscape Standards.**

#### Section 40.010 Purpose.

The purpose of this district is to provide low density residential areas in the City that are appropriate for dwellings on individual lots, as well as other miscellaneous land uses compatible with a low density residential environment.

[Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 661-85 §3, passed March 25, 1985; Ord. 956-96 §10, passed Jan. 8, 1996.]

#### Section 40.015 Permitted Density.

Except for lots created through the partition process for single family dwellings, housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 6.7 units per net acre, except as set forth below:

(1) The maximum density for small-lot subdivisions , and partitions and subdivisions af-

ected by TDC 40.055 , shall not exceed 7.5 dwelling units per net acre.

(2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 10 dwelling units per net acre. The 80% minimum density shall be based on 6.7 dwelling units per net acre, not 10. [Ord. 956-96 §11, passed Jan. 8, 1996. Amended by

Ord. 1026-99 §21, passed Aug. 9, 1999.]

#### Section 40.020 Permitted Uses.

(1) Single-family dwellings, including manufactured homes.

(2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets.

(3) Home occupations as provided in TDC 34.030 to 34.050.

(4) Public transit shelters.

(5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(6) Residential homes.

(7) Residential facilities for up to 15 residents, not including staff.

(8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(9) Sewer and water pump stations and pressure reading stations.

(10) Wireless communication facility attached, provided it is not on a single family dwelling or its accessory structures.

(11) Accessory dwelling units as provided in TDC 34.300 to 34.310.

(12) Transportation facilities and improvements. [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 818-91 §14, passed Jan. 14, 1991; Ord. 824-91 §1, passed Feb. 11, 1991; Ord. 849-91 §10, passed Nov. 25, 1991; Ord. 933-94 §16, passed Nov. 28, 1994; Ord. 965-96 §6, passed Dec. 9, 1996; Ord. 979-97 §9, passed July 14, 1997; Ord. 1026-99 §22, passed Aug. 9, 1999.](Ord. 1103-02, Amended, 03/25/2002)

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### Section 40.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

(1) Common-wall dwellings.

(2) Condominium dwelling units provided they meet the following standards, notwithstanding other provisions of this Code, and meet the requirements of ORS 91.500.

(a) All units shall be on a primary lot with frontage on a public street or in accordance with TDC 36.470.

(b) Access to secondary lots and to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association bylaws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes, or in accordance with TDC 36.470.

(3) Small-lot subdivisions conforming to the following standards:

(a) No small lot subdivision shall have less than ten lots.

(b) All subdivision improvements shall conform to TDC Chapter 36.

(c) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(d) A tree survey shall be prepared and submitted as part of the conditional use application. This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions. As used in this section, the word "tree" means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and characteristically, a single trunk rather than stems.

(e) The small lots:

(i) Shall be no less than 5,000 and no more than 6,499 square feet.

(ii) When a small lot abuts an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the size of the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(iii) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street.

(iv) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(v) For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(vi) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

(f) The small lots shall be part of a development that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints.

(g) The small lots shall not exceed 35 percent of the lots in the total subdivision.

(h) The number of lots having a minimum area of 7,000 square feet shall equal or be greater than the number of small lots in the subdivision.

(i) The average lot width shall be at least 30 feet.

(j) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(k) The maximum building coverage for lots 5,000 to 6,499 square feet shall be 45 percent

and for lots greater than 6,499 square feet shall be 35 percent.

(l) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(4) Other uses as specified below:

- (a) Cemeteries.
- (b) Churches and accessory uses.
- (c) Colleges.
- (d) Community buildings (public).
- (e) Child day care center, if all exterior walls and outdoor play areas are a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(f) Governmental structure or land use including public park, playground, recreation building, fire station, library or museum.

- (g) Retail nursery.
- (h) Hospital or sanitarium.
- (i) School.
- (j) Water reservoir.

(k) Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

(l) Golf course, country club, private club.

(m) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on the Tualatin Community Plan Map. The City Council may limit the number of animals to be allowed on a specific parcel of property.

(n) Increased building height to a maximum of 75 feet, if all yards adjoining said building are not less than a distance equal to 1 1/2 times the height of the building.

(o) Nursing or convalescent home.

(p) Retirement housing conforming to the standards in TDC 34.160 - 34.170.

(q) Electrical substation and above ground natural gas pump station.

[Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 614-84 §2, passed Jan. 9, 1984; Ord. 635-84 §11, passed June 11, 1984; Ord. 661-85 §4, passed March 25, 1985; Ord. 818-91 §15, passed Jan. 14, 1991; Ord. 923-94 §1, passed May 9, 1994; Ord. 965-96 §7, passed

Dec. 9, 1996; Ord. 1026-99 §23, passed Aug. 9, 1999; Ord. 1054-00 §2-4, passed Aug. 14, 2000; Ord. 1201-05, 11/28/05.]

**40.040** [Repealed by Ord. 1026-99 §102, passed Aug. 9, 1999.]

**40.050 Lot Size for Permitted Uses.**

Except as otherwise provided, the lot size for a single-family dwelling shall be:

(1) The minimum lot area shall be an average of 6,500 square feet provided the smallest lot shall be at least 6,000 square feet.

(2) The average lot width shall be at least 30 feet.

(3) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(4) The maximum building coverage shall be 45 percent.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

[Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 866-92 §1, passed April 27, 1992; Ord. 920-94 §2, passed April 11, 1994; Ord. 956-96 §12, passed Jan. 8, 1996; Ord. 1010-98 §1, passed Dec. 14, 1998; Ord. 1026-99 § 24, passed Aug. 9, 1999; Ord. 1054-00 §6, passed Aug. 14, 2000; Ord. 1055-00 §1, passed Aug. 28, 2000.]

**Section 40.055 Lot Size for Greenway and Natural Area Tracts and Lots.**

(1) For each 6,500 square feet of Tract created in the subdivision or partition process that is:

(a) wholly in the Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72),

(b) wholly in an Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(c) wholly in a Clean Water Services Vegetated Corridor, and

(d) when dedicated to the City at the City's option, or

(e) dedicated in a manner approved by the City to a non-profit conservation organization, or

(f) is retained in private ownership by the developer, the decision authority for partitions and subdivisions may allow one small lot. The small lot:

(i) Shall be no less than 5,000 square feet and no more than 5,999.99 square feet.

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(ii) The average lot width shall be at least 30 feet.

(iii) The minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(iv) The maximum building coverage for lots less than 6,000 square feet shall be 45 percent.

(v) The subdivision's or partition's density net of the Tracts shall not exceed 7.5 dwelling units per acre.

(2) The decision authority for partitions and subdivisions shall consider, but is not limited to, the following factors when determining if TDC 40.055(1)(f)(i-v) are allowed:

(a) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(b) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(c) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(d) Does the Tract connect publicly owned or publicly accessible properties;

(e) Does the Tract abut an existing park, greenway, natural area or other public facility;

(f) Does the Tract provide a public benefit or serve a public need;

(g) Does the Tract contain environmental hazards;

(h) Geologic stability of the Tract; and

(i) Future maintenance costs for the Tract.

(3) The following shall apply to small lots included in a partition or subdivision pursuant to (1) above:

(a) When a small lot abuts an existing lot in an approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet

if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(b) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street. For purposes of this section, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(c) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(d) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase. [Ord. 933-94 §17, passed Nov. 28, 1994; Ord. 956-96 §13, passed Jan. 8, 1996; Ord. 979-97 §10, passed July 14, 1997; Ord. 1010-98 §2, passed Dec. 14, 1998; Ord. 1026-99 §25, passed Aug. 9, 1999.] (Ord. 1136-03, Amended, 04/28/2003; Ord. 1201-05, 11/28/05.)

### Section 40.060 Lot Size for Conditional Uses.

Except as otherwise provided, the lot size for conditional uses shall be:

(1) The minimum lot area shall be 6,000 square feet, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(2) The average lot width shall be at least 60 feet, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(3) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

(4) The maximum building coverage on a lot shall be 40 percent, excepting secondary condominium lots as approved through the Architec-



tural Review process and lots for public utility facilities.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) to (12). [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 866-92 §2, passed April 27, 1992; Ord. 920-94, §3, passed April 11, 1994; Ord. 923-94, §2, passed May 9, 1994; Ord. 956-96 §14, passed Jan. 8, 1996; Ord. 1026-99 §26, passed Aug. 9, 1999; Ord. 1054-00 §7, passed Aug. 14, 2000.]

### **Section 40.070 Setback Requirements for Permitted Uses.**

Except as otherwise provided, the setbacks for permitted uses shall be:

(1) The front yard setback shall be a minimum of 15 feet, except to an unenclosed porch, which shall be 12 feet.

(2) The setback to a garage door shall be a minimum of 20 feet.

(3) The side yard setback shall be a minimum of five feet.

(4) For a corner lot, the following provisions shall apply:

(a) one front yard setback shall be a minimum of 15 feet; it shall be determined by the orientation of the structure based on the location of the front door.

(b) the second front yard setback shall be a minimum of 10 feet.

(5) The rear yard setback shall be a minimum of 15 feet. [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 731-87 §1, passed Sept. 14, 1987; Ord. 743-88 §46, passed March 28, 1988; Ord. 956-96 §15, passed Jan. 8, 1996; Ord. 965-96 §8, passed Dec. 9, 1996; Ord. 1026-99 §27 passed Aug. 9, 1999; Ord. 1076-01 §1, July 9, 2001.] (Ord. 1076-01, Amended, 07/09/2001)

### **Section 40.080 Setback Requirements for Conditional Uses.**

(1) Except as otherwise provided, the setbacks for conditional uses shall be as determined and approved through the Architectural Review process. However, no setback greater than 50 feet may be required. Off-street parking and vehicular circulation areas shall be set back a minimum of ten feet from any public right-of-way or property line.

(2) Setback requirements for small lot subdivisions shall comply with the setback requirements for permitted uses as set forth in TDC 40.070. [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 862-92 §3, passed March 23, 1992; Ord. 904-93 §2, passed Sept. 13, 1993; Ord. 923-94 §3, passed May 9, 1994.]

### **Section 40.085 Setback Requirements Adjacent to the Norwood Expressway.**

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Ord. 592-83 §69, passed June 13, 1983.]

### **Section 40.090 Projections Into Required Yards.**

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 and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter. [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 731-87 §2, passed Sept. 14, 1987.]

### **Section 40.100 Structure Height.**

Except as otherwise provided, the maximum structure height is 35 feet. [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 956-96 §16, passed Jan. 8, 1996; Ord. 965-96 §9, passed Dec. 9, 1996.]

### **Section 40.110 Access.**

Refer to TDC 36.470 and 73.400. [Ord. 590-83 §1, passed April 11, 1983; Ord. 592-83 §6, passed June 13, 1983; Ord. 872-92 §2, passed June 29, 1992; Ord. 956-96 §17, passed Jan. 8, 1996; Ord. 1026-99 §28, passed Aug. 9, 1999; Ord. 1054-00 §8, passed Aug. 14, 2000.]

### **Section 40.120 Off-Street Parking and Loading.**

Refer to TDC Chapter 73.

### **Section 40.130 Floodplain District.**

Refer to TDC Chapter 70.

### **Section 40.140 Community Design Standards.**

Refer to TDC Chapter 73.

**Section 40.145 Placement Standards for Manufactured Homes.**

Except for manufactured homes placed in manufactured dwelling parks, no manufactured home shall be permitted that does not meet the following standards.

(1) The manufactured home shall be multisectional and shall enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multisectional by virtue of having a tip-out section.

(2) The manufactured home shall be placed on an excavated and back-filled foundation, and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. However, a structural concrete foundation such as that required for a single family dwelling constructed on the site shall not be required.

(3) The manufactured home shall have a pitched roof with a minimum slope of one foot in height for each four feet of width.

(4) The roof of the manufactured home shall be shingles, wood shakes, tiles, or other materials which create an appearance similar to shingles, wood shakes or tiles. Exposed flat, corrugated or ribbed sheet metal, fiberglass, or other materials similar in form or appearance shall not be used as roofing material, except that they may be used for corner and edge flashing.

(5) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

(6) The manufactured home shall have an attached or detached two-car garage constructed of materials similar to the manufactured home. [Ord.

818-91, §16, passed Jan. 14, 1991; Ord. 988-97 §4, passed Dec. 8, 1997.]

**Section 40.150 Landscape Standards.**

Refer to TDC Chapter 73. [Ord. 725-87 §13, passed June 22, 1987]

**Chapter 41**

**Medium Low Density Residential Planning District (RML)**

**Sections:**

- 41.010 Purpose.**
- 41.015 Permitted Density.**
- 41.020 Permitted Uses.**
- 41.030 Conditional Uses Permitted.**
- 41.040 Lot Size for Permitted Uses.**
- 41.050 Lot Size for Conditional Uses.**
- 41.060 Setback Requirements for Permitted Uses.**
- 41.070 Setback Requirements for Conditional Uses.**
- 41.075 Setback Requirements Adjacent to the Norwood Expressway.**
- 41.080 Projections Into Required Yards.**
- 41.090 Structure Height.**
- 41.100 Access.**
- 41.110 Off-Street Parking and Loading.**
- 41.120 Floodplain District.**
- 41.130 Community Design Standards.**
- 41.140 Landscape Standards.**
- 41.150 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**
- 41.320 Density Transfer Project Savings Clause.**

**Section 41.010 Purpose.**

To provide areas of the City suitable for townhouses, condominiums, duplexes, triplexes and other multi-family dwellings, as well as areas for small-lot, small home subdivisions, and manufactured dwelling parks in designated areas, except as otherwise provided in TDC 41.320. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 719-87 §1, passed May 11, 1987; Ord. 828-91 §3, passed March 25, 1991; Ord. 868-92 §4, passed May 11, 1992; Ord. 921-94 §3, passed April 25, 1994; Ord. 933-94 §18, passed Nov. 28, 1994; Ord. 956-96 §18, passed Jan. 8, 1996; Ord. 988-97 §5, passed Dec. 8, 1997; Ord. 1025-99 §2, passed Jul. 26, 1999.]

**Section 41.015 Permitted Density.**

Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 10 dwelling units per net acre, except as set forth below:

(1) Where provided by TDC 41.150.

(2) The maximum density for single-wide manufactured dwelling parks or parts of parks used for single-wide units shall not exceed 12 dwelling units per net acre. The 80% minimum density shall be based on 10 dwelling units per net acre, not 12.

(3) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 15 dwelling units per net acre. The 80% minimum density shall be based on 10 dwelling units per net acre, not 15. [Ord. 956-96 §19, passed Dec. 8, 1996. Amended by Ord. 1026-99 §29, passed Aug. 9, 1999.]

**Section 41.020 Permitted Uses.**

No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:

(1) Townhouses and multi-family dwellings, including duplexes and triplexes.

(2) Condominiums constructed in accordance with TDC 40.030(2).

(3) Manufactured dwelling parks, in the locations designated by the Tualatin Community Plan Map and constructed in accordance with TDC 34.190.

(4) Single family dwellings in a small lot subdivision.

(5) Greenways, and Natural Areas, including but not limited to bike and pedestrians paths and interpretive stations.

(6) Density transfer project approved by the City prior to April 25, 1994, subject to TDC 41.320.

(7) Residential homes.

(8) Residential facilities.

(9) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(10) Sewer and water pump stations and pressure reading stations.

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(11) Wireless communication facility attached, provided it is not on a single family dwelling or its accessory structures.

(12) Wireless communication facility located within 300 feet of the centerline of I-5.

(13) Accessory dwelling units in a small lot subdivision as provided in TDC 34.300 - 34.310.

(14) Transportation facilities and improvements. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 614-84 §3, passed Jan. 9, 1984; Ord. 824-91 §2, passed Feb. 11, 1991; Ord. 828-91 §4, passed March 25, 1991; Ord. 849-91 §12, passed Nov. 25, 1991; Ord. 866-92 §3, passed April 27, 1992; Ord. 885-93 §1, passed Feb. 8, 1993; Ord. 921-94 §4, passed April 25, 1994; Ord. 965-96 §10, passed Dec. 9, 1996; Ord. 979-97 §11, passed July 14, 1997; Ord. 988-97 §6, passed Dec. 8, 1997; Ord 1025-99 §3, passed July 26, 1999; Ord. 1026-99 §30, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### Section 41.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32.

(1) A conditional use listed in TDC 40.030(4).

(2) Small-lot subdivisions conforming to the following:

(a) All subdivision improvements shall conform to TDC Chapter 36.

(b) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(c) The minimum lot area shall be 4,500 square feet.

(d) The minimum average lot width shall be 30 feet.

(e) The minimum lot width shall be 30 feet on a cul-de-sac street.

(f) The maximum building coverage shall be 45 percent.

(g) For flag lots the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) - (12).

(3) Wireless communication facility, except within approved small lot subdivisions. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 614-84 §4, passed Jan. 9, 1984; Ord. 923-94 §4, passed May 9, 1994; Ord. 965-96 §11, passed Dec. 9, 1996; Ord. 1025-99 §4, passed July 26, 1999; Ord. 1026-99 §31, passed Aug. 9, 1999.]

### Section 41.040 Lot Size for Permitted Uses.

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a permitted use pursuant to TDC 41.020(1) is:

(a) Except for townhouses whose minimum lot size shall be 1,400 square feet, the minimum lot area shall be 10,000 square feet.

(i) When used for multiple-family residential purposes on less than an acre of land, the minimum lot area shall be according to the following table.

Number of Dwelling Units	Square Feet of Lot Required
2	10,000
3 and above	10,000 square feet, plus 4,195 square feet for each unit exceeding two.

(ii) For multiple-family residential purposes on one acre and larger, the minimum lot area shall be 4,356 square feet per dwelling unit.

(b) Except for townhouses whose minimum average lot width shall be 14 feet, the minimum average lot width shall be 75 feet.

(c) Except for townhouses whose minimum lot width shall be 14 feet on a cul-de-sac street, the minimum lot width shall be 40 feet on a cul-de-sac street.

(d) Except for townhouses which shall not occupy more than 90 percent of the lot area, buildings shall not occupy more than 40 percent of the lot area.

(e) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) to (12).

(2) Except as otherwise provided, the primary lot for condominiums shall conform to TDC 41.050(1). [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 866-92 §4, passed April 27, 1992; Ord. 920-94 §4, passed April

11, 1994; Ord. 965-96 §12, passed Dec. 9, 1996; Ord. 1025-99 §5, passed July 26, 1999; Ord 1046-00 §3, passed Feb. 14, 2000.]

**Section 41.050 Lot Size for Conditional Uses.**

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a conditional use pursuant to TDC 41.030(1) is:

- (a) The minimum lot area shall be 20,000 square feet.
- (b) The average lot width shall be 100 feet.
- (c) The minimum lot width at the street shall be 40 feet.
- (d) The maximum building coverage on a lot shall be 45 percent.
- (e) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements in TDC 73.400(7) - (12). [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 866-92 §§5 and 6, passed April 27, 1992; Ord. 920-94 §§5 and 6, passed April 11, 1994; Ord. 923-94 §5, passed May 9, 1994; Ord. 965-96 §13, passed Dec. 9, 1996; Ord. 1010-98 §4, passed Dec. 14, 1998; Ord. 1025-99 §6, passed July 26, 1999; Ord. 1026-99 §32, passed Aug. 9, 1999; Ord. 1046-00 §4, passed Feb. 14, 2000.]

**Section 41.060 Setback Requirements for Permitted Uses.**

Except as otherwise provided, the setbacks for permitted uses are:

- (1) The front yard setback shall be a minimum of 20 feet for 1 story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The minimum front yard setback for townhouses shall be 0-20 feet as determined in the Architectural Review process. The minimum setback to a garage door shall be 20 feet.
- (2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a side yard, the minimum setback shall be 10 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.
- (3) On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.

(4) The rear yard setback is the same as the side yard setback.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point. The minimum distance between two buildings for townhouses shall be determined in the Architectural Review process.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, which shall consider TDC 73.510, be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 635-84 §13, passed June 11, 1984; Ord. 862-92 §5, passed March 23, 1992; Ord. 904-93 §3, passed Sept. 13, 1993; Ord. 965-96 §14, passed Dec. 9, 1996; Ord 1025-99 §7, passed July 26, 1999.](Ord. 1098-02, Amended, 02/11/2002)

**Section 41.070 Setback Requirements for Conditional Uses.**

(1) Except as otherwise provided, the setback for conditional uses shall be established through the Architectural Review process. However, no setback greater than 50 feet may be required, except for a wireless communication facility. Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line.

(2) Setback requirements for lots in small lot subdivisions are:

- (a) The front yard setback shall be a minimum of 20 feet to the garage and 12 feet to the house.
- (b) The side yard setback shall be a minimum of five feet.

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(c) On corner lots, the setback for yards adjacent to streets shall be a minimum of 20 feet to the garage and 12 feet to the house in the yard where a driveway provides access to a street other than an alley and shall be a minimum of 12 feet in the yard where no driveway access exists.

(d) The rear yard setback shall be a minimum of 15 feet.

(3) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of five feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 862-92 §6, passed March 23, 1992; Ord. 904-93 §4, passed Sept. 13, 1993; Ord. 923-94 §6, passed May 9, 1994; Ord. 965-96 §15, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

### **Section 41.075 Setback Requirements Adjacent to the Norwood Expressway.**

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Ord. 592-83 §70, passed June 13, 1983.]

### **Section 41.080 Projections Into Required Yards.**

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 and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter. The distances for townhouse projections shall be determined in the Architectural Review process. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 731-87 §2, passed Sept. 14, 1987; Ord. 1025-99 §8, passed July 26, 1999.]

### **Section 41.090 Structure Height.**

(1) Except as otherwise provided, the maximum structure height is 35 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 956-96 §20, passed Jan. 8, 1996; Ord. 965-96 §16, passed Dec. 9, 1996.] (Ord. 1116-02, Amended, 08/26/2002)

### **Section 41.100 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified in TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan, and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Ord. 590-83 §1, passed April 11, 1983; Ord. 661-85 §6, passed March 25, 1985; Ord. 872-92 §3, passed June 29, 1992; Ord. 956-96 §21, passed Jan. 8, 1996; Ord. 1025-99 §9, passed July 26, 1999.]

### **Section 41.110 Off-Street Parking and Loading.**

Refer to TDC Chapter 73.

### **Section 41.120 Floodplain District.**

Refer to TDC Chapter 70.

### **Section 41.130 Community Design Standards.**

Refer to TDC Chapter 73.

### **Section 41.140 Landscape Standards.**

Refer to TDC Chapter 73. [Ord. 725-87 §13, passed June 22, 1987; Ord. 862-92 §7, passed March 23, 1992.]

### **Section 41.150 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**

(1) When a parcel in the RML District is:

(a) partially in the Natural Resource Protection Overlay District (NRPO),

(b) partially in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(c) partially in a Clean Water Services Vegetated Corridor, and

(d) when that portion is placed in a Tract and dedicated to the City at the City's option, or

(e) dedicated in a manner approved by the City to a non-profit conservation organization, or

(f) is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RML District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor. Other TDC and RML District regulations shall be met, including but not limited to building height, setbacks and building separations. The decision authority shall consider, but is not limited to, the following factors:

(i) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv) Does the Tract connect publicly owned or publicly accessible properties;

(v) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi) Does the Tract provide a public benefit or serve a public need;

(vii) Does the Tract contain environmental hazards;

(viii) Is the Tract geologically unstable; and

(ix) Future maintenance costs for the

**Tract.** [Ord. 933-94 §19, passed Nov. 28, 1994; Ord. 956-96 §22, passed Jan. 8, 1996, Ord. 979-97 §12, passed July 14, 1997.](Ord. 1136-03, Amended, 04/28/2003)

Section 41.220	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.230	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.240	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.250	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.260	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.270	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.280	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.290	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.300	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]
Section 41.310	[Repealed by Ord. 921-94 §5, passed April 25, 1994.]

### **Section 41.320 Density Transfer Project Savings Clause.**

(1) The Density Transfer Project provisions in the RML Planning District were effective April 24, 1991, per Ordinance 828-91 and were repealed effective April 25, 1994, per Council Ordinance. One Density Transfer Project, commonly known as Norwood Heights, located on Washington County Assessor's Map 2S1 35A, dated November 21, 1990, and Map 2S1 35AC, dated October 13, 1993, Tax Lots 200, 300, 301, and 400, was approved during the effective period.

(2) As of April 25, 1994, Norwood Heights Phases I and II were granted subdivision preliminary plat approval on August 12, 1991, per Resolution 2640-91 and August 23, 1993, per Resolution 2871-93, respectively. The Final Plat for Norwood Heights Phase I was recorded November 18, 1992. As of April 25, 1994, the Final Plat for Norwood Heights Phase II was not recorded; however, it is expected that permits will be issued, and a Final Plat for Norwood Heights Phase II will be submitted. Architectural Review approval per AR 91-12 was issued July 17, 1991, and was effective August 1, 1991. AR 91-12 was the only AR needed as it covered the 122 single family lots of Norwood Heights Phases I (61 lots) and II (61 lots). As of April 25, 1994, 49 building permits for single family dwellings have been submitted for Norwood Heights Phase I and several have been built. As of April 25, 1994, no Building Permits have been submitted for Norwood Heights Phase II. Development of the multi-family portion of Norwood Heights was abandoned during the summer or fall of 1993, when H and S Development's option on the Pen-

Section 41.200 [Repealed by Ord. 921-94 §5, passed April 25, 1994.]

Section 41.210 [Repealed by Ord. 921-94 §5, passed April 25, 1994.]

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nington property (2S1 35A, Tax Lot 400, Map dated November 21, 1990, and 2S1 35 AC Tax Lot 400, Map dated October 13, 1993) expired. It is the intent of this section that building permits for residential construction, reconstruction, remodeling, and repair in accordance with the approved plats and Architectural Review for Norwood Heights Phases I and II may be issued in accordance with the Density Transfer Provisions in effect when Norwood Heights Phases I and II were approved.

(3) Land that was originally part of the Norwood Heights Density Transfer Project, but as of April 25, 1994, is not part of Norwood Heights Phases I or II, shall be developed in accordance with the Tualatin Development Code after April 25, 1994. [Ord. 921-94 §6, passed April 25, 1994.]



**Chapter 42**

**Medium High Density Residential Planning District (RMH)**

**Sections:**

- 42.010 Purpose.**
- 42.015 Permitted Density.**
- 42.020 Permitted Uses.**
- 42.030 Conditional Uses Permitted.**
- 42.040 Lot Size for Permitted Uses.**
- 42.050 Lot Size for Conditional Uses.**
- 42.060 Setback Requirements for Permitted Uses.**
- 42.070 Setback Requirements for Conditional Uses.**
- 42.075 Setback Requirements Adjacent to the Norwood Expressway.**
- 42.080 Projections Into Required Yards.**
- 42.090 Structure Height.**
- 42.100 Access.**
- 42.110 Off-Street Parking and Loading.**
- 42.120 Floodplain District.**
- 42.130 Community Design Standards.**
- 42.140 Landscape Standards.**
- 42.150 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**

**Section 42.010 Purpose.**

To provide areas of the City suitable for townhouses, garden apartments and condominiums. [Amended by Ord. 661-85, Sec. 7, passed March 25, 1985; Ord. 868-92, Sec. 6, passed May 11, 1992 and Ord. 933-94, Sec. 20, passed Nov. 28, 1994; Ord. 956-96, Sec. 23, passed Jan. 8, 1996; Ord. 1025-99 §10, passed July 26, 1999.]

**Section 42.015 Permitted Density.**

Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 15 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 42.150.
- (2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 22.5 dwelling units per net acre. The 80% minimum density shall be based on 15 dwelling units per net acre, not 22.5. [Added by Ord. 956-96, Sec. 24, passed Jan. 8, 1996. Amended by Ord. 1026-99 §33, passed Aug. 9, 1999.]

**Section 42.020 Permitted Uses.**

No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:

- (1) Townhouses and multi-family dwellings, including duplexes and triplexes.
- (2) Condominiums constructed in accordance with TDC 40.030(2).
- (3) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (4) Residential homes.
- (5) Residential facilities.
- (6) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.
- (7) Sewer and water pump stations and pressure reading stations.
- (8) Wireless communication facility attached.
- (9) Wireless communication facility located within 300 feet of the centerline of I-5.
- (10) Transportation facilities and improvements. [Amended by Ord. 824-91, Sec. 3, passed Feb. 11, 1991; Ord. 849-91; Sec. 13, passed Nov. 25, 1991; Ord. 965-96, Sec. 17, passed Dec. 9, 1996; Ord. 979-97, Sec. 13, passed July 14, 1997; Ord. 1025-99 §11, passed July 26, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

**Section 42.030 Conditional Uses Permitted.**

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

- (1) A conditional use listed in TDC 40.030(4).
- (2) Wireless communication facility. [Amended by Ord. 965-96, Sec. 18, passed Dec. 9, 1996; Ord 1025-99, Sec 12, passed July 26, 1999; Ord. 1026-99 §34, passed Aug 9, 1999.]

**Section 42.040 Lot Size for Permitted Uses.**

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided,

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the lot size for a permitted use pursuant to TDC 42.020(1) is:

(a) Except for townhouses whose minimum lot size shall be 1,400 square feet, the minimum lot area shall be 10,000 square feet.

(i) When used for multiple-family residential purposes on less than an acre of land, the minimum lot area shall be according to the following table:

Number of Dwelling Units	Square Feet of Lot Required
2	10,000
3 and above	10,000 square feet, plus 2,581 square feet for each unit exceeding two.

(ii) For multiple-family residential purposes on one acre and larger, the minimum lot area shall be 2,904 square feet per dwelling unit.

(b) Except for townhouses whose minimum average lot width shall be 14 feet, the minimum average lot width shall be 75 feet.

(c) Except for townhouses whose minimum lot width shall be 14 feet on a cul-de-sac street, the minimum lot width shall be 40 feet on a cul-de-sac street.

(d) Except for townhouses which shall not occupy more than 90 percent of the lot area, buildings shall not occupy more than 40 percent of the lot area.

(e) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(2) Except as otherwise provided, the primary lot for condominiums shall conform to TDC 42.050. [Amended by Ord. 868-92, Sec. 7, passed May 11, 1992; Ord. 965-96, Sec. 19, passed Dec. 9, 1996; Ord 1025-99, Sec 13, passed July 26, 1999; Ord. 1040-00 §5, passed Feb. 14, 2000.]

### Section 42.050 Lot Size for Conditional Uses.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition, or Lot Line Adjustment process and as otherwise provided,

the lot size for a conditional use pursuant to TDC 42.030 is:

(1) The minimum lot area is 20,000 square feet.

(2) The average lot width is 100 feet.

(3) The minimum lot width at the street is 40 feet.

(4) The maximum building coverage on a lot is 45 percent.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements in TDC 73.400(7) to (12). [Amended by Ord. 866-92, Sec. 8, passed April 27, 1992; Ord. 920-94, Sec. 8, passed April 11, 1994; Ord. 965-96, Sec. 20, passed Dec. 9, 1996.]

### Section 42.060 Setback Requirements for Permitted Uses.

Except as otherwise provided, the setbacks for permitted uses are:

(1) The front yard setback shall be a minimum of 20 feet for 1-story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The front yard setback for townhouses shall be 0-20 feet as determined in the Architectural Review process. The minimum setback to a garage door shall be 20 feet.

(2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a side yard, the minimum setback shall be 20 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.

(3) On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.

(4) The rear yard setback is the same as the side-yard setback.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the maximum required side yards, computed separately for each building at that point. The minimum distance between two buildings on separate lots for townhouses shall be determined in the Architectural Review process.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, which shall consider TDC 73.510, be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Added by Ord. 862-92, Sec. 8, passed March 23, 1992; amended by Ord. 904-93, Sec. 5, passed Sept. 13, 1993; Ord. 965-96, Sec. 21, passed Dec. 9, 1996; Ord. 1025-99, Sec. 14, passed July 26, 1999.] (Ord. 1098-02, Amended, 02/11/2002)

#### **Section 42.070 Setback Requirements for Conditional Uses.**

(1) Except as otherwise provided, the setback for conditional uses shall be established through the Architectural Review process. However, no setback greater than 50 feet may be required, except for a wireless communication facility. Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line.

(2) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet to all yards, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 9, passed March 23, 1992; Ord. 904-93, Sec. 6, passed Sept. 13, 1993; Ord. 965-96, Sec. 22, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

#### **Section 42.075 Setback Requirements Adjacent to the Norwood Expressway.**

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Added by Ord. 592-83, Sec. [70A], passed June 13, 1983.]

#### **Section 42.080 Projections Into Required Yards.**

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 (3) feet and into a required side yard not more than two (2) feet, or into the required open space as established by coverage standards in this chapter. The distances for townhouse projections shall be determined in the Architectural Review process. [Amended by Ord. 731-87, Sec. 2, passed Sept. 14, 1987; Ord 1025-99, Sec 15, passed July 26, 1999.]

#### **Section 42.090 Structure Height.**

(1) Except as otherwise provided, the maximum structure height is 35 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 956-96, Sec. 25, passed Jan. 8, 1996; Ord. 965-96, Sec. 23, passed Dec. 9, 1996.] (Ord. 1116-02, Amended, 08/26/2002)

#### **Section 42.100 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92, Sec. 5, passed June 29, 1992; Ord. 956-96, Sec. 26, passed Jan. 8, 1996; Ord. 1025-99, Sec. 16, passed July 26, 1999.]

#### **Section 42.110 Off-Street Parking and Loading.**

Refer to Chapter 73.

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## Section 42.120 Floodplain District.

Refer to Chapter 70.

## Section 42.130 Community Design Standards.

Refer to Chapter 73.

## Section 42.140 Landscape Standards.

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13, passed

June 22, 1987; amended by Ord. 862-92, Sec. 10, passed March 23, 1992.]

## Section 42.150 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.

(1) When a parcel in the RMH District is:

(a) partially in the Natural Resource Protection Overlay District (NRPO),

(b) partially in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(c) partially in a Clean Water Services Vegetated Corridor, and

(d) when that portion is placed in a Tract and dedicated to the City at the City's option,

(e) or dedicated in a manner approved by the City to a non-profit conservation organization, or

(f) is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RMH District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor. Other TDC and RMH District regulations shall be met, including but not limited to building height, setbacks and building separations. The decision authority shall consider, but is not limited to, the following factors:

(i) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv) Does the Tract connect publicly owned or publicly accessible properties;

(v) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi) Does the Tract provide a public benefit or serve a public need;

(vii) Does the Tract contain environmental hazards;

(viii) Geologic stability of the Tract; and

(ix) Future maintenance costs for the Tract.

[Added by Ord. 933-94, Sec. 21, passed Nov. 28, 1994; Ord. 956-96, Sec. 27, passed Jan. 8, 1996; Ord. 979-97, Sec. 14, passed July 14, 1997.] (Ord. 1136-03, Amended, 04/28/2003)

**Chapter 43**

**High Density Residential Planning District (RH)**

**Sections:**

- 43.010 Purpose.**
- 43.015 Permitted Density.**
- 43.020 Permitted Uses.**
- 43.030 Conditional Uses Permitted.**
- 43.040 Central Urban Renewal Area - Lot Sizes and Setback Requirements.**
- 43.050 Lot Size for Permitted Uses.**
- 43.060 Lot Size for Conditional Uses.**
- 43.070 Setback Requirements for Permitted Uses.**
- 43.080 Projections Into Required Yards.**
- 43.090 Setback Requirements for Conditional Uses.**
- 43.095 Setback Requirements Adjacent to the Norwood Expressway.**
- 43.100 Structure Height.**
- 43.110 Central Urban Renewal Area - Structure Height.**
- 43.120 Access.**
- 43.130 Off-Street Parking and Loading.**
- 43.140 Floodplain District.**
- 43.150 Wetland Protection District.**
- 43.160 Community Design Standard.**
- 43.170 Landscape Standards.**
- 43.180 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**

**Section 43.010 Purpose.**

To provide areas of the City suitable for townhouses, high density garden apartment and condominium developments. Within the Central Urban Renewal area, the uses permitted by this district may be mixed with uses permitted in the Central Commercial Planning District. [Amended by Ord. 661-85, Sec. 8, passed March 25, 1985; Ord. 868-92, Sec. 8, passed May 11, 1992; Ord. 933-94, Sec. 22, passed November 28, 1994; Ord. 956-96, Sec. 28, passed Jan. 8, 1996; Ord 1025-99, Sec 17, passed July 26, 1999.] (Ord. 1109-02, Amended, 04/22/2002)

**Section 43.015 Permitted Density.**

Housing density shall be at least 80% of the maximum density allowed. Housing density shall

not exceed 25 dwelling units per net acre, except as set forth below:

(1) Where provided by TDC 43.180.

(2) The maximum density for nursing and convalescent homes and retirement housing in accordance with 34.170(2) shall not exceed 37.5 dwelling units per net acre. The 80% minimum density shall be based on 25 dwelling units per net acre, not 37.5. [Added by Ord. 956-96 §29, passed Jan. 8, 1996. Amended by Ord. 1026-99 §35, passed Aug 9, 1999.]

**Section 43.020 Permitted Uses.**

No building, structures or land shall be used and no building or structures shall be erected, enlarged or altered except for the following uses:

(1) Townhouses and multi-family dwellings, including duplexes and triplexes.

(2) Condominium dwellings constructed in accordance with TDC 40.030(2).

(3) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(4) Residential homes.

(5) Residential facilities.

(6) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(7) Sewer and water pump stations and pressure reading stations.

(8) Wireless communication facility attached.

(9) Wireless communication facility located within 300 feet of the centerline of I-5.

(10) Transportation facilities and improvements. [Amended by Ord. 824-91, Sec. 4, passed February 11, 1991; Ord. 849-91, Sec. 14, passed Nov. 25, 1991; Ord. 965-96, Sec. 24, passed Dec. 9, 1996; Ord. 979-97, Sec. 15, passed July 14, 1997; Ord. 1025-99, Sec 18, passed July 26, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

**Section 43.030 Conditional Uses Permitted.**

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32.

(1) A conditional use listed in TDC 40.030(4).

(Revised 05/03)

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(2) Wireless communication facility. [Amended by Ord. 965-96, Sec. 25, passed Dec. 9, 1996; Ord. 1025-99, Sec. 19, passed July 26, 1999.]

### Section 43.040 Central Urban Renewal Area - Lot Sizes and Setback Requirements.

When permitted uses are mixed with the uses permitted in the Central Commercial District, the lot sizes and setbacks for the proposed mixed use are as determined by the Architectural Review process. Except for townhouses whose lot sizes shall conform to the lot size standards in the RH District, all other minimum lot sizes for the RH District in the Central Urban Renewal Area are as described on Map 9-3. [Amended by Ord. 635-84, Sec. 14, passed June 11, 1984; Ord. 694-86, Sec. 6, passed May 27, 1986; Ord 1025-99, Sec 20, passed July 26, 1999.](Ord. 1109-02, Amended, 04/22/2002)

### Section 43.050 Lot Size for Permitted Uses.

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a permitted use pursuant to TDC 43.020(1) is:

(a) Except for townhouses whose minimum lot size shall be 1,400 square feet, the minimum lot area shall be 10,000 square feet.

(i) When used for multiple-family residential purposes on less than an acre of land, the minimum lot area shall be according to the following table:

Number of Dwelling Units	Square Feet of Lot Area Required
2	10,000
3 and above	10,000 square feet, plus 1,459 square feet for each unit exceeding two

(ii) For multiple-family residential purposes on one acre and larger, the minimum lot area shall be 1,742 square feet per dwelling unit.

(b) Except for townhouses whose minimum average lot width shall be 14 feet, the minimum average lot width shall be 75 feet ex-

cept on a cul-de-sac, where the minimum lot width shall be 40 feet at the street.

(c) Except for townhouses which shall not occupy more than 90 percent of the lot area, buildings shall not occupy more than 45 percent of the lot area.

(d) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(2) Except as otherwise provided, the primary lot for condominiums shall conform to TDC 43.050(1).. [Amended by Ord. 866-92, Sec. 9, passed April 27, 1992; Ord. 920-94, Sec. 9, passed April 11, 1994; Ord. 868-92, Sec. 9, passed May 11, 1992; Ord. 965-96, Sec. 26, passed Dec. 9, 1996; Ord. 1025-99, Sec. 21, passed July 26, 1999.]

### Section 43.060 Lot Size for Conditional Uses.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a conditional use pursuant to TDC 43.030() is:

(1) The minimum lot area is 20,000 square feet.

(2) The average lot width is 100 feet.

(3) The minimum lot width at the street is 40 feet.

(4) The maximum building coverage on a lot is 45 percent.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements in TDC 73.400(7) to (12). [Amended by Ord. 866-92, Sec. 10, passed April 27, 1992; Ord. 920-94, Sec. 10, passed April 11, 1994; Ord. 965-96, Sec. 27, passed Dec. 9, 1996.]

### Section 43.070 Setback Requirements for Permitted Uses.

Except as otherwise provided, the setbacks for permitted uses are:

(1) The front yard setback is a minimum of 20 feet for 1-story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The front yard setback for townhouses shall be 0-20 feet as determined in the Architectural Review

process. The minimum setback to a garage door shall be 20 feet.

(2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a side yard, the minimum setback shall be 10 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.

(3) On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.

(4) The rear yard setback is the same as the side-yard setback.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the maximum required side yards, computed separately for each building at that point. The minimum distance between two buildings on separate lots for townhouses shall be determined in the Architectural Review process.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, which shall consider TDC 73.510, be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Added by Ord. 862-92, Sec. 11, passed March 23, 1992; amended by Ord.

904-93, Sec. 7, passed September 13, 1993; Ord. 965-96, Sec. 28, passed Dec. 9, 1996; Ord. 1025-99, Sec. 22, passed July 26, 1999.] (Ord. 1098-02, Amended, 02/11/2002)

### **Section 43.080 Projections Into Required Yards.**

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 and rear yard setback area not more than three feet and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter. The distances for such projections for townhouses shall be determined in the Architectural Review process. [Amended by Ord. 731-

87, Sec. 2, passed September 14, 1987; Ord. 1025-99, Sec 23, passed July 26, 1999.]

### **Section 43.090 Setback Requirements for Conditional Uses.**

(1) Except as otherwise provided, the setback for conditional uses shall be established through the Architectural Review process. However, no setback greater than 50 feet may be required, except for a wireless communication facility. Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line.

(2) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 682-92, Sec. 12, passed March 23, 1992; Ord. 904-93,

Sec. 8, passed Sept. 13, 1993; Ord. 965-96, Sec. 29, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

### **Section 43.095 Setback Requirements Adjacent to the Norwood Expressway.**

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Added by Ord. 592-83, Sec. 71, passed June 13, 1983.]

### **Section 43.100 Structure Height.**

(1) Except as otherwise provided, the maximum structure height is 35 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 956-96, Sec. 30, passed Jan. 8, 1996; Ord. 965-96,

Sec. 30, passed Dec. 9, 1996.] (Ord. 1116-02, Amended, 08/26/2002)

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## **Section 43.110 Central Urban Renewal Area - Structure Height.**

When permitted uses are mixed with the uses permitted in the Central Commercial Planning District, the maximum height for any structure shall be 45 feet. [Amended by Ord. 1025-99, Sec 24, passed July 26, 1999.]

## **Section 43.120 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92, Sec. 6, passed June 29, 1992; Ord. 956-96, Sec. 31, passed Jan. 8, 1996; Ord. 1025-99, Sec. 25, passed July 26, 1999.]

## **Section 43.130 Off-Street Parking and Loading.**

Refer to Chapter 73.

## **Section 43.140 Floodplain District.**

Refer to Chapter 70.

## **Section 43.150 Wetland Protection District.**

Refer to Chapter 71.

## **Section 43.160 Community Design Standard.**

Refer to Chapter 73.

## **Section 43.170 Landscape Standards.**

Refer to Chapter 73.

## **Section 43.180 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**

(1) When a parcel in the RH District is:

(a) partially in the Natural Resource Protection Overlay District (NRPO),

(b) partially in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(c) partially in a Clean Water Services Vegetated Corridor, and

(d) when that portion is placed in a Tract and dedicated to the City at the City's option, or

(e) dedicated in a manner approved by the City to a non-profit conservation organization, or

(f) is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the same residential density as would be permitted by the RH District standards if none of the parcel were in the NRPO District, Other Natural Area, or Vegetated Corridor. Other TDC and RH District regulations shall be met, including but not limited to building height, setbacks and building separations. The decision authority shall consider, but is not limited to, the following factors:

(i) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv) Does the Tract connect publicly owned or publicly accessible properties;

(v) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi) Does the Tract provide a public benefit or serve a public need;

(vii) Does the Tract contain environmental hazards;

(viii) Geologic stability of the Tract; and

(ix) Future maintenance costs for the Tract. [Added by Ord. 933-94, Sec. 23, passed November 28, 1994; Ord. 956-96, Sec. 32, passed Jan. 8, 1996; Ord. 979-97, Sec. 16, (Ord. 1136-03, Amended, 04/28/2003)]



## Chapter 44

### High Density High Rise Planning District (RH-HR)

#### Sections:

- 44.010 Purpose.**
- 44.015 Permitted Density.**
- 44.020 Permitted Uses.**
- 44.030 Conditional Uses Permitted.**
- 44.040 Lot Size for Permitted Uses.**
- 44.045 Central Urban Renewal Area - Lot Sizes.**
- 44.050 Lot Size for Conditional Uses.**
- 44.060 Setback Requirements for Permitted Uses.**
- 44.070 Setback Requirements for Conditional Uses.**
- 44.075 Setback Requirements Adjacent to the Norwood Expressway.**
- 44.080 Projections Into Required Yards.**
- 44.090 Structure Height.**
- 44.100 Access.**
- 44.110 Off-Street Parking and Loading.**
- 44.120 Floodplain District.**
- 44.130 Wetlands Protection District.**
- 44.140 Community Design Standards.**
- 44.150 Landscape Standards.**
- 44.160 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**

#### Section 44.010 Purpose.

To provide areas of the City within the City's Central Urban Renewal area, an area west of the Central Urban Renewal area, north of the wetlands, and south of the Tualatin Country Club that are suitable for high density apartment or condominium towers. [Amended by Ord. 661-85, Sec. 9, passed March 25, 1985; Ord. 868-92, Sec. 10, passed May 11, 1992; Ord. 933-94, Sec. 24, passed Nov. 28, 1994; Ord. 956-96, Sec. 33, passed Jan. 8, 1996.] (Ord. 1109-02, Amended, 04/22/2002)

#### Section 44.015 Permitted Density.

Housing density shall be at least 80% of the maximum density allowed. Housing density shall not exceed 30 dwelling units per net acre, except as set forth below:

- (1) Where provided by TDC 44.160.

(2) The maximum density for nursing and convalescent homes and retirement housing in accordance with TDC 34.170(2) shall not exceed 45 dwelling units per net acre. The 80% minimum density shall be based on 25 dwelling units per net acre, not 37.5. [Added by Ord. 956-96 §34, passed Jan. 8, 1996. Amended by Ord. 1026-99 §36, passed Aug. 9, 1999.]

#### Section 44.020 Permitted Uses.

No building, structures or land shall be used and no building or structures shall be erected, enlarged or altered, except for the following uses:

- (1) Multi-family dwellings.
- (2) Condominiums constructed in accordance with TDC 40.030(2).
- (3) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (4) Residential homes.
- (5) Residential facilities.
- (6) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.
- (7) Sewer and water pump stations and pressure reading stations.
- (8) Wireless communication facility attached.
- (9) Wireless communication facility located within 300 feet of the centerline of I-5.
- (10) Transportation facilities and improvements. [Amended by Ord. 824-91 §5, passed Feb. 11, 1991; Ord. 849-91 §15, passed Nov. 25, 1991; Ord. 965-96 §31, passed Dec. 9, 1996; Ord. 979-97 §17, passed July 14, 1997; Ord. 1026-99 §37, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

#### Section 44.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32.

- (1) A conditional use listed in TDC 40.030(4).
- (2) Wireless communication facility. [Amended by Ord. 965-96 §32, passed Dec. 9, 1996; Ord. 1026-99 §38, passed Aug. 9, 1999.]

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## Section 44.040 Lot Size for Permitted Uses.

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a permitted use pursuant to TDC 44.020(1) is:

(a) The minimum lot area shall be 10,000 square feet.

(i) When used for multiple-family residential purposes on less than an acre of land, the minimum lot area shall be according to the following table:

Number of Dwelling Units	Square Feet of Lot Area Required
2	10,000
3 and above	10,000 square feet, plus 1,198 square feet for each unit exceeding two

(ii) For multiple-family residential purposes on one acre and larger, the minimum lot area shall be 1,452 square feet per dwelling unit.

(b) The minimum average lot width shall be 75 feet, except on a cul-de-sac, where the minimum lot width shall be 40 feet at the street.

(c) Buildings shall not occupy more than 45 percent of the lot area.

(d) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(2) Except as otherwise provided, the primary lot for condominiums shall conform to TDC 44.040(1). [Amended by Ord. 866-92 §11, passed April 27, 1992; Ord. 868-92 §11, passed May 11, 1992; Ord. 920-94 §11, passed April 11, 1994; Ord. 965-96 §33, passed Dec. 9, 1996; Ord. 1026-99 §39, passed Aug. 9, 1999.]

## Section 44.045 Central Urban Renewal Area - Lot Sizes.

The minimum lot sizes within the Central Urban Renewal Area shall conform to lot sizes described on Map 9-3. [Added by Ord. 694-86, Sec. 7, passed May 27, 1986.](Ord. 1109-02, Amended, 04/22/2002)

## Section 44.050 Lot Size for Conditional Uses.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a conditional use pursuant to TDC 44.030 is:

(1) The minimum lot area is 20,000 square feet.

(2) The average lot width is 100 feet.

(3) The minimum lot width at the street is 40 feet.

(4) The maximum building coverage on a lot is 45 percent.

(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements in TDC 73.400(7) to (12). [Amended by Ord. 866-92, Sec. 12, passed April 27, 1992; Ord. 920-94, Sec. 12, passed April 11, 1994; Ord 965-96, Sec. 34, passed Dec. 9, 1996.]

Section 44.055 [Repealed by Ord. 1026-99 §102, passed Aug. 9, 1999.]

## Section 44.060 Setback Requirements for Permitted Uses.

Except as otherwise provided, the setbacks for permitted uses are:

(1) The front yard setback shall be a minimum of 20 feet for 1-story, 25 feet for 1½ story, 30 feet for 2-story, and 35 feet for 2½ story structures.

(2) The side yard setback shall be a minimum of 5 feet for 1 story, 7 feet for 1½ story, 10 feet for 2-story, and 12 feet for 2½ story structures. Where living spaces face a side yard, the minimum setback shall be 10 feet.

(3) On corner lots, the setback shall be the same as the front yard setback on any side facing a street other than an alley.

(4) Front, side and rear yard setbacks for structures exceeding 2½ stories shall be determined through the Architectural Review process, except that no setback shall be required which is greater than the height of the structure.

(5) The rear yard setback shall be the same as the side yard setback.

(6) Where buildings are grouped as one project on one tract of land, the minimum distance

between two buildings at any given point shall not be less than the sum of the maximum required side yards computed separately for each building at that point.

(7) The minimum yard setback for any yard facing an area designated a Wetland Protected Area pursuant to Chapter 71 shall be 100 feet.

(8) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line.

(9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Added by Ord. 862-92 §14, passed March 23, 1992. Amended by Ord. 904-93 §12, passed Sept. 13, 1993; Ord. 965-96 §35, passed Dec. 9, 1996; Ord. 1026-99 §40, passed Aug. 9, 1999.](Ord. 1098-02, Amended, 02/11/2002)

**Section 44.070 Setback Requirements for Conditional Uses.**

(1) Except as otherwise provided, the setback for conditional uses shall be established through the Architectural Review process. However, no setback greater than 50 feet may be required, unless the structure exceeds 2 1/2 stories in height, in which case a setback equal to the height of the structure may be required. Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line.

(2) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80

feet. [Amended by Ord. 862-92, Sec. 15, passed March 23, 1992; Ord. 904-93, Sec. 13, passed Sept. 13, 1993; Ord. 965-96, Sec. 36, passed Dec. 9, 1996.](Ord. 1098-02, Amended, 02/11/2002)

**Section 44.075 Setback Requirements Adjacent to the Norwood Expressway.**

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Added by Ord. 592-83, Sec. 72, passed June 13, 1983.]

**Section 44.080 Projections Into Required Yards.**

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 (3) feet and into a required side yard not more than two (2) feet, or into the required open space as established by coverage standards in this chapter. [Amended by Ord. 731-87, Sec. 2, passed Sept. 14, 1987.]

**Section 44.090 Structure Height.**

(1) Except as otherwise provided, the minimum height for structures containing apartment or condominium units shall be four stories, one story of which may be designed and used for underground parking. The maximum structure height in an RH-HR District shall be five stories if the structure contains no underground parking, or six stories if the first story contains underground parking. Regardless of the number of stories, structure height shall not exceed 64 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 965-96, Sec. 37, passed Dec. 9, 1996.](Ord. 1116-02, Amended, 08/26/2002)

**Section 44.100 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71,

72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §7, passed June 29, 1992; Ord. 956-96 §35, passed Jan. 8, 1996; Ord. 1026-99 §41, passed Aug. 9, 1999.]

**Section 44.110 Off-Street Parking and Loading.**

Refer to Chapter 73.

**Section 44.120 Floodplain District.**

Refer to Chapter 70.

**Section 44.130 Wetlands Protection District.**

Refer to Chapter 71. [Amended by Ord. 904-93, Sec. 14, passed Sept. 13, 1993.]

**Section 44.140 Community Design Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13, passed June 22, 1987; amended by Ord. 862-92, Sec. 16, passed March 23, 1992; Ord. 904-93, Sec. 15, passed September 13, 1993.]

**Section 44.150 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 904-93, Sec. 16, passed Sept. 13, 1993.]

**Section 44.160 Shift of Density for Multi-Family Residential Development Adjacent to a Greenway or Natural Area.**

(1) When a parcel in the RH/HR District is:

- (a) partially in the Natural Resource Protection Overlay District (NRPO),
- (b) partially in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or
- (c) partially in a Clean Water Services Vegetated Corridor, and
- (d) when that portion is placed in a Tract and dedicated to the City at the City's option, or
- (e) dedicated in a manner approved by the City to a non-profit conservation organization, or
- (f) is retained in private ownership by the developer, the decision authority may allow the remainder of the parcel to be developed to the

same residential density as would be permitted by the RH/HR District standards if none of the parcel were in the NRPO District, Other Natural Area or Vegetated Corridor. Other TDC and RH/HR District regulations shall be met, including but not limited to building height, setbacks and building separations. The decision authority shall consider, but is not limited to, the following factors:

(i) Does the Park and Recreation Master Plan designate the Tract for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;

(ii) Does the Tract include one or more designated Heritage Trees, or one or more significant trees;

(iii) Does the Tract provide a significant view or aesthetic element, or does it include a unique or intrinsically valuable element;

(iv) Does the Tract connect publicly owned or publicly accessible properties;

(v) Does the Tract abut an existing park, greenway, natural area or other public facility;

(vi) Does the Tract provide a public benefit or serve a public need;

(vii) Does the Tract contain environmental hazards;

(viii) Geologic stability of the Tract;

and  
(ix) Future maintenance costs for the Tract. [Added by Ord. 933-94, Sec. 25, passed Nov. 28, 1994; Ord. 956-96, Sec. 36, passed Jan. 8, 1996; Ord. 979-97, Sec. 18, passed July 14, 1997.] (Ord. 1136-03, Amended, 04/28/2003)

**Chapter 50****Office Commercial Planning District (CO)****Sections:**

- 50.010 Purpose.**
- 50.020 Permitted Uses.**
- 50.030 Central Urban Renewal Plan - Additional Permitted Uses and Conditional Uses.**
- 50.040 Conditional Uses.**
- 50.050 Lot Size.**
- 50.060 Setback Requirements.**
- 50.065 Central Urban Renewal Area--Lot Sizes.**
- 50.070 Structure Height.**
- 50.080 Access.**
- 50.090 Off-Street Parking and Loading.**
- 50.100 Flood Plain District.**
- 50.110 Wetland Protection District.**
- 50.120 Community Design Standards.**
- 50.130 Landscape Standards.**

**Section 50.010 Purpose.**

The purpose of this district is to provide areas for professional offices in locations adjacent to or across the street from residential areas. The district is intended to provide for office development ranging in size from small buildings with one or two tenants to large complexes housing business headquarters. Development design in this district shall be sensitive to the preservation of significant natural resources and shall provide extensive perimeter landscaping, especially adjacent to residential areas and streets.

**Section 50.020 Permitted Uses.**

No building, structure or land shall be used in this district except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

(1) Offices, studios or clinics of accountants, architects, artists, attorneys, authors, dentists,

designers, investment counselors, landscape architects, management consultants, and physicians or other practitioners of the healing arts.

(2) Offices of administrative, editorial, educational, financial, governmental, insurance, real estate, religious, research, scientific or statistical organizations.

(3) Health or fitness facility as defined in TDC 31.060, with indoor operation only.

(4) Greenways, including but not limited to bike and pedestrian paths and interpretive stations.

(5) Child day care center or family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(6) Parking lot, parking structure or underground parking.

(7) Sewer and water pump stations and pressure reading stations.

(8) Wireless communication facility attached.

(9) Wireless communication facility located within 300 feet of the centerline of I-5.

(10) Organized team athletic practice facility.

(11) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(12) Transportation facilities and improvements. [Amended by Ord. 635-84 §16, passed June 11, 1984; Ord. 668-85 §2, passed June 10, 1985; Ord. 771-89 §2, passed April 10, 1989; Ord. 824-91 §6, passed Feb. 11, 1991; Ord. 849-91 §16, passed Nov. 25, 1991; Ord. 920-94 §13, passed April 11, 1994; Ord. 965-96 §38, passed Dec. 9, 1996; Ord. 991-98 §1, passed Feb. 23, 1998; Ord. 992-98 §1, passed Feb. 23, 1998; Ord. 1006-98 §1; passed July 13, 1998; Ord. 1026-99 §42, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

**Section 50.030 Central Urban Renewal Plan - Additional Permitted Uses and Conditional Uses.**

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.

(Revised 05/03)

## Tualatin Development Code

(1) Uses permitted in the RH District on Block 1.

(2) Uses permitted in the CC District as a Conditional Use on Block 1. [Amended by Ord. 694-86 §3, passed May 27, 1986; Ord. 1025-99 §26, passed July 26, 1999; Ord. 1026-99 §43, passed Aug 9, 1999.]

### Section 50.040 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Restaurants, when designed as an integral part of a major office complex exceeding 250,000 square feet of gross floor area.

(2) Assembly of products, in conjunction with office and/or research and development activities, meeting the following criteria:

(a) All phases of the assembly process are subject to review and approval by the Planning Director or designee prior to issuance of a building permit, in the case of a business locating in a new building, or prior to issuance of an occupancy certificate, in the case of a business moving into an existing building.

(b) The assembled products are the result of the research and product development of the firm engaged in the assembly process.

(c) The products are characteristically light and small, such as electronic components, cosmetics, or pharmaceuticals.

(d) The assembly operation does not require rail service, nor does it generate truck traffic that, through volume and/or turning movements, hamper the efficient flow of traffic on adjacent streets, as determined by the City Engineer in measuring levels of service.

(e) The assembly process is accomplished in an office type environment rather than an industrial or manufacturing type environment.

(f) The site development and architectural design required for the activity has the visual appearance of an office campus including low buildings, wood or masonry facades, and exten-

sive landscaping, as opposed to an industrial or warehouse development.

(g) The site being considered is at least 30 acres in size, however, a 30 or more acre site can be subdivided into lots of no less than one acre, with assembly operations allowed on each lot, if prior to any division of the property an overall master site development plan is reviewed and approved by the City Council as part of the conditional use process. Each lot created will include deed restrictions requiring the owner and users of the lots to abide by all provisions of the approved plan. Such deed restrictions will be approved as to form and content by the City Attorney prior to recording the subdivision.

(3) Pharmacy, when designed as an integral part of a medical office building, clinic or complex containing at least 30,000 square feet of gross floor area and meeting the following criteria:

(a) The pharmacy contains no more than 600 square feet of floor area. Additional floor area may be allowed for other, non-dispensing uses if approved as part of the conditional use request. In no event shall the total floor area of the pharmacy and any related uses exceed 1200 square feet.

(b) The sole function of the pharmacy shall be oriented toward dispensing activities associated with prescription drugs and the sale of non-prescription drugs.

(c) The pharmacy is designed so as to be oriented toward patient traffic within the building, clinic, or complex, rather than toward passing vehicular traffic.

(d) Pharmacies allowed in this district shall not include drive-in window service.

(e) For purposes of this section, the following terms shall have the indicated meaning:

(i) "Pharmacy" means a place where the sole function is to dispense prescription and non-prescription drugs.

(ii) The terms "dispense," "dispensing," "drugs," "non-prescription drugs," "prescription," and "prescription drugs," shall have the meanings indicated in ORS 689.005 which meanings are hereby adopted by reference.

- (4) Electrical substation.
- (5) Natural gas pumping station.
- (6) Water reservoir.
- (7) Wireless communication facility.

[Amended by Ord. 604-83 §1, passed Aug. 22, 1983; Ord. 632-84 §1, passed April 23, 1984; Ord. 636-84 §1, passed June 11, 1984; Ord. 864-92 §9, passed April 13, 1992; Ord. 849-91 §17, passed Nov. 25, 1991; Ord. 965-96 §39, passed Dec. 9, 1996; Ord. 1025-99 §27, passed July 26, 1999; Ord. 1026-99 §44, passed Aug. 9, 1999.]

## Section 50.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and a wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) The minimum lot size shall be 10,000 square feet.
- (2) The minimum average lot width shall be 80 feet.
- (3) The minimum lot width at the street shall be 40 feet.
- (4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street. [Amended by Ord. 866-92, Sec. 13, passed April 27, 1992; Ord. 965-96, Sec. 40, passed Dec. 9, 1996.]

Section 50.055 [Repealed by Ord. 862-92, Sec. 17, passed March 23, 1992.]

## Section 50.060 Setback Requirements.

(1) Front yard. Except for townhouses whose setbacks shall conform to the setback standards in the RH District, the minimum front yard setback shall be 20 feet, except as approved through the architectural review process where a greenway or natural area on the subject property is dedicated to the City.

(2) Side yard. Except for townhouses whose setbacks and separation between buildings shall conform to the setback and separation standards in the RH District, and except for structures greater than 35 feet in height which shall have a setback of 30 feet when the subject side yard abuts a lot in the RL District and a setback of 20 to 30 feet as determined through the Architectural

Review process when the subject side yard abuts a lot in a multifamily district, the side yard setback shall be zero to 15 feet, as determined through the Architectural Review process.

(3) Rear yard. Except for townhouses whose setbacks and separation between buildings shall conform to the setback and separation standards in the RH District, and except for structures greater than 35 feet in height which shall have a setback of 30 feet when the subject rear yard abuts a lot in the RL District and a setback of 20 to 30 feet as determined through the Architectural Review process when the subject side yard abuts a lot in a multifamily district, the rear yard setback shall be zero to 15 feet, as determined through the Architectural Review process.

(4) Corner lot yards. Except for townhouses whose setbacks shall conform to the setback standards in the RH District, zero to 20 feet along each street frontage for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

(5) Except for townhouses whose setbacks shall conform to the setback standards in the RH District, off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) Except for townhouses which may construct a fence on the property line, no fence shall be constructed within 5 feet of a public right-of-way.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, which shall consider TDC 73.510, be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 18, passed March 23, 1992; Ord. 904-93, Sec.

17, passed Sept. 13, 1993; Ord. 933-94, Sec. 26, passed Nov. 28, 1994; Ord. 965-96,

Sec. 41, passed Dec. 9, 1996; Ord. 974-97, Sec. 1, passed May 12, 1997; Ord. 1025-99, Sec. 28, passed July 26, 1999.] (Ord. 1098-02, Amended, 02/11/2002)

**Section 50.065 Central Urban Renewal Area-- Lot Sizes.**

Except for townhouses whose lot sizes shall conform to the lot size standards in the RH District, the minimum lot sizes in the Central Urban Renewal District are as described on Map 9-3.

[Added by Ord. 694-86 §8, passed May 27, 1986; Ord. 1025-99 §29, passed July 26, 1999; Ord. 1026-99 §45, passed Aug. 9, 1999; Ord 1046-00 §6, passed Feb. 14, 2000.]

**Section 50.070 Structure Height.**

(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided by subsection (2) of this section, the maximum height of any structure in this district is 45 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 792-90, Sec. 1, passed January 8, 1990; Ord. 965-96, Sec. 42, passed Dec. 9, 1996; Ord 974-97, Sec. 2, passed May 12, 1997; Ord. 978-97, Sec. 1, passed June 23, 1997.] (Ord. 1116-02, Amended, 08/26/2002)

**Section 50.080 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §8, passed June 29, 1992; Ord. 1025-99 §30, passed July 26, 1999; Ord. 1026-99 §46, passed Aug. 9, 1999.]

**Section 50.090 Off-Street Parking and Loading.**

Refer to Chapter 73.

**Section 50.100 Flood Plain District.**

Refer to Chapter 70.

**Section 50.110 Wetland Protection District.**

Refer to Chapter 71. [Amended by Ord. 904-93, Sec. 18, passed Sept. 13, 1993.]

**Section 50.120 Community Design Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13, passed June 22, 1987; amended by Ord. 862-92, Sec. 19, passed March 23, 1992; Ord. 904-93, Sec. 19, passed Sept. 13, 1993.]

**Section 50.130 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 904-93, Sec. 20, passed Sept. 13, 1993.]



## Chapter 51

### Neighborhood Commercial Planning District (CN)

#### Sections:

- 51.010 Purpose.**
- 51.020 Permitted Uses.**
- 51.030 Lot Size.**
- 51.040 Setback Requirements.**
- 51.050 Structure Height.**
- 51.060 Development Limitations.**
- 51.070 Access.**
- 51.080 Off Street Parking and Loading.**
- 51.090 Floodplain District.**
- 51.100 Community Design Standards.**
- 51.110 Landscape Standards.**

#### Section 51.010 Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area.

#### Section 51.020 Permitted Uses.

No building, structure or land shall be used in this district except for the following uses, which except for transportation facilities and improvements, must be conducted wholly within a completely enclosed building:

- (1) One dwelling unit for each business located on the lot.
- (2) General merchandise or variety stores.

(3) Food stores, provided there is no processing or sale of live poultry, and excluding freezer and locker meat provisioners.

(4) Drug store and pharmacy.

(5) Laundry and dry cleaning establishment, however such establishments shall be exclusively for the cleaning of clothing and materials of the resident population and shall not involve laundry or cleaning of commercial, industrial, or institutional clothing and materials.

(6) Beauty and barber shops.

(7) Shoe repair.

(8) Community or neighborhood club building including swimming pools and similar recreation facilities, when operated by a nonprofit community organization.

(9) Child day care center, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(10) Greenways, including but not limited to bike and pedestrian and interpretive stations.

(11) Other neighborhood commercial and public uses of similar character, found by the Planning Director to meet the purpose of this district, as herein provided by Sec. 31.070.

(12) Transportation facilities and improvements. [Amended by Ord. 824-91, Sec. 7, passed Feb. 11, 1991; Ord. 849-91, Sec. 18, passed Nov. 25, 1991.] (Ord. 1103-02, Amended, 03/25/2002)

#### Section 51.030 Lot Size.

The following requirements shall apply when establishing a neighborhood commercial use and when partitioning or subdividing land:

(1) The minimum lot size shall be 20,000 square feet.

(2) The minimum average lot width shall be 100 feet.

(3) The minimum width at the building line shall be 100 feet.

(4) The minimum lot width at the street shall be 100 feet.

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## Section 51.040 Setback Requirements.

(1) Front yard. The minimum front yard setback shall be 20 feet.

(2) Side yard. 0 to 15 feet as determined through the Architectural Review process.

(3) Rear yard. 0 to 15 feet as determined through the Architectural Review process.

(4) Corner lot yards. 0 to 10 feet along each street frontage for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at the intersection as determined through the Architectural Review process.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way. [Amended by Ord. 862-92 §20, passed March 23, 1992; Ord. 1026-99 §47, passed Aug. 9, 1999.]

Section 51.045 [Repealed by Ord. 862-92, Sec. 21, passed March 23, 1992.]

## Section 51.050 Structure Height.

Structures shall not exceed 25 feet in height, subject to the following :

Where a property line or alley separates CN land from land in a residential district, a building shall not be greater than 20 feet in height at the setback line; and no building or structure shall extend above a plane beginning at 20 feet in height above that setback line and extending inward and upward at a slope of 45 degrees, subject always to the maximum 25 foot height limitation. [Amended by Ord. 1026-99 §48, passed Aug. 9, 1999.]

## Section 51.060 Development Limitations.

The following limitations apply:

(1) Building and Parking Coverage. Total building and parking coverage shall not exceed 75 percent of the lot area. All land not covered by buildings or parking shall be landscaped.

(2) Commercial Floor Area Limit. No non-residential occupant shall occupy more than 10,000 square feet of any building or combination of buildings within a single CN District area.

(3) Street Frontage. No less than one-fourth of the total street frontage of the CN District area shall be on an Arterial or Major Collector street.

(4) Building and Driveway Orientation. All commercial uses in CN District shall be oriented and have primary driveway access to an Arterial or Major Collector street. No more than one driveway may access Minor Collector, Local Residential, or Cul-De-Sac street.

(5) District Size. The aggregate area of a CN district, consisting of one or more lots or a portion of a single lot, shall not exceed 2 acres.

(6) District Location. The boundaries of a CN district shall be separated from middle school property by not less than 300 feet. The boundaries of a CN District shall be separated from high school property and all other CN, CC, and CG districts by not less than 1320 feet. [Amended by Ord. 816-90, Sec. 1, passed Dec. 10, 1990.]

(7) Building Design. All commercial buildings shall be of a general residential character, including the following design elements:

(a) All building facades shall be of wood or brick and, if painted, shall be in muted, earth tone colors.

(b) All roofs shall be compatible with the surrounding residential area as determined through the Architectural Review process. [Amended by Ord. 1026-99 §49, passed Aug. 9, 1999.]

## Section 51.070 Access.

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §9, passed June 29, 1992; Ord. 1026-99 §50, passed Aug. 9, 1999.]

**Section 51.080 Off Street Parking and Loading.**

Refer to Chapter 73.

**Section 51.090 Floodplain District.**

Refer to Chapter 70.

**Section 51.100 Community Design Standards.**

Refer to Chapter 73.

**Section 51.110 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13,

passed June 22, 1987; amended by Ord. 862-92, Sec. 22, passed March 23, 1992.]

## Chapter 52

### Recreational Commercial Planning District (CR)

#### Sections:

- 52.010 Purpose.**
- 52.020 Permitted Uses.**
- 52.030 Conditional Uses.**
- 52.040 Lot Size.**
- 52.050 Setback Requirements.**
- 52.060 Structure Height.**
- 52.070 Access.**
- 52.080 Off-Street Parking and Loading.**
- 52.090 Flood Plain District.**
- 52.100 Community Design Standards.**
- 52.110 Landscape Standards.**

#### Section 52.010 Purpose.

The purpose of this district is to recognize the unique and valuable physical, scenic, cultural, and historic character of the Roamer's Rest area located between the Tualatin River and Pacific Highway (99-W) north of the highway's intersection with Tualatin Road. It is intended to preserve that area by allowing and encouraging commercial and related uses that are oriented to the traveler on the highway or that are oriented toward and relate well with the river.

#### Section 52.020 Permitted Uses.

No building, structure or land shall be used except for the following, provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

- (1) Public or private camping or picnic grounds, including recreational vehicle parking.
- (2) Dance, meeting, community, club or lodge hall.
- (3) Bakery, for retail sale on the premises only.
- (4) Restaurant, without drive-in service.
- (5) Restaurant, take-out.
- (6) Tavern or cocktail lounge.
- (7) Motel.
- (8) Nursery or greenhouse with retail sales.
- (9) Automobile Service Station, subject to the following provisions:

(a) Minimum street frontage on each street on a corner lot: 120 feet.

(b) Minimum street frontage on an interior lot: 150 feet.

(c) Minimum building setback from any street right-of-way: 40 feet.

(d) Minimum pump island setback from any lot line: 15 feet.

(e) Only two access points shall be allowed for an interior lot. A corner lot and a through lot shall be allowed only one access per street frontage.

(f) The storage and display of merchandise such as tires and batteries offered for sale shall be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.

(g) No outside storage or sale of any vehicles is permitted.

(h) All exterior walls and pump islands shall be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between.

(i) There shall be no major repair or service activity, other than the dispensing of fuel products, outside the building.

(10) Boat dock, marina and boat rental.

(11) Marine supply store.

(12) Food stores not exceeding 4,000 square feet of gross floor area, provided there is no processing or sale of live poultry, and excluding freezer and locker meat provisioners.

(13) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(14) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(15) Sewer and water pump stations, pressure reading stations.

(16) Wireless communication facility attached.

(17) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

(18) Transportation facilities and improvements. [Amended by Ord. 635-84 §19, passed June 11, 1984; Ord. 824-91 §8, passed February 11, 1991; Ord. 849-91 §19, passed Nov. 25, 1991; Ord. 965-96 §43, passed Dec. 9, 1996; Ord. 979-97 §19, passed July 14, 1997; Ord. 1026-99 §51, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### Section 52.030 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

- (1) Drive-in restaurants.
- (2) Multi-family dwellings and manufactured dwelling parks not to exceed 10 dwelling units per gross acre.
- (3) Family recreation center.
- (4) Residential facilities.
- (5) Electrical substation.
- (6) Natural gas pumping station.
- (7) Water reservoir.
- (8) Wireless communication facility. [Amended by Ord. 849-91 §20, passed Nov. 25, 1991; Ord. 965-96 §44, passed Dec. 9, 1996; Ord. 988-97 §7, passed Dec. 8, 1997; Ord. 1026-99 §52, passed Aug. 9, 1999.]

### Section 52.040 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and a wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) The minimum lot size shall be 10,000 square feet.
- (2) The minimum average lot width shall be 75 feet.
- (3) The minimum lot width at the street shall be 40 feet.
- (4) For flag lots, the minimum lot width at the street shall be sufficient to comply with a least the minimum access requirements contained in TDC

73.400(8) to (12). [Amended by Ord. 866-92, Sec. 14, passed April 27, 1992; Ord. 965-96, Sec. 45, passed Dec. 9, 1996.]

### Section 52.050 Setback Requirements.

(1) Front Yard. The minimum front yard setback shall be 20 feet except as approved through the architectural review process where a greenway or natural area on the subject property is dedicated to the City.

(2) Side Yard. Zero to 15 feet, as determined through the Architectural Review process.

(3) Rear Yard. Zero to 15 feet, as determined through the Architectural Review process.

(4) Corner Lot Yards. Zero to 20 feet for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 23, passed March 23, 1992; Ord. 904-93, Sec. 22, passed Sept. 13, 1993; Ord. 933-94, Sec. 27, passed Nov. 28, 1994; Ord. 965-96, Sec. 46, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

Section 52.055 [Repealed by Ord. 862-92, Sec. 24, passed March 23, 1992.]

### Section 52.060 Structure Height.

Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, the maximum height

of any structure is 35 feet. [Amended by Ord. 1026-99 §53, passed Aug. 9, 1999.]

## **Section 52.070 Access.**

(1) All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.

(2) Wherever possible, as determined by the City Engineer, driveway access will be shared by adjacent properties so that there is no more than one driveway for every two properties. In any event, no more than one two-way driveway or two one-way driveways may serve each lot. .

[Amended by Ord. 872-92 §10, passed June 29, 1992; Ord. 1026-99 §54, passed Aug. 9, 1999.]

## **Section 52.080 Off-Street Parking and Loading.**

Refer to Chapter 73.

## **Section 52.090 Flood Plain District.**

Refer to Chapter 70.

## **Section 52.100 Community Design Standards.**

Refer to Chapter 73.

## **Section 52.110 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13, passed June 22, 1987; amended by Ord. 862-92, Sec. 25, passed March 23, 1992.]

# Tualatin Development Code

## Chapter 53

### Central Commercial Planning District (CC)

#### Sections:

- 53.010 Purpose.**
- 53.020 Permitted Uses.**
- 53.030 Central Urban Renewal Plan - Additional Permitted Uses.**
- 53.035 Central Urban Renewal Area - Prohibited Uses.**
- 53.040 Temporary Use Permitted.**
- 53.050 Conditional Uses.**
- 53.055 Central Urban Renewal Area - Conditional Uses.**
- 53.060 Lot Sizes.**
- 53.070 Central Urban Renewal Area - Lot Sizes.**
- 53.080 Setback Requirements.**
- 53.090 Structure Height.**
- 53.100 Access.**
- 53.110 Off-Street Parking and Loading.**
- 53.120 Floodplain District.**
- 53.130 Wetland Protection District.**
- 53.140 Community Design Standards.**
- 53.150 Landscape Standards.**

#### Section 53.010 Purpose.

The purpose of this district is to provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides areas suitable for civic, social and cultural functions serving the general community. The district serves to implement the City's Central Urban Renewal Plan and, consequently, multi-family dwellings are also an appropriate use in certain portions of the district, as specified by the Central Urban Renewal Plan. (Ord. 1109-02, Amended, 04/22/2002)

#### Section 53.020 Permitted Uses.

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless commu-

nication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink, when enclosed in a building.

(2) Antique shop or secondhand store.

(3) Appliance store (incidental repairs only).

(4) Automobile accessory sales and auto parts retailing and wholesaling.

(5) Bank or other financial institution. Bank drive-up uses or financial institutions which meet the definition of drive-up uses are conditional uses in the Central Design District of the Urban Renewal Area, shown on Map 9-3.

(6) Bakery, for retail sale on the premises only.

(7) Barber or beauty shop.

(8) Bicycle sales, service or repair.

(9) Blueprinting, photostating, printing, lithographing, or other reproduction process.

(10) Book store.

(11) Bus depot.

(12) Business college.

(13) Business machines sales, service or repair.

(14) Catering establishment.

(15) Child day care center or family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(16) Clothing store.

(17) Department or furniture store.

(18) Florist.

(19) Furniture store (non-warehouse type).

(20) Governmental structure or land use, including, but not limited to, government offices,

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public park, playground, recreation building, fire station, police station, library or museum.

(21) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations and government structures, excluding fire stations.

(22) Grocery or delicatessen.

(23) Hardware store.

(24) Hotel or apartment hotel.

(25) Jewelry store.

(26) Laundry or dry-cleaning establishment.

(27) Locksmith or gunsmith.

(28) Magazine or newspaper distribution agency.

(29) Medical-dental clinic.

(30) Mortuary.

(31) Newsstand.

(32) Office - business or professional.

(33) Parking lot, parking structure, or underground parking.

(34) Pawn shop.

(35) Pet shop.

(36) Plant shop.

(37) Pharmacy or drug store.

(38) Radio or television service.

(39) Real estate office.

(40) Record or music shop.

(41) Restaurant, without drive-in service.

(42) Restaurant, take-out. Restaurant drive-up uses are prohibited in the Central Design District of the Urban Renewal Area, shown on Map 9-3.

(43) Scientific or professional instrument sales or repair.

(44) Shoe repair shop.

(45) Sporting goods store.

(46) Stationery store.

(47) Studio, including music, art, dancing, photography or health.

(48) Tavern or cocktail lounge.

(49) Telephone or telegraph exchange.

(50) Theater.

(51) Variety shop.

(52) Watch and clock repair.

(53) Sewer and water pump stations, pressure reading stations.

(54) Wireless communication facility attached.

(55) Wireless communication facility located within 300 feet of the centerline of I-5.

(56) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(57) Transportation facilities and improvements. [Amended by Ord. 635-84 §21, passed June 11, 1984; Ord. 705-86, passed Sept. 8, 1986; Ord. 727-87 §4, passed July 13, 1987; Ord. 824-91 §9, passed Feb. 11, 1991; Ord. 849-91 §21, passed Nov. 25, 1991; Ord. 882-92 §5, passed Dec. 14, 1992; Ord. 904-93 §23, passed Sept. 13, 1993; Ord. 913-94 §1, passed Feb. 28, 1994; Ord. 920-94 §14, passed April 11, 1994; Ord. 965-96 §47, passed Dec. 9, 1996; Ord. 1026-99 §55, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### Section 53.030 Central Urban Renewal Plan - Additional Permitted Uses.

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.

(1) The following uses are permitted on Blocks 2, 3, 15, 16, 17, 18, 19, 20, 22 and 23:

(a) Multi-family dwellings, including apartments, duplexes and triplexes, alone or in combination with other uses within a building.

(b) Common-wall dwellings, including but not limited to condominiums and townhouses, alone or in combination with other uses within a building. Condominiums shall be constructed only in accordance with the following:

(i) The development shall meet the requirements of all applicable state statutes.

(ii) All units shall be located on a primary lot which provides access to a public street right-of-way as required herein by TDC 73.400.

(iii) Access to secondary lots and/or to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association bylaws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes.

(c) Retirement housing conforming to the following standards:



(i) The building, or dwelling units in a mixed-use building, shall be designed or renovated specifically for retirement housing.

(ii) No retirement housing building, or retirement housing areas of a mixed-use building, shall be occupied without first obtaining a valid State license. A valid State license shall be maintained at all times as a condition of occupancy.

(iii) Public services must have capacity to serve the proposed development.

(iv) The housing may be provided as congregate care or as separate units in a retirement housing facility or any combination thereof.

(v) Occupancy of retirement housing is limited to persons 58 years of age and older. In the case of couples, one member of the couple shall be 58 years of age or older. This restrictive condition shall be recorded in the County deed records.

(d) Greenways, including but not limited to bike and pedestrian paths and interpretive stations.

(e) Residential homes.

(f) Residential facilities.

(2) Uses permitted in the CG District for Block 30.

(3) Architectural focal element for Blocks 14, 17, 18 and 20. [Amended by Ord. 694-86 §4, passed May 27, 1986; Ord. 882-92 §6, passed Dec. 14, 1992; Ord 1026-99 §56, passed Aug. 9, 1999.] (Ord. 1109-02, Amended, 04/22/2002)

### **Section 53.035 Central Urban Renewal Area - Prohibited Uses.**

(1) Take-out restaurant drive-up uses are prohibited in the Central Design District of the Central Urban Renewal Area, shown on Map 9-3.

(2) Photo service drive-up uses are prohibited in the Central Design District of the Central Urban Renewal Area, shown in Map 9-3. [Added by Ord. 705-86; Sec. 3, passed Sept. 8, 1986, amended by Ord. 727-87, Sec. 5, passed July 13, 1987.] (Ord. 1109-02, Amended, 04/22/2002)

### **Section 53.040 Temporary Use Permitted.**

Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011. [Amended by Ord. 585-82, passed Dec. 13, 1982.]

### **Section 53.050 Conditional Uses.**

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Ambulance services.

(2) Auditoriums, exhibition halls, or rooms for public assembly.

(3) Churches, universities, schools and accessory uses.

(4) Fire stations.

(5) Outside storage or sales.

(6) Portable collection facilities subject to the following standards:

(a) The facility shall be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility.

(b) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, shall be installed adjacent to the location of the portable collection facility.

(c) Items shall not be stored outside the facility, except for temporary storage of oversized goods.

(d) Oversized goods stored outside shall be collected daily and removed from the premises or stored inside the portable collection facility.

(e) Adequate receptacle shall be provided for items dropped off during times the facility is not attended.

(7) Private clubs, lodges and fraternal organizations.

(8) Utility substations.

(9) Increase structure height to a maximum of 124 feet as provided by Sec. 53.090(2).

(10) Veterinary Clinic with practice limited to small animals. [Amended by Ord. 585-82, passed Dec. 13, 1982, Ord. 635-84 §22, passed June 11, 1984; Ord. 643-84 §1, passed Sept. 10, 1984; Ord. 656-85 §2, passed Feb. 11, 1985; Ord. 1026-99 §57, passed Aug. 9, 1999.]

### **Section 53.055 Central Urban Renewal Area - Conditional Uses.**

In the Central Design District of the Central Urban Renewal Area, shown on Map 9-3, the fol-

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lowing uses are permitted when authorized in accordance with Chapter 32:

(1) Bank drive-up uses.

(2) Other drive-up uses, unless otherwise prohibited by provisions of the Tualatin Community Development Code. [Added by Ord. 705-86, Sec. 4, passed Sept. 8, 1986; amended by Ord. 727-87, Sec. 6, passed July 13, 1987.] (Ord. 1109-02, Amended, 04/22/2002)

### Section 53.060 Lot Sizes.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

(1) The minimum lot area shall be 10,000 square feet.

(2) The minimum average lot width shall be 75 feet.

(3) The minimum lot width at the street shall be 40 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street. [Amended by Ord. 866-92, Sec. 15, passed April 27, 1992; Ord. 965-96, Sec. 48, passed Dec. 9, 1996.]

Section 53.065 [Repealed by Ord. 862-92, Sec. 26, passed March 23, 1992.]

### Section 53.070 Central Urban Renewal Area - Lot Sizes.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, and excepting any lot in the Core Area Parking District where TDC 53.070(1)-(5) apply, the minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3:

(1) Except for mixed use developments, and common-wall dwellings on separate lots:

(a) The minimum lot area shall be 5,000 square feet.

(b) The minimum average lot width shall be 40 feet.

(c) The minimum lot width at the street shall be 40 feet.

(d) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements in TDC 73.400(8) - (12).

(e) The minimum lot width at the street shall be 35 feet on a cul-de-sac street.

(2) For mixed use developments, and common-wall dwellings on separate lots:

(a) Lot areas, widths and frontages shall be determined through the Architectural Review Process.

(b) Frontage on a public street shall not be required when access via easements is provided in accordance with TDC 73.400.

(3) The minimum lot width at the street shall be 40 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements in TDC 73.400(8) - (12).

(5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street. [Amended by Ord. 635-84 §24, passed June 11, 1984; Ord. 694-86 §6, passed May 27, 1986; Ord. 872-92 §11, passed June 29, 1992; Ord. 882-92 §7, passed Dec. 14, 1992; Ord. 965-96 §49, passed Dec. 9, 1996; Ord. 1026-99 §58, passed Aug 9, 1999.]

### Section 53.080 Setback Requirements.

(1) Front yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.

(2) Side yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.

(3) Rear yard. Zero to 15 feet, as determined through the Architectural Review process.

(4) Corner lot yards. Zero to 20 feet for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except

as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way, except that in residential and mixed use residential developments within the Central Design District the minimum fence setback shall be determined through Architectural Review, with no minimum requirement.

(7) For residential garage doors facing a public street, the minimum setback shall be 20' from the right-of-way.

(8) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 643-84, Sec. 2, passed Sept. 10, 1984; Ord. 862-92, Sec. 27, passed March 23, 1992; Ord. 882-92, Sec. 8, passed Dec. 14, 1992; Ord. 904-93, Sec. 24, passed Sept. 13, 1993; Ord. 965-96, Sec. 50, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

### **Section 53.090 Structure Height.**

(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided in TDC 53.090(2), (3) and (4), the maximum height for a structure is 45 feet.

(2) In the CC Planning District north of SW Boones Ferry Road and south of the Tualatin River, the maximum height for a structure is 125 feet, when approved by Conditional Use Permit pursuant to TDC Chapter 32 and subject to the following setback requirements:

(a) Front yard. Any structure south of Hedges Creek shall comply with the CC District setbacks and any structure north of Hedges Creek shall comply with the TDC Chapter 72 setbacks for Hedges Creek.

(b) Side yard. The minimum side yard setback shall be:

(i) For structures 45 feet or less in height, zero to 15 feet as determined through the Architectural Review process.

(ii) For structures greater than 45 feet, but less than 84 feet, the side yard setback shall be 30 feet for that portion of the structure greater than 45 feet and less than 84 feet in height.

(iii) For structures greater than 84 feet but less than or equal to 125 feet in height, the side yard setback shall be 45 feet for that portion of the building greater than 84 feet in height.

(3) Maximum structure height for specified portions of the Central Urban Renewal Plan area is:

(a) 35 feet between the Tualatin Commons central water feature and the primary pedestrian corridor around the central water feature, except for architectural focal elements.

(b) Except as provided in TDC 53.090(3)(a), 75 feet in Block 13.

(c) Except as provided in TDC 53.090(3)(a), 60 feet in Blocks 1, 2, 3, 5, 14, 15, 16, 17, 18, 19, 20 and 22.

(d) 75 feet for architectural focal elements in Blocks 14, 17, 18 and 20.

(4) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 792-90 §2, passed Jan. 8, 1990; Ord. 882-92 §9, passed Dec. 14, 1992; Ord. 965-96 §51, passed Dec. 9, 1996; Ord. 1026-99 §59, passed Aug. 9, 1999.] (Ord. 1116-02, Amended, 08/26/2002; Ord. 1109-02, Amended, 04/22/2002)

### **Section 53.100 Access.**

Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street, or via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Wa

ter Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §12, passed June 29, 1992; Ord. 882-92 §10, passed Dec. 14, 1992; Ord. 979-97 §21, passed July 14, 1997; Ord. 1026-99 §60, passed Aug. 9, 1999.]

**Section 53.110 Off-Street Parking and Loading.**

Refer to Chapter 73.

**Section 53.120 Floodplain District.**

Refer to Chapter 70.

**Section 53.130 Wetland Protection District.**

Refer to Chapter 71. [Amended by Ord. 904-93, Sec. 25, passed Sept. 13, 1993.]

**Section 53.140 Community Design Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13, passed June 22, 1987; amended by Ord. 862-92, Sec. 28, passed March 23, 1992; Ord. 904-93, Sec. 26, passed Sept. 13, 1993.]

**Section 53.150 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 904-93, Sec. 27, passed Sept. 13, 1993.]

## Chapter 54

### General Commercial Planning District (CG)

#### Sections:

- 54.010 Purpose.**
- 54.015 The Mixed Use Commercial Overlay District (MUCOD).**
- 54.020 Permitted Uses.**
- 54.030 Conditional Uses.**
- 54.031 Temporary Uses.**
- 54.040 Lot Size.**
- 54.050 Central Urban Renewal Area - Lot Sizes.**
- 54.060 Setback Requirements.**
- 54.070 Structure Height.**
- 54.080 Access.**
- 54.090 Off-Street Parking and Loading.**
- 54.100 Flood Plain District.**
- 54.110 Wetland Protection District.**
- 54.120 Community Design Standards.**
- 54.150 Landscape Standards.**

#### Section 54.010 Purpose.

The purpose of this district is to provide areas of the city that are suitable for a full range of commercial uses, including those uses that are inappropriate for the neighborhood, office, or central commercial areas. This district is particularly suitable for businesses needing direct automobile access to the freeway and the arterial streets leading to the freeway. Such uses are motels, drive-in restaurants, automobile service stations, and carwashes. Other suitable automobile-related businesses are automobile upholstery shop, or automobile tire shop. Automotive uses that use large amounts of land, such as automotive, truck and machinery sales and rental, are not appropriate uses in this district. This District is also suitable for the Mixed Use Overlay District to be applied in a specific area in accordance with TDC Chapter 57. [Amended by Ord. 621-84, Sec. 1, passed Feb. 13, 1984; Ord 1062.00, Sec 7, passed December 11, 2000.] (Ord. 1062-00, Amended, 01/03/2001)

#### Section 54.015 The Mixed Use Commercial Overlay District (MUCOD).

When the MUCOD (TDC Chapter 57) is applied to the Durham Quarry Site or to the Dur-

ham Quarry Area, where TDC Chapter 57 does not include a particular regulation or standard, the equivalent regulation or standard from TDC Chapter 54 shall apply as determined in the Architectural Review process. [Ord 1062.00, §8, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

#### Section 54.020 Permitted Uses.

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any use permitted outright in a Central Commercial Planning District, as provided in TDC 53.020.

(2) Others:

(a) Automobile glass shop; auto leasing office with no more than five autos stored on site; auto service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, mufflers, oil or lubrication, sound, transmissions, tune-up, and upholstery; and auto tire shop.

(b) Automobile service station, with or without a mini-mart, subject to the following provisions:

(i) Minimum street frontage on each street on a corner lot: 120 feet.

(ii) Minimum street frontage on an interior lot: 150 feet.

(iii) Minimum building setback from any street right-of-way: 40 feet.

(iv) Minimum pump island setback from any lot line: 15 feet.

(v) Only two access points shall be allowed for an interior lot. A corner lot and a through lot shall be allowed only one access per street frontage.

(vi) The storage and display of merchandise such as tires and batteries offered for sale shall be conducted in the station build-

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ing. However, small items such as oil and windshield wiper blades may be displayed outside the building.

(vii) No outside storage or sale of any vehicles is permitted.

(viii) All exterior walls and pump islands shall be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between.

(c) Automobile towing company office and dispatch office (no outdoor storage of towed vehicles).

(d) Boat, boat motor and boat trailer sales (does not include maintenance, service or repair), provided the boats do not exceed 18 feet in length, the boat motors do not exceed 40 horsepower and the boat trailers are single axle. An outdoor storage, display and sales area is allowed subject to the following provisions:

(i) boats, motors, and trailers are not the primary products sold by the store,

(ii) the outdoor area shall abut a wall of the store,

(iii) the outdoor area shall not exceed 10 percent of the store's gross floor area and shall not in any case exceed 5,000 square feet,

(iv) no less than 25 percent of the outdoor area shall be covered by a permanent roof,

(v) all sides of the outdoor area not abutting a wall of the store shall be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height as approved through the Architectural Review process, and

(vi) stored materials shall not exceed the height of the sight obscuring barrier when viewed from street level.

(e) Retail sales of building and home improvement materials and supplies, including garden tractors not exceeding 25 horsepower. An outdoor storage, display, and sales area is allowed subject to the following provisions:

(i) the store's gross floor area shall be not less than 50,000 square feet,

(ii) the outdoor area shall abut a wall of the store,

(iii) the outdoor area shall not exceed 10 percent of the store's gross floor area and shall not in any case exceed 15,000 square feet,

(iv) no less than 50 percent of the outdoor area shall be covered by a permanent roof,

(v) all sides of the outdoor area not abutting a wall of the store shall be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than 6 feet in height as approved through the Architectural Review process, and

(vi) stored materials shall not exceed the height of the sight obscuring barrier when viewed from street level.

(f) Dental laboratory.

(g) Drive-in restaurant.

(h) Feed and seed store.

(i) Frozen food locker.

(j) Memorial planning and products center

(k) Motel or tourist court.

(l) Motorcycle sales and service.

(m) Nursery or greenhouse (allowed outdoors).

(n) Optical lens grinder.

(o) Photo processing.

(p) Publishing house.

(q) Rental of various small equipment, tools, and devices.

(r) Recreational water, snow, and land vehicles sales and service.

(s) Restaurant, take-out.

(t) Taxidermy shop.

(u) Testing laboratory.

(v) Veterinarian's office or animal hospital.

(w) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided herein by TDC 31.070.

[Amended by Ord. 585-82, passed Dec. 13, 1982; Ord. 621-84 §2, passed Feb. 13, 1984, Ord. 635-84 §25, passed June 11, 1984, Ord. 849-91 §24,

passed Nov. 25, 1991; Ord. 904-93 §28, passed Sept. 13, 1993; Ord. 905-93 §2, passed Sept. 27, 1993; Ord. 911-94 §1, passed Feb. 14, 1994; Ord. 913-94 §2, passed Feb. 28, 1994; Ord. 965-96 §52, passed Dec. 9, 1996; Ord. 1026-99 §61, passed Aug. 9, 1999.] (Ord. 1145-03, Amended, 07/28/2003)

### Section 54.030 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any conditional use permitted in a Central Commercial Planning District in accordance with TDC 53.050.

(2) Adult business, as defined in TDC 31.060 and meeting the following requirements:

(a) The proposed use complies with all requirements set forth in Chapter 32 for the issuance of a conditional use permit.

(b) The subject lot is not within one thousand (1000) feet of the nearest residential Planning District or residential use.

(c) The lot is not within one thousand (1000) feet of any lot upon which there is located a church, educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child day care center, a mobile home park, or any other public facility which is customarily utilized by minors. [Amended

by Ord. 849-91, Sec. 25, passed Nov. 25, 1991.]

(d) The lot is not within fifteen hundred (1500) feet of any lot upon which there is located another adult business.

(e) The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity.

(f) The business shall be permitted an identification sign but shall not exhibit advertisements, displays or any other promotional or advertising materials that may be visible to the public outside the structure.

(g) All doorways, windows and other openings shall be located, covered or screened

in such a manner to prevent a view into the interior from any exterior public or semi-public area.

(h) The City Council may, at its discretion conduct a poll or survey of residents and property owners in the vicinity of a proposed adult business if such a poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed adult business. Any such poll or survey shall be advisory only.

(3) Family recreation center, as defined in TDC 31.060.

(4) Automobile towing company office and dispatch office with outdoor vehicle storage, subject to the following provisions:

(a) Vehicle storage shall be screened with a solid sight-obscuring wall or fence not less than 6 feet in height, and

(b) A perimeter landscaped area at least 5 feet in width shall be provided on the outside of the storage area wall or fence as approved through the Architectural Review process. The perimeter landscaped area shall be planted with evergreen plant materials which will reach the height of the wall or fence within three years from the time of planting, and

(c) The storage area shall be paved with asphalt or concrete.

(5) Electrical substation.

(6) Natural gas pumping station.

(7) Water reservoir.

(8) Wireless communication facility, except on Block 11 of the Central Urban Renewal District where the use is prohibited. [Amended by Ord. 647-84

§2, passed Oct. 22, 1984; Ord. 904-93 §29, passed Sept. 13, 1993; Ord. 905-93 §3, passed Sept. 27, 1993; Ord. 965-96 §53, passed Dec. 9, 1996; Ord. 1026-99 §62, passed Aug. 9, 1999.]

### Section 54.031 Temporary Uses.

Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011. [Added by Ord. 585-82, passed Dec. 13, 1982.]

### Section 54.040 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and a wireless communication facility which shall be estab-

lished through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

(1) The minimum lot size shall be 10,000 square feet.

(2) The minimum average lot width shall be 75 feet.

(3) The minimum lot width at the street shall be 40 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street. [Amended by Ord. 866-92,

Sec. 16, passed April 27, 1992; Ord. 965-96, Sec. 54, passed Dec. 9, 1996.]

### **Section 54.050 Central Urban Renewal Area - Lot Sizes.**

Except for lots for public utility facilities and natural gas pumping stations which shall be established through the Subdivision, Partition or Lot Line Adjustment process, and except a lot in the Core Area Parking District where TDC 54.050(1)-(5) apply, the minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3:

(1) The minimum lot area shall be 25,000 square feet.

(2) The average lot width shall be 100 feet.

(3) The minimum lot width at the street shall be 40 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 40 feet on a cul-de-sac street. [Amended by Ord. 635-84

§26, passed June 11, 1984; Ord. 694-86 §6, passed May 27, 1986; Ord. 872-92

§13, passed June 29, 1992; Ord. 965-96 §55, passed Dec. 9, 1996; Ord. 1026-99

§63, passed Aug. 9, 1999.]

### **Section 54.060 Setback Requirements.**

(1) Front yard. The minimum front yard setback shall be 5 to 20 feet, as determined through the Architectural Review Process.

(2) Side yard. Zero to 15 feet, as determined through the Architectural Review process, except where a side lot line adjoins a Residential or Manufacturing Park District, a minimum side yard setback of 5 feet shall be required.

(3) Rear yard. Zero to 15 feet, as determined through the Architectural Review process, except where a rear lot line adjoins a Residential or Manufacturing Park District, a minimum rear yard setback of five (5) feet shall be required.

(4) Corner lot yards. Zero to 20 feet for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of five (5) feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 621-84, Sec. 3, passed Feb.

13, 1984; Ord. 862-92, Secs. 29 & 30, passed March 23, 1992; Ord. 904-93, Secs.

30, 31 & 32, passed Sept. 13, 1993; Ord. 965-96, Sec. 56, passed Dec. 9, 1996.]

(Ord. 1098-02, Amended, 02/11/2002)

Section 54.065 [Repealed by Ord. 862-92, Sec. 31, passed 3/23/92.]

### **Section 54.070 Structure Height.**

(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided in TDC 54.070(2), the maximum height of any structure is 45 feet.



(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 792-90 §3, passed Jan. 8, 1990; Ord. 965-96 §57, passed Dec. 9, 1996; Ord. 1026-99 §64, passed Aug. 9, 1999.](Ord. 1116-02, Amended, 08/26/2002)

**Section 54.080 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §14, passed June 29, 1992; Ord. 979-97 §22, passed July 14, 1997; Ord. 1026-99 §65, passed Aug. 9, 1999.]

**Section 54.090 Off-Street Parking and Loading.**

Refer to Chapter 73.

**Section 54.100 Flood Plain District.**

Refer to Chapter 70.

**Section 54.110 Wetland Protection District.**

Refer to Chapter 71. [Amended by Ord. 904-93, Sec. 33, passed Sept. 13, 1993.]

**Section 54.120 Community Design Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13, passed June 22, 1987; amended by Ord. 862-92, Sec. 32, passed March 23, 1992; Ord. 904-93, Sec. 34, passed Sept. 13, 1993.]

**Section 54.150 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 904-93, Sec. 35, passed Sept. 13, 1993.]

## Chapter 55

### Mid-Rise/Office Commercial Planning District (CO/MR)

#### Sections:

- 55.010 Purpose.**
- 55.020 Permitted Uses.**
- 55.030 Urban Renewal Plan - Additional Uses and Conditional Uses.**
- 55.040 Conditional Uses.**
- 55.050 Lot Size.**
- 55.060 Setback Requirements.**
- 55.065 District Location.**
- 55.070 Structure Height.**
- 55.080 Access.**
- 55.090 Off-Street Parking and Loading.**
- 55.100 Flood Plain District.**
- 55.110 Wetland Protection District.**
- 55.120 Community Design Standards.**
- 55.130 Landscape Standards.**

#### Section 55.010 Purpose.

The purpose of this district is to provide areas for professional, Class A, mid-rise offices in locations west of Interstate 5 and south of the Tualatin River.

#### Section 55.020 Permitted Uses.

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

(1) Offices, studios or clinics of accountants, architects, artists, attorneys, authors, dentists, designers, investment counselors, landscape architects, management consultants, and physicians or other practitioners of the healing arts.

(2) Offices of administrative, editorial, educational, financial, governmental, insurance, real estate, religious, research, scientific and statistical organizations.

(3) Health or fitness facility as defined in TDC 31.060, with indoor operation only and not exceeding 25,000 square feet of gross floor area.

(4) Greenways, including but not limited to bike and pedestrian paths and interpretive stations.

(5) Child day care center or family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(6) Parking lot, parking structure, or underground parking.

(7) Sewer and water pump stations, pressure reading stations.

(8) Wireless communication facility attached.

(9) Wireless communication facility located within 300 feet of the centerline of I-5.

(10) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(11) Transportation facilities and improvements. [Amended by Ord. 824-91 §10, passed Feb. 11, 1991; Ord. 849-91 §27, passed Nov. 25, 1991; Ord. 849-91 §27, passed Nov. 25, 1991; Ord. 920-94 §15, passed April 11, 1994; Ord. 965-96 §58, passed Dec. 9, 1996; Ord. 1026-99 §66, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

#### Section 55.030 Urban Renewal Plan - Additional Uses and Conditional Uses.

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.

(1) Uses permitted in the RH District on Block 1.

(2) Uses permitted in the CC District as a Conditional Use on Block 1. [Amended by Ord. 1026-99 §67, passed Aug. 9, 1999.]

#### Section 55.040 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

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(1) Restaurants, when designed as an integral part of a major office complex exceeding 250,000 square feet of gross floor area.

(2) Pharmacy, when designed as an integral part of a medical office building, clinic or complex containing at least 30,000 square feet of gross floor area and meeting the following criteria:

(a) The pharmacy contains no more than 600 square feet of floor area. Additional floor area may be allowed for other, non-dispensing uses if approved as part of the conditional use request. In no event shall the total floor area of the pharmacy and any related uses exceed 1200 square feet.

(b) The sole function of the pharmacy shall be oriented toward dispensing activities associated with prescription drugs and the sale of non-prescription drugs.

(c) The pharmacy is designed so as to be oriented toward patient traffic within the building, clinic, or complex, rather than toward passing vehicular traffic.

(d) Pharmacies allowed in this district shall not include drive-in window service.

(e) For purposes of this section, the following terms shall have the indicated meaning:

(i) "Pharmacy" means a place where the sole function is to dispense prescription and non-prescription drugs.

(ii) The terms "dispense," "dispensing," "drugs," "non-prescription drugs," "prescription," and "prescription drugs," shall have the meanings indicated in ORS 689.005 which meanings are hereby adopted by reference.

(3) Electrical substation.

(4) Natural gas pumping station.

(5) Water reservoir.

(6) Wireless communication facility. [Amended by

Ord. 849-91 §28, passed Nov. 25, 1991; Ord. 864-92 §10, passed April 13, 1992; Ord. 965-96 §59, passed Dec. 9, 1996; Ord. 1026-99 §68, passed Aug. 9, 1999.]

### Section 55.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line

Adjustment process, the following requirements shall apply:

(1) The minimum lot size shall be three acres.

(2) The minimum average lot width shall be 200 feet.

(3) The minimum lot width at the street shall be 100 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 50 feet on a cul-de-sac street. [Amended by Ord. 866-92, Sec. 17, passed April 27, 1992; Ord. 965-96, Sec. 60, passed Dec. 9, 1996.]

Section 55.055 [Repealed by Ord. 862-92, Sec. 33, passed 3/23/92.]

### Section 55.060 Setback Requirements.

(1) Front yard. The minimum front yard setback shall be 30 feet except as approved through the architectural review process where a greenway or natural area on the subject property are dedicated to the City.

(2) Side yard. The minimum side yard setback shall be 30 feet.

(3) Rear yard. The minimum rear yard setback shall be 30 feet.

(4) Corner lot yards. A 30-foot setback along each street frontage for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection shall be required.

(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.

(6) No fence shall be constructed within 5 feet of a public right-of-way.

(7) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase

five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 34, passed March 23, 1992; Ord. 904-93, Sec. 36, passed Sept. 13, 1993; Ord. 933-94, Sec. 28, passed Nov. 28, 1994; Ord. 965-96, Sec. 61, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

#### **Section 55.065 District Location.**

The CO/MR District shall be located west of Interstate 5 and south of the Tualatin River, and shall be no closer than 500 feet from Low Density Residential (RL) Districts.

#### **Section 55.070 Structure Height.**

(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided in TDC 55.070(2), the maximum height of any structure is 75 feet.

(2) Maximum structure height for a wireless communication support structure and antennas located within 300 feet of the centerline of I-5 is 120 feet. [Amended by Ord. 792-90 §4, passed Jan. 8, 1990; Ord. 965-96 §62, passed Dec. 9, 1996; Ord. 1026-99 §69, passed Aug. 9, 1999.] (Ord. 1116-02, Amended, 08/26/2002)

#### **Section 55.080 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §15, passed June 29, 1992.; Ord. 979-97 §23, passed July 14, 1997; Ord. 1026-99 §70, passed Aug. 9, 1999.]

#### **Section 55.090 Off-Street Parking and Loading.**

Refer to Chapter 73.

#### **Section 55.100 Flood Plain District.**

Refer to Chapter 70.

#### **Section 55.110 Wetland Protection District.**

Refer to Chapter 71. [Amended by Ord. 904-93, Sec. 37, passed Sept. 13, 1993.]

#### **Section 55.120 Community Design Standards.**

Refer to Chapter 73. [Added by Ord. 783-89, Sec. 2, passed Oct. 23, 1989; amended by Ord. 904-93, Sec. 38, passed Sept. 13, 1993.]

#### **Section 55.130 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 904-93,

**Chapter 56**

**Medical Center Planning District (MC)**

**Sections:**

- 56.010 Purpose.**
- 56.020 Permitted Uses.**
- 56.030 Conditional Uses.**
- 56.040 District Size.**
- 56.045 Lot Size for Conditional Uses.**
- 56.050 Distances From Structures to MC District Boundaries and Setbacks.**
- 56.070 Structure Height.**
- 56.080 Special Standards.**
- 56.090 Special Standards.**
- 56.100 Access.**
- 56.110 Off-Street Parking and Loading.**
- 56.120 Floodplain District.**
- 56.130 Greenway and Riverbank Protection District.**
- 56.140 Community Design Standards.**
- 56.150 Landscape Standards.**

**Section 56.010 Purpose.**

The purpose of this district is to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff.

**Section 56.020 Permitted Uses.**

No building, structure or land shall be used, except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

- (1) Medical center:
  - (a) hospital, including but not limited to diagnosis and treatment of sick and injured persons on an inpatient and outpatient basis; surgical, emergency, laboratory, imaging, pharmacy and physical therapy services; and facility maintenance, laundry, worship, food service and administrative functions,
  - (b) offices of physicians and dentists,

- (c) offices and clinics of allied health care providers, including but not limited to nurse practitioners; midwives; dietitians; psychologists; opticians; physical and occupational therapists; occupational health/safety specialists; substance abuse counselors; chiropractors; and wellness centers including physical fitness facilities, nutritional counseling, health maintenance and rehabilitation services,

- (d) durable medical goods sales and rentals,

- (e) nursing school and other medical training facilities,

- (f) nurses' and house staff physicians' housing,

- (g) medical and dental laboratories,

- (h) medical and dental related research laboratories and testing facilities,

- (i) medical and dental non-profit educational, charitable and research organizations and facilities,

- (j) congregate care facilities, assisted living facilities and residential facilities in accordance with §56.080,

- (k) nursing and convalescent homes,

- (l) community meeting facilities, and

- (m) parking lot, parking structure, or underground parking.

(2) Supporting retail and service uses for the convenience of patients, patient visitors, staff physicians and on-site employees, subject to the requirements of §56.090:

- (a) bank branch/automatic teller machine not greater than 1000 square feet of gross floor area,

- (b) barber/beauty shop not greater than 750 square feet of gross floor area,

- (c) child day care center not greater than 4000 square feet of gross floor area,

- (d) credit union not greater than 1000 square feet of gross floor area,

- (e) fitness center not greater than 15,000 square feet of gross floor area,

- (f) florist/gift shop not greater than 750 square feet of gross floor area,

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(g) pharmacy not greater than 2000 square feet of gross floor area, and

(h) restaurant/delicatessen/coffee shop not greater than 1500 square feet of gross floor area.

(3) Sewer and water pump stations, pressure reading stations. §30, passed Nov. 25, 1991; Ord. 920-94 §16, passed April 11, 1994;

(4) Wireless communication facility attached.

(5) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(6) Transportation facilities and improvements. [Amended by Ord. 849-91 §29 & Ord. 965-96 §63, passed Dec. 6, 1996; Ord. 1026-99 §71, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### Section 56.030 Conditional Uses.

The following uses are permitted as a conditional use when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

- (1) Helipad.
- (2) Electrical substation.
- (3) Natural gas pumping station.
- (4) Water reservoir.
- (5) Wireless communication facility. [Amended by

Ord. 965-96 §64, passed Dec. 6, 1996; Ord. 1026-99 §72, passed Aug. 9, 1999.]

### Section 56.040 District Size.

The minimum MC District size shall be 25 acres.

### Section 56.045 Lot Size for Conditional Uses.

Except as otherwise provided, the lot size for a conditional use under TDC 56.030 is as follows:

(1) The minimum lot area shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(2) The minimum average lot width shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(3) The minimum lot width at the street shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements contained in TDC 73.400(8) to (12), except as established through the Subdivision, Partition or Lot Line Adjustment process. [Added by Ord. 965-96, Sec. 65, passed Dec. 9, 1996.]

### Section 56.050 Distances From Structures to MC District Boundaries and Setbacks.

(1) The minimum distance from a property line which abuts a MC District Boundary to any structure in the MC District shall be no less than 50 feet.

(2) Setbacks from property lines within the MC District that do not abut a MC District Boundary shall be determined through the Architectural Review process.

(3) Off-street parking and vehicular circulation areas in the MC District shall be set back a minimum of 10 feet from any public right-of-way or property line which abuts a MC District boundary. Off-street parking and vehicular circulation areas shall be setback a minimum of 5 feet from any property line within the MC District that does not abut a MC District boundary, except as determined through the Architectural Review process.

(4) No fence shall be constructed within 5 feet of a public right-of-way.

(5) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider 73.510, shall be a minimum of 50 feet to a property line which abuts an MC District boundary, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 35, passed March 23, 1992; Ord. 904-93, Sec.

40, passed Sept. 13, 1993; Ord. 965-96, Sec. 66, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

Section 56.060 [Repealed by Ord. 862-92, Sec. 36, passed March 23, 1992.]

## Section 56.070 Structure Height.

(1) In accordance with TDC 56.050 no structures are permitted within 50 feet of a property line abutting a MC District Boundary.

(2) The maximum height for a structure within the area 50.01 to 100 feet of a property line abutting a MC District Boundary shall be no greater than 25 feet in height above grade.

(3) The maximum height for a structure within the area 100.01 to 300 feet of a property line abutting a MC District Boundary shall be no greater than 45 feet in height above grade.

(4) The maximum height for a structure within the area greater than 300 feet from a property line abutting a MC District Boundary shall be no greater than 95 feet in height above grade.

(5) Notwithstanding (1)-(4) above, flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag, shall be no greater than 100 feet in height above grade, except in the area within 50 feet of a property line abutting a MC District Boundary where no flagpole shall be allowed.

(6) Notwithstanding (1)-(4) above the maximum structure height for a wireless communication support structure and antennas shall be no greater than 100 feet. [Amended by Ord. 965-96, Sec. 67, passed Dec. 9, 1996.]

## Section 56.080 Special Standards.

Special standards shall apply to congregate care, assisted living and residential facilities [56.020(1)(j)] as follows:

(1) Requirements of the Medical Center District shall be met unless specifically modified by this section.

(2) The building shall be designed or renovated specifically for use as a congregate care, assisted living or residential facility. All State required licenses shall be obtained.

(3) The facilities shall consist of living units with shared areas in accordance with State requirements.

(4) Outdoor walkways shall be paved and lighted and shall not exceed eight (8) percent in grade.

(5) Noise and lighting shall be buffered and screened.

(6) The residential density in the development area shall be no less than 16 and no more than 25 living units per acre. [Amended by Ord. 849-91, Sec. 31, passed Nov. 25, 1991.]

**Section 56.090 Special Standards.**

Refer to Chapter 73.

Special standards shall apply to supporting retail and service uses [56.020(2)] as follows:

(1) Notwithstanding §56.020 which requires uses to be conducted wholly within a completely enclosed building, a restaurant, delicatessen or coffee shop may include an outdoor eating area, provided the outdoor area consists on an all-weather surface not greater than 900 square feet in gross floor area and screened from public rights-of-way and residential planning districts by a completely sight-obscuring evergreen hedge and/or fence as determined through the Architectural Review process.

(2) Drive-up windows and drive-through services shall not be permitted. Loading and unloading at the vehicle entrance to the emergency room is not a drive-through service.

(3) The use shall have pedestrian access only and, except for emergency access required by the Uniform Building Code and secondary access to outdoor eating areas, it shall be through an interior hall or lobby of the building in which the use is located.

(4) The floor area of one use, or a combination of uses, listed in §56.020(2) in any one building shall not exceed ten (10) percent of the gross floor area of the building.

**Section 56.100 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 1026-99 §73, passed Aug. 9, 1999.]

**Section 56.110 Off-Street Parking and Loading.**



**Section 56.120 Floodplain District.**

Refer to Chapter 70.

**Section 56.130 Greenway and Riverbank Protection District.**

Refer to Chapter 72.

**Section 56.140 Community Design Standards.**

Refer to Chapter 73.

**Section 56.150 Landscape Standards.**

Refer to Chapter 73.

## Chapter 57

### Mixed Use Commercial Overlay District

#### Sections:

- 57.005 Definitions.**
- 57.010 Purpose.**
- 57.020 Permitted Uses.**
- 57.030 Conditional Uses.**
- 57.040 Application of the Mixed Use Commercial Overlay District (MUCOD).**
- 57.050 Development Standards.**
- 57.060 Determining Net Acres.**
- 57.100 Access.**
- 57.200 Design Standards.**
- 57.300 Design Compatibility Standards.**
- 57.400 Landscaping and Screening.**
- 57.500 Additional Standards.**
- 57.900 Figures and Tables.**

#### Section 57.005 Definitions.

As used in this chapter, the following definitions apply. Unless the context otherwise requires, the following words and phrases shall mean:

**Abut/Abutting Lots, Adjacent/Adjoining Lots, Contiguous Lots.** Two or more lots joined by a common boundary line or point.

**Access.** The place, means or way by which pedestrians, bicycles and vehicles enter or leave property. A private access is an access not in public ownership and is controlled by means of deed, dedication or easement.

**Access, alternative.** The ability to enter a highway or other public street indirectly through another improved roadway rather than direct driveway entrance from the public right-of-way frontage.

**Addition.** A modification to an existing building or structure which increases the site coverage.

**Aisle.** The corridor by which cars enter and depart parking spaces.

**Alteration, structural.** Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders.

**Amenity.** A natural or created feature that enhances the aesthetic and functional quality, visual appeal, or makes more attractive or satisfying a particular property, place or area.

**Buildable Area.** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**Building Envelope.** That portion of a buildable area exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

**Building, primary.** A building in which the primary use of the property is conducted.

**Caliper.** The diameter of a tree trunk measured at a prescribed height.

**Complex.** A structure or group of structures developed on one or more contiguous lots of record and developed as part of an overall development plan.

**Dedication.** The limited grant by a property owner allowing the use of property by the public for specified purposes.

**Drive-through Facility.** A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

**Driveway.** A private way providing ingress and egress from one or two lots, parcels or tracts to a public or private street.

**Durham Quarry Area.** Shown on Figure 57-1. The tax lots shown on Fig. 57-1 on the effective date of this definition were: Tax Lots 100, 200, 300, 400, 501, 600, 900, 1000 and 1300 on Assessor's Map 2S1 13DC and Tax Lots 400, 401, 500, 600, 700, 701, 900, 1000, 1100, and 1400 on Assessor's Map 2S1 13DB.

**Durham Quarry Site.** Shown on Figure 57-2. The tax lots shown on Fig. 57-2 on the effective date of this definition were: Tax Lots 100, 1200 and 1300 on Assessor's Map 2S1 13DB and the approximately one acre of Oregon Department of Transportation property at the immediate northwest corner of SW Bridgeport Road and

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SW 72<sup>nd</sup> Avenue. Note that Tax Lots 100 and 1200 on Assessor's Map 2S1 13AC north of the northern dashed line are owned by Washington County and are in the City of Tigard.

**Enlargement.** An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.

**Exception.** Permission to depart from a specific design standard in the TDC.

**Fence, sight-obscuring.** A barrier consisting of wood, metal, masonry or similar materials which obstructs vision one hundred percent.

**Floor Area Ratio.** The gross floor area of all buildings or structures on a lot divided by the total lot area.

**Glare.** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Habitable Floor Area.** The total floor area of all the habitable rooms in a dwelling unit.

**Household.** A group of related or unrelated individuals living together in a single dwelling unit.

**Household Living.** Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one month. Includes most types of senior housing, e.g. congregate care, assisted living, if residents live in self-contained units. The maximum number of people who may reside in any given dwelling unit shall be determined by the Oregon Structural and Specialty Code.

**Mixed-Use Development.** The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, research and development, retail, public or entertainment, in a compact urban form.

**Projection.** Part of a building or structure that is exempt from the bulk requirements of the TDC.

**Remodel.** An internal or external modification to an existing building or structure which

does not increase the site coverage. [Ord 1062.00, §9, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

### Section 57.010 Purpose.

The purpose of this district is to recognize and accommodate the changing commercial/residential marketplace by allowing commercial and residential mixed uses in the Durham Quarry Site and Durham Quarry Area. The initial application of the District is only to the Durham Quarry Site. Possible future application of the Mixed Use Commercial Overlay District is the Durham Quarry Area through the Plan Text Amendment process. Retail, office, business services and personal services are emphasized, but residential uses are also allowed. A second purpose is to recognize that when developed under certain regulations commercial and residential uses may be compatible in the General Commercial District. The Mixed Use Commercial Overlay District allows flexibility in the uses permitted for properties in the Durham Quarry Site and Durham Quarry Area. [Ord 1062.00, §10, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

### Section 57.020 Permitted Uses.

The following are permitted uses:

#### (1) Residential.

(a) Household living limited to single units, attached, and multi-family including but not limited to apartments, attached condominiums, townhouses and rowhouses.

(b) Home occupation.

#### (2) Commercial.

(a) Commercial lodging.

(b) Eating and drinking establishments.

(c) Indoor entertainment, including but not limited to cinemas and theaters.

(d) General retail:

(i) Sales-oriented.

(ii) Personal services.

(iii) Repair oriented, provided the building footprint is no larger than 60,000 square feet of gross floor area.

(iv) Bulk sales, provided the building footprint is no larger than 60,000 square feet of gross floor area.

(e) Offices, including research and development (R&D) provided the R&D square footage is less than the office square footage.

- (f) Non-accessory parking.
- (g) Cultural institution.
- (h) Day care.
- (i) Emergency services.
- (j) Postal services.
- (k) Social/fraternal clubs/lodges.
- (l) Animal-related.
- (m) Wireless communication facilities, attached.
- (n) Utility corridors.
- (3) Transportation facilities and improvements.

[Ord 1062.00, §11, passed December 11, 2000.] (Ord. 1103-02, Amended, 03/25/2002; Ord. 1062-00, Add, 01/03/2001)

**Section 57.030 Conditional Uses.**

The following are conditional uses:

- (1) Group living and Transitional housing.
- (2) Civic (institutional).
  - (a) Colleges.
  - (b) Medical center.
  - (c) Religious institution.
  - (d) School.
- (3) Commercial.
  - (a) Major event entertainment, excluding outdoor entertainment.
  - (b) Motor vehicle retail fuel sales.
  - (c) Outdoor sales for permitted outright

uses. [Ord 1062.00, §12, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

**Section 57.040 Application of the Mixed Use Commercial Overlay District (MUCOD).**

- (1) The MUCOD is applied to the Durham Quarry Site (see Fig. 57-2).
- (2) In the future, the MUCOD may be applied to the Durham Quarry Area (see Fig. 57-1) through the Plan Text Amendment application process. The City or another applicant would propose amending Subsection (1), above, to apply the MUCOD to additional lands in Fig. 57-1.
- (3) When the MUCOD is applied to the Durham Quarry Site, or in the future to the Durham Quarry Area, where TDC Chapter 57 does not include a particular regulation or standard, the existing regulation or standard from TDC Chap-

ter 54, 73, or elsewhere in the TDC shall apply. [Ord 1062.00, §12, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

**Section 57.050 Development Standards.**

(1) Development shall comply with applicable development standards, except where variances and minor variances are granted in accordance with TDC Chapter 33.

- (2) Development standards:
  - (a) Minimum lot area: None.
  - (b) Minimum building setbacks: None.
  - (c) Except as determined in the Architectural Review process, maximum building setbacks are:
    - (i) Commercial: 10 feet front and street side; 0 interior side and rear, except when the side and rear abut a residential district it is 20 feet.
    - (ii) Residential: 20 feet front; 0 rear and interior side, except when the side and rear abut a residential district it is 20 feet; 20 feet street side.
  - (d) Minimum structure height: Except for theaters and cinemas which can be one story, 20 feet.
  - (e) Maximum structure height:
    - (i) Any portion of a structure within 100 feet of the Durham Quarry Site Boundary, except that portion of the Boundary contiguous with the City of Tigard, 50 feet.
    - (ii) Any portion of a structure greater than 100 feet from the Durham Quarry Site Boundary and that portion of the Boundary contiguous with the City of Tigard, 70 feet.
  - (f) Maximum site coverage: 90%.
  - (g) Minimum landscape coverage: 10%.
  - (h) Density requirements. For determining floor area ratio (FAR) and residential densities, TDC 57.060 shall be used to establish the lot area.
    - (i) The minimum FAR for non-residential development and mixed-use development which includes a residential component is 0.50. In mixed-use developments, residential floor area is included in the calculations of FAR.
    - (ii) The minimum density for residential-only projects is 25 dwelling units per net

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acre. There is no FAR for residential-only projects.

(iii) The maximum density for residential-only projects is 50 dwelling units per net acre. [Ord 1062.00, §14, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

## Section 57.060 Determining Net Acres.

Net acres shall be determined by subtracting the following land areas from the gross acres (all of the land included in the legal description of the property to be developed):

- (1) The following sensitive land areas:
  - (a) Land within the 100-year floodplain;
  - (b) Land exceeding 25% slope;
  - (c) Drainage ways; and
  - (d) Wetlands.
- (2) Land dedicated to the public for park purposes;
- (3) Land dedicated to the public for rights-of-way. When actual information is not available, the following formulas may be used:
  - (a) Single-family development: allocate 20% of gross acres;
  - (b) Multi-family development including but not limited to apartments, condominiums and townhouses: allocate 15% of gross acres; and
- (4) Land proposed for private streets. [Ord 1062.00, §15, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

## Section 57.100 Access.

Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street or by creating uninterrupted vehicle and pedestrian access between the subject lot and the public street. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the

Parks and Recreation Master Plan, may not be required to abut a public street. [Ord 1062.00, §16, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

## Section 57.200 Design Standards.

### (1) Purpose and Applicability.

(a) Design Principles. Design standards for public street improvements for the Mixed Use Commercial Overlay District (MUCOD) address several important guiding principles, including creating a high-quality mixed use area, providing a convenient pedestrian and bikeway system and utilizing streetscape to create a high quality image for the area.

(b) Development Conformance. New development, including remodeling and renovation projects resulting in non-single family residential uses, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the TDC and Oregon Structural and Specialty Code, developments may be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects within and surrounding the MUCOD.

(2) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73, and other applicable Chapters conflict or are different, they shall be resolved through the Architectural Review process. The criteria for resolving conflicts are:

- (a) deference should be given to using the TDC Chapter 57 requirement, and
- (b) use the standard that will yield the highest quality development.

(3) Site Design Standards. Development shall meet the following site design standards.

(a) Building placement on Major and Minor Arterials. Buildings shall occupy a minimum of 50% of Major and Minor Arterial street frontages. Buildings shall be located at public

street intersections on Major and Minor Arterials.

(b) Building setbacks. See TDC 57.050(2).

(c) Front yard setback design. For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the sidewalk shall be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are required. These areas shall contribute to the minimum landscaping requirements.

(d) Walkway connection to building entrances. A walkway connection is required between a building's entrance and a public street or accessway. The walkway shall be at least 6 feet wide and paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are required. These areas shall contribute to the minimum landscaping requirements.

(e) Parking location and landscape design. Parking for buildings or phases adjacent to public street rights-of-way shall be located to the side or rear of newly constructed buildings. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified where this requirement applies. If located on the side, parking is limited to 50% of the street frontage and must be behind a landscaped area constructed to an L-1 Landscape Standard. The minimum depth of the L-1 landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to a L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 Landscape Standard.

#### (4) Building Design Standards.

(a) Non-residential buildings shall comply with the following:

(i) Ground floor windows. Street-facing elevations within the Building Setback (0-10 feet) along public streets shall include a minimum of 50% of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50% of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

(ii) Building facades. Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features:

(A) a variation in building materials,

(B) a building offset of at least 1 foot,

(C) a wall area that is entirely separated from other wall areas by a projection, such as an arcade, or

(D) by other design features that reflect the building's structural system.

(E) No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.

(iii) Weather protection. Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

(iv) Building Materials. Plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding shall not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 2 feet above grade.

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(v) Roofs and Roof Lines. Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

(vi) Roof-mounted Equipment. Roof-mounted equipment shall be screened from view from adjacent public streets. Satellite dishes and other communication equipment shall be set back or positioned on a roof so that exposure from adjacent public streets is minimized.

(b) Residential-only, and Mixed-Use Buildings where at least 50.1% of the gross floor area of the building is residential, shall comply with TDC 57.300, Design Compatibility Standards.

### (5) Landscaping and Screening.

(a) Applicable Levels. Two levels of landscaping and screening standards are applicable. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in TDC Chapter 57. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

(i) L-1 Low Screen. For general landscaping of landscaped and screened areas within parking lots and along collectors and local streets, the planting standards of TDC 57.400 apply. In addition, the L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of five feet between the parking lot and a major or minor arterial, deciduous trees of at least 3½ inch caliper measured four feet above grade shall be planted at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a three-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.

(ii) L-2 General Landscaping. For general landscaping of landscaped and screened areas within parking lots and along collectors and local streets, the planting standards of TDC

57.400 apply. In addition, deciduous trees of at least 2½ inch caliper measured four feet above grade shall be planted at a maximum of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years. [Ord 1062.00, §17, passed December 11, 2000.]

(Ord. 1062-00, Add, 01/03/2001)

### Section 57.300 Design Compatibility Standards.

In accordance with TDC 57.200(4)(b) the following apply to residential-only and mixed-use buildings where at least 50.1% of the gross floor area of the building is residential.

(1) Front facades. All primary ground-floor common entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. The front elevation of large structures must be divided into smaller areas or planes of 500 square feet or less. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged for structures facing a street to create visual interest.

(2) Main entrance. Primary structures must be oriented with their main entrance facing the street upon which the project fronts. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.

(3) Unit definition. Each dwelling unit shall be emphasized by including a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. Ground-level dwelling units shall include porches that shall be at least 48 square feet in area with no dimension less than six feet.

(4) Roof lines. Roof-line offsets shall be provided at intervals of 40 feet or less to create variety in the massing of structures and to relieve the effect of a single, long roof. Roof line offsets shall be a minimum 4-foot variation either vertically from the gutter line or horizontally.

(5) Trim detail. Trim shall be used to mark all building roof lines, porches, windows and doors that are on a primary structure's street-facing elevation(s).

(6) Mechanical equipment. Roof-mounted mechanical equipment, other than vents or ventilators, shall be located and constructed so as to be screened from ground-level view. Screening shall be integrated with exterior building design.

(7) Parking. Parking and loading areas may not be located between the primary structure(s) and the street upon which the structure fronts. If there is no alley and motor vehicle access is from the street, parking must be provided:

(a) In a garage that is attached to the primary structure;

(b) In a detached accessory structure located at least 50 feet from the front property line; or

(c) In a parking area at the side or rear of the site.

(8) Pedestrian circulation.

(a) The on-site pedestrian circulation system shall be continuous and connect the ground-level entrances of primary structure(s) to the following:

(i) Streets abutting the site;

(ii) Common buildings such as laundry and recreation facilities;

(iii) Parking areas;

(iv) Shared open space and play areas;

(v) Abutting transit stops; and

(vi) Any pedestrian amenity such as plazas, resting areas and viewpoints.

(b) There shall be at least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage. [Ord 1062.00, §18, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

**Section 57.400 Landscaping and Screening.**

(1) General Provisions.

(a) Obligation to maintain. Unless otherwise provided by the lease agreement, the owner, tenant and their agent(s), if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.

(b) Pruning required. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

(i) It will not interfere with the maintenance or repair of any public utility;

(ii) It will not restrict pedestrian or vehicular access; and

(iii) It will not constitute a traffic hazard because of reduced visibility.

(c) Installation requirements. The installation of all landscaping shall be as follows:

(i) All landscaping shall be installed according to accepted planting procedures;

(ii) The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986); and

(iii) Landscaping shall be installed in accordance with this title.

(d) Certificate of Occupancy. A Certificate of Occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.

(e) Protection of existing vegetation. Existing vegetation on a site shall be protected as much as possible:

(i) The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and

(ii) The plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around individual trees).

(f) Care of landscaping along public rights-of-way. Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.

(g) Conditions of approval of existing vegetation. The review procedures and standards for required landscaping and screening shall be specified in the conditions of approval during development review and in no instance



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shall be less than that required for conventional development.

(h) Height restrictions abutting public rights-of-way. No trees, shrubs or plantings more than 18 inches in height shall be planted in the public right-of-way abutting roadways having no established curb and gutter.

### (2) Buffering and Screening

#### (a) General provisions.

(i) It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

(ii) Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter, Tables 57-1 and 57-2. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses abut one another, except for separation by a right-of-way, buffering, but not screening, shall be required as specified in Tables 57-1 and 57-2.

(iii) In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.

#### (b) Buffering and screening requirements.

(i) A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in Tables 57-1 and 57-2 and containing a length equal to the length of the property line of the abutting use or uses;

(ii) A buffer area may only be occupied by utilities, screening, sidewalks, bike-ways, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City;

(iii) The minimum improvements within a buffer area shall consist of combinations of landscaping and screening as specified in Tables 57-1 and 57-2. In addition, improvements shall meet the following specifications:

(A) At least one row of trees shall be planted. They shall have a minimum caliper of two inches at four feet in height above grade for deciduous trees and a minimum height of five feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:

(1) Small or narrow-stature trees, under 25 feet tall or less than 16 feet wide at maturity shall be spaced no further than 15 feet apart;

(2) Medium-sized trees between 25 feet to 40 feet tall and with 16 feet to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart;

(3) Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, shall be spaced no greater than 30 feet apart.

(B) In addition, at least 10 five-gallon shrubs or 20 one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;

(C) The remaining area shall be planted in lawn or other living ground cover.

(iv) Where screening is required the following standards shall apply in addition to those required for buffering:

(A) A hedge of narrow or broad leaf evergreen shrubs shall be planted which will form a four-foot continuous screen of the height specified in Table 57-2 within two years of planting; or

(B) An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen of the height specified in Table 57-2 within two years. The unplanted portion of the berm shall be planted in lawn or other living ground cover; or

(C) A fence or wall of the height specified in Table 57-2 shall be constructed to provide a continuous sight obscuring screen.

(v) Buffering and screening provisions shall be superseded by the vision clearance requirements in TDC 73.340(1) and 73.400(13);

(vi) When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls, or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six foot height at the discretion of the director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval;

(vii) Fences and walls

(A) Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or as determined in the Architectural Review process;

(B) Such fence or wall construction shall be in compliance with other City regulations;

(C) Walls shall be a minimum of six inches thick; and

(D) Chain link fences with slats shall qualify for screening. However, chain link fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.

(viii) Hedges

(A) An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight-obscuring fence where required subject to the height requirement in TDC 57.400(2)(c)(ii)(A and B)

(B) Such hedge or other dense landscaping shall be properly maintained and shall be replaced with another hedge, other dense evergreen landscaping, or a fence when it ceases to serve the purpose of obscuring view; and

(C) No hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall in a vision clearance area.

(c) Setbacks for fences or walls.

(i) Fences and walls shall comply with TDC 57.400(2)(c)(ii) below, except when the approval authority, as a condition of approval, allows a fence or wall to be higher than otherwise permitted to mitigate against potential adverse effects;

(ii) Fences and walls:

(A) May not exceed three feet in height in a required front yard along local streets or eight feet in all other locations and, in all other cases, shall meet vision clearance area requirements in TDC 73.340(1) and 73.400(13);

(B) Are permitted up to six feet in height in front yards adjacent to any designated arterial or collector street. For any fence or wall over three feet in height in the required front yard area, permission shall be subject to approval in the Architectural Review process.

(iii) Fences and walls shall meet vision clearance area requirements in TDC 73.340(1) and 73.400(13);

(iv) All fences or walls greater than six feet in height shall be subject to building permit approval.

(d) Height restrictions.

(i) The prescribed heights of required fences, walls or landscaping shall be measured from the actual adjoining level of finished grade, except that where parking, loading, storage or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the level of such improvements;

(ii) An earthen berm and fence or wall combination shall not exceed the six-foot height limitation for screening.

(e) Screening: special provisions.

(i) Screening and landscaping of parking and loading areas:

(A) Screening of parking and loading areas is required. The specifications for this screening are as follows:

(1) Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the

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use of landscaped berms, decorative walls and raised planters;

(2) Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;

(3) Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;

(4) Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect; and

(5) The minimum dimension of the landscape islands shall be five feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.

(ii) Screening of service facilities. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;

(iii) Screening of swimming pools. All swimming pools shall be enclosed as required by the Oregon Structural and Specialty Code;

(iv) Screening of refuse containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

(f) Buffer Matrix.

(i) The Buffer Matrices in Tables 57-1 and 57-2 shall be used in calculating

widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts;

(ii) An application for a variance to the standards required in Tables 57-1 and 57-2 shall be processed in accordance with TDC Chapter 33.

(3) Re-vegetation

(a) When re-vegetation is required. Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion after construction activities are completed.

(b) Preparation for re-vegetation. Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the sites and protected from erosion while grading operations are underway; and

(i) Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and

(ii) After completion of such grading, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

(c) Methods of re-vegetation.

(i) Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley, or other seed with equivalent germination rates, and:

(A) Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area;

(B) Other re-vegetation methods offering equivalent protection may be approved by the approval authority;

(C) Plant materials are to be watered at intervals sufficient to ensure survival and growth; and

(D) The use of native plant materials is encouraged to reduce irrigation and

maintenance demands. [Ord 1062.00, §19, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

**Section 57.500 Additional Standards.**

The following TDC chapters apply to these particular standards or requirements: Off-Street Parking and Loading, TDC Chapter 73; Environmental Standards, TDC Chapter 63; Floodplain District, TDC Chapter 70; Wetlands Protection District, TDC Chapter 71; Greenway and Riverbank Protection District, TDC Chapter 72; Community Design Standards, TDC Chapter 73.

[Ord 1062.00, §20, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

**Section 57.900 Figures and Tables.**

**TABLE 57-1  
BUFFER MATRIX**

**PROPOSED USE**

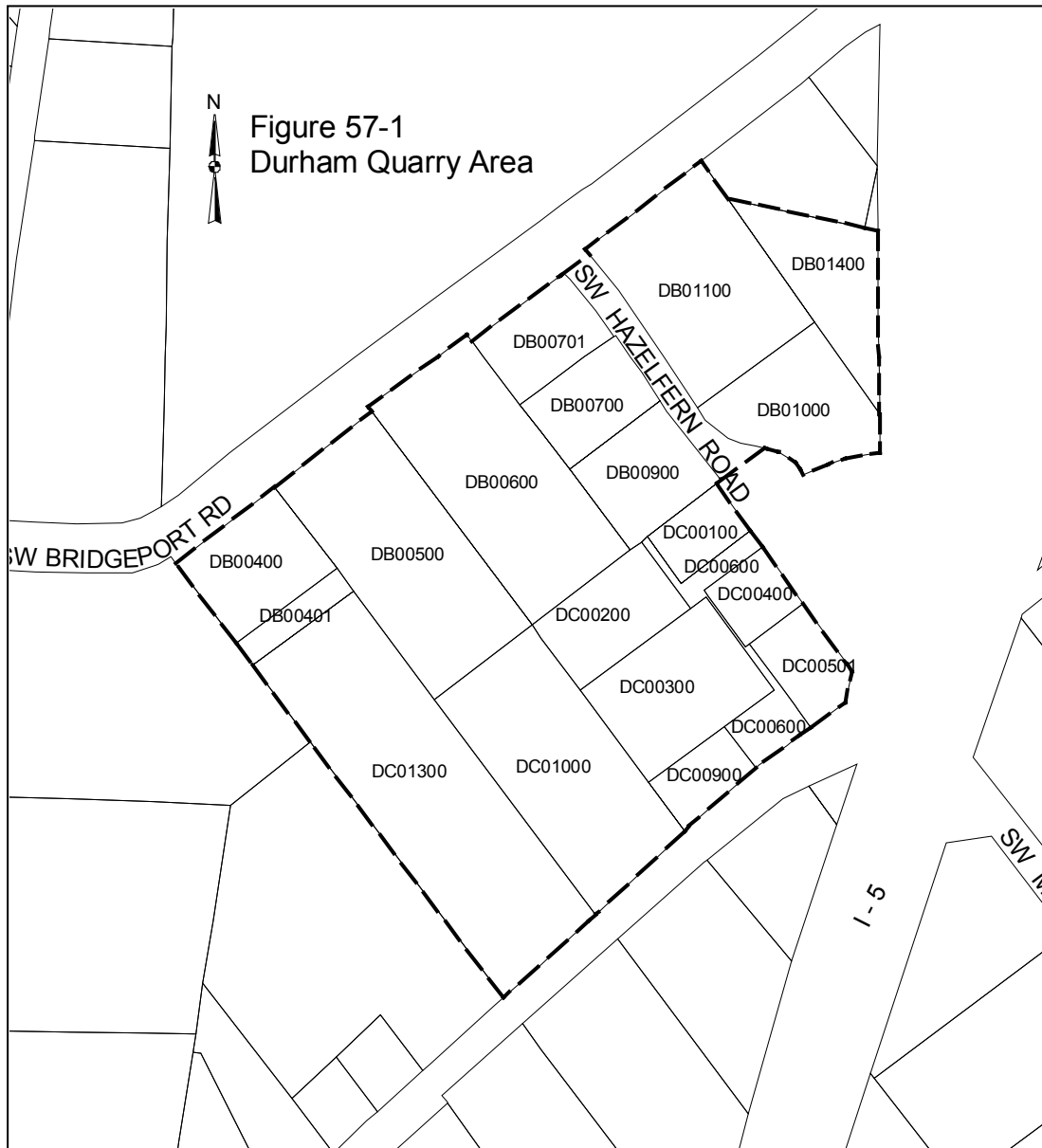
<b>EXISTING/ABUTTING DIST.</b>	Residential	Commercial	Industrial	Parking Lots	
				4-50 spaces	50+ spaces
Residential	-	D	E	C	D
Commercial	C	-	D	-	-
Industrial	D	A	-	-	-
Parking lots	C	-	-	-	-
Arterial streets	A	-	A	-	-

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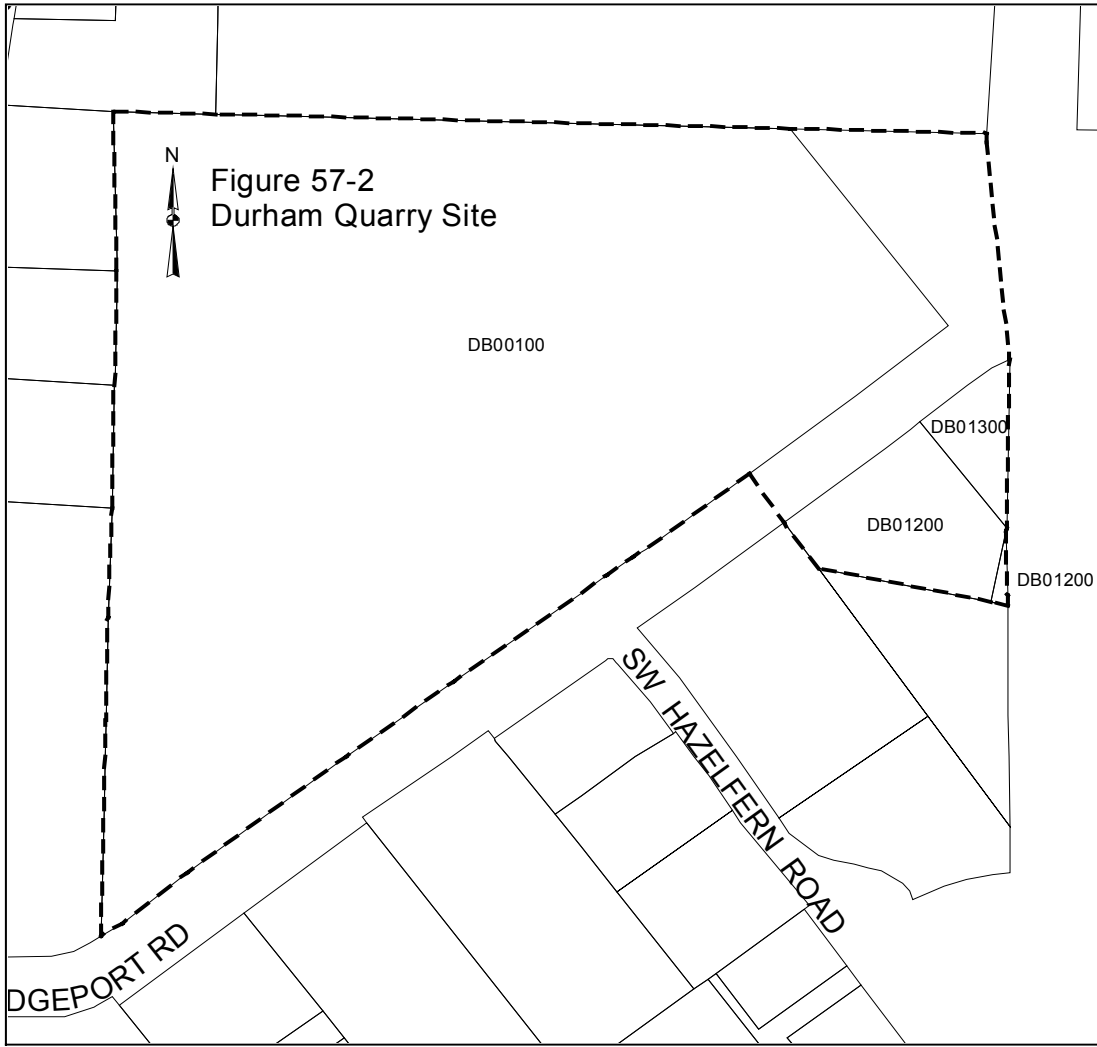
**TABLE 57-2  
BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING [1]**

	Options	Width (feet)	Trees (per linear feet of buffer)	Shrubs or Ground-cover	Screening
A	--	10	-	Lawn/living groundcover	--
B	--	10	20' min/30' max spacing	Lawn/living groundcover	--
C	1	10	15' min/30' max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10' min/20' max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence
	3	10		Shrubs	6' wall
E	1	30	10' min/20' max spacing	Shrubs	6' hedge or fence
	2	25		Shrubs	5' earthen berm or wall
F	--	40	10' min/20' max spacing	Shrubs	6' hedge, fence, wall or berm

[1] Buffers are not required between abutting uses that are of a different type when the uses are separated by a street as specified in TDC 57.400(2)(a)(ii).



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[Ord 1062.00, passed December 11, 2000.] (Ord. 1062-00, Add, 01/03/2001)

**Chapter 60****Light Manufacturing Planning District (ML)****Sections:**

- 60.010 Purpose.**
- 60.020 Permitted Uses.**
- 60.025 Additional Permitted CO Uses in ML.**
- 60.030 Central Urban Renewal Plan - Additional Permitted Uses.**
- 60.035 Special Setbacks for Commercial Uses from Arterial Streets; Additional Permitted Uses in the Commercial Services Overlay**
- 60.040 Conditional Uses.**
- 60.050 Prohibited Uses.**
- 60.060 Lot Size.**
- 60.065 Central Urban Renewal Area - Lot Sizes.**
- 60.070 Setback Requirements.**
- 60.085 Sound Barrier Construction.**
- 60.090 Structure Height.**
- 60.100 Access.**
- 60.110 Off-Street Parking and Loading.**
- 60.120 Environmental Standards.**
- 60.130 Floodplain District.**
- 60.140 Wetlands Protection District.**
- 60.150 Community Design Standards.**
- 60.160 Landscape Standards.**

**Section 60.010 Purpose.**

The purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The district serves to buffer heavy manufacturing uses from commercial and residential areas. The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The district is also suitable for retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet and, with appropriate restrictions, for retail sale of products not allowed for sale in General Commercial Planning Districts, and office

commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035. [Amended by Ord. 621-84 §5, passed Feb. 13, 1984; Ord. 942-95 §3, passed March 27, 1995; Ord. 1003-98 §2, passed April 27, 1998; Ord. 1046-00 §7, passed Feb. 14, 2000.] (Ord. 1133-03, Amended, 03/24/2003)

**Section 60.020 Permitted Uses.**

No building, structure or land shall be used in this district, except for the following uses when conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use and outdoor play areas of child day care centers as required by state day care certification standards, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(1) Assembly, packaging, processing and other treatment of products, such as dairy products, and soft drinks.



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(2) Assembly of the following types of products:

- (a) Bicycles.
- (b) Small electric generators.
- (c) Small electric motors.
- (d) Marine pleasure craft.
- (e) Sashes and doors.
- (f) Vending machines

(3) Contractor's office.

(4) Electroplating.

(5) Laundry, dry cleaning, dyeing or rug cleaning plant (non-retail).

(6) Machine shop, including automotive machine shop, of less than 7,500 gross square feet.

(7) Manufacture of the following types of products:

(a) Cabinets.

(b) Furniture.

(c) Mattresses.

(d) Scientific, medical or dental laboratory measuring, analyzing and controlling equipment, and related tools and supplies.

(8) Spinning or knitting of fibers.

(9) Storage of automobiles, boats, buses, trailers, and recreational vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(10) Offices for executive, administrative, and professional uses related to the sale or service of industrial products.

(11) Laboratories: testing, medical, dental, photo, or motion picture, except structural-mechanical testing laboratories.

(12) Processing, assembly, packaging, or other treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries.

(13) Processing, assembly, packaging, and other treatment of such products as small hand tools, optical goods, hearing aids, and scientific instruments or equipment.

(14) Processing, assembly, packaging, and other treatment of small products manufactured from the following previously prepared or semi-finished materials: bone, hair, fur, leather, feathers, textiles, plastics, glass, wood, paper, cork, wire up to 1/4 inch (0.25") in diameter, rubber, and rubber compounds, precious or semi-precious

stones, and similar small products composed of previously prepared or semi-finished materials.

(15) Assembly and packaging of small electrical and electronic appliances, such as radios, televisions, phonographs, audio, video and computer equipment, and office machines.

(16) Manufacture of pottery and ceramics, using only previously pulverized clay.

(17) Manufacture of musical instruments, toys and novelties.

(18) Molding of small products from plastic.

(19) Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers.

(20) Warehousing related to the above uses; and warehousing for merchandise or goods normally sold or owned in commercial or residential planning districts, but excluding direct retail sales to customers from such warehouse structure, and excluding the storage of hazardous materials.

(21) Trade or industrial schools.

(22) Publishing and printing (non-retail).

(23) Sewer and water pump stations, pressure reading stations, water reservoir.

(24) Production of agricultural crops.

(25) Child day care center, provided it is in a building with manufacturing, processing, assembling, warehousing or wholesaling uses and provided all exterior walls and outdoor play areas shall be at least 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(26) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(27) Telephone exchange or switching facility.

(28) Public works shop and storage yard.

(29) Electrical substation.

(30) Natural gas pumping station.

(31) Wireless communication facility attached.

(32) Wireless communication facility.

(33) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

(34) Transportation facilities and improvements.

(35) Shared service facilities. [Amended by Ord. 812-90 §3, passed Sept. 24, 1990; renumbered by Ord. 824-91 §11, passed Feb. 11, 1991; renumbered by Ord. 831-91 §1, passed May 13, 1991; amended by Ord. 849-91 §32, passed Nov. 25, 1991; Ord. 911-94 §2, passed Feb. 14, 1994; Ord. No. 913-94 §5, passed Feb. 28, 1994; Ord. 965-96 §68, passed Dec. 9, 1996; Ord. 979-97 §24, passed July 14, 1997; Ord. 1003-98 §3, passed April 27, 1998; Ord. 1026-99 §74, passed Aug. 9, 1999; Ord. 1046-00 §8, passed Feb. 14, 2000; Ord. 1050-00 §1, passed Mar. 13, 2000.] (Ord 1164-04, Amended 06/28/04; Ord. 1133-03, Amended, 03/24/2003; Ord. 1122-02, Amended, 11/25/2002; Ord. 1103-02, Amended, 03/25/2002)

**Section 60.025 Additional Permitted CO Uses in ML.**

In a ML District where any portion of a legally created lot is within 60 feet of a CO Planning District boundary, uses listed in the CO District, Chapter 50, TDC 50.020, are permitted subject to the following provisions:

(1) Uses shall comply with the CO Planning District development standards.

(2) Allowable square feet of gross floor area shall be limited based on vehicle trip generation. The limitation shall be determined through the Architectural Review process using the following formula:

A x 24	=	MTGSF
ITE		

where:

A = Developable Area (in acres)

24= Vehicle Trip Generation Cap for P.M. Peak Hour Trips Per Acre of Land (constant determined by City)

ITE = Average Vehicle Trips per 1000 Square Feet Gross Floor Area on a Weekday P.M. Peak Hour of the Adjacent Street as Determined Using the Latest Edition of the ITE Trip Generation Manual, or Actual Trip Rate Figures Based on a Traffic Analysis Approved by the City Engineer

MTGSF= Maximum Thousand Gross Square Feet of Floor Area Allowed on the Developable Area

(3) No ML use shall be allowed between a CO use in the ML District and a CO district boundary. [Added by Ord. 942-95, Sec. 4, passed March 27, 1995.]

**Section 60.030 Central Urban Renewal Plan - Additional Permitted Uses.**

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.

(1) Uses permitted in the CG District, conforming to the standards of the CG District, and excluding any use permitted in the CC District for Blocks 28 and 29. Notwithstanding the preceding sentence, limited use of take-out restaurants, smaller than 1,500 square feet, and with a seating capacity of 50 or less, will be allowed on Blocks 28 and 29. No drive-up windows will be allowed. No portion of such restaurant shall be closer than 200 feet from any public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant shall be no closer to the public street right-of-way than 100 feet. The restaurant must be intended to serve primarily the employees and customers of uses in the immediate vicinity. Retail uses permitted in the CG District, excluding any use permitted in the CC District, are permitted to be greater than 60,000 square feet of gross floor area per building or business in areas designated Employment Area or Industrial Area on Map 9-4. [Amended by Ord. 621-84 §6, passed Feb. 13, 1984; Ord. 694-86 §5, passed May 27, 1986; Ord. 740-88 §1, passed Jan. 11, 1988; Ord. 1026-99 §75, passed Aug. 9, 1999; Ord 1046-00 §9, passed Feb. 14, 2000.]

**Section 60.035 Special Setbacks for Commercial Uses from Arterial Streets; Additional Permitted Uses in the Commercial Services Overlay**

(1) Commercial uses listed in TDC 60.020 and 60.040 as subject to the Special Setback for Commercial Uses shall be set back at least 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue.

(2) No part of the use, including required parking and outdoor storage or display, is allowed in the Special Setback.

(3) The Special Setback applies in the following specific areas. The areas are generally illustrated on Map 9-5.

(a) On the east side of SW124th Avenue from SW Tualatin Road to SW Tualatin Sher-

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wood Road and on the west side from SW Pacific Highway to SW Tualatin Sherwood Road.

(b) On the south side of SW Tualatin Sherwood Road from the east property line of Lot 8, Itel Industrial Park to SW 120th Avenue and on the north side of SW Tualatin Sherwood Road from SW 95th Avenue to SW Cipole Road.

(4) Additional uses listed below are permitted in the Commercial Services Overlay on properties shown in the specific areas illustrated on Map 9-5 and only when conducted within an enclosed building.

(a) Automobile glass shop; Automobile accessory sales and auto parts retailing and wholesaling; auto and light truck service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, detailing, mufflers, oil, or lubrication, sound, tune-up, and upholstery; auto tire shop and ancillary truck tire sales; canopy sales and repair; automobile body and/or auto paint shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends.

(b) Tool and equipment rental. (Ord. 1133-03,

Add, 03/24/2003)

### Section 60.040 Conditional Uses.

(1) The following uses are permitted in accordance with TDC Chapter 32 provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet:

(a) Automobile body and/or auto paint shop; auto radiator repair shop; general auto repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(b) Building materials and supplies, wholesale sales, and warehousing.

(c) Cold storage plant.

(d) Contractor's shops and equipment storage.

(e) Dwelling unit for watchman and family.

(f) Fire station.

(g) Machine shop, including automobile machine shop, of 7,500 gross square feet or larger.

(h) Manufacture of the following types of products:

(i) Bicycles.

(ii) Small electric generators.

(iii) Small electric motors.

(iv) Marine pleasure craft.

(v) Sashes and doors.

(vi) Vending machines.

(i) Marine craft sales, service and rental except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(j) Light metal fabrication (of semi-finished or finished metals).

(k) Metal casting (small).

(l) Manufactured dwelling sales and services.

(m) Recycling collection center.

(n) Retail automobile service stations and nonretail cardlock stations, subject to the following provisions:

(i) Minimum street frontage on each street on a corner lot: 120 feet.

(ii) Minimum street frontage on an interior lot: 150 feet.

(iii) Minimum building setback from any street right-of-way: 40 feet.

(iv) Minimum pump island setback from any lot line: 15 feet.

(v) All access must be consistent with TDC Chapter 75. Only two access points shall be allowed for an interior lot. A corner lot and a through lot shall be allowed only one access per street frontage.

(vi) The storage and display of merchandise such as tires and batteries offered for sale shall be conducted in the station building. However, small items such as oil and windshield

wiper blades may be displayed outside the building.

(vii) No outside storage or sale of any vehicles is permitted.

(viii) No service station nor non-retail cardlock station shall be constructed that is located closer than 3,000 feet to another operating service station or non-retail cardlock station. The distance shall be measured between the closest lot lines of the two lots. No service station nor non-retail cardlock station shall be constructed that is located closer than 300 feet from the centerline of SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway (99W).

(ix) Those service stations or non-retail cardlock stations in operation or with a conditional use permit as of the date of this 2002 amendment which do not meet the spacing or setback standards shall not become non-conforming uses solely because of failure to meet spacing or setback standards.

(x) All exterior walls and pump islands shall be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between.

(xi) A minimart is allowed with a retail automobile service station and not allowed with a nonretail cardlock station. If a minimart is provided it shall not exceed 3,500 square feet of gross floor area and there shall be no seating.

(o) Schools for kindergarten through 12.

(p) Rental and leasing of autos and light trucks with incidental sale of vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(q) Home Improvement materials and supplies retail sale, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(2) Except for schools for kindergarten through 12, and transportation-related facilities and improvements, no conditional use allowed within an ML District, excepting building setbacks and areas for parking, circulation and landscaping, shall be located closer than 300 feet to any residential planning district boundary, provided however, permitted uses in existence as of September 24, 1990, which require conditional use approval af-

ter such date shall be eligible to apply for a Conditional Use Permit in accordance with TDC Chapter 32 and this section. When new buildings, expansions or additions are proposed, such existing or new uses shall first obtain a Conditional Use Permit and comply with the following rules:

(a) New buildings, expansions or additions closer to residential districts than existing buildings on the site shall be permitted only for office uses related to on-site operations.

(b) Except for office uses related to on-site operations, the following rules shall apply:

(i) Where site location and dimensions permit, all portions of any new building, expansion or addition must be located a minimum of 300 feet from any residential district.

(ii) Where site location and dimensions do not permit new buildings, expansions or additions to be located a minimum of 300 feet from any residential district, new buildings, expansions or additions must be located on the opposite side of existing structures from residential districts.

(iii) Where site location and dimensions do not permit new buildings, expansions or additions to be located on the opposite side of existing structures from residential district, no portion of a new building, expansion or addition shall be located closer to residential districts than existing buildings on the site.

(c) For purposes of this section, buildings approved through the Architectural Review process as of September 24, 1990, in accordance with Section 73 of Ordinance 812-90, shall be considered existing buildings. [Amended by Ord. 621-84 §7, Feb. 13, 1984; Ord. 635-84 §27, June 11, 1984; Ord. 812-90 §4, Sept. 24, 1990; Ord. 819-91 §2, Jan. 14, 1991; Ord. 849-91 §33, Nov. 25, 1991; Ord. 913-94 §6, Feb. 28, 1994; Ord. 965-96 §69, Dec. 9, 1996; Ord. 970-97 §3 and §4, Feb. 10, 1997; and Ord. 988-97 §8, Dec. 8, 1997; Ord. 1003-98 §4, April 27, 1998; Ord. 1026-99 §76, Aug. 9, 1999; Ord. 1046-00 §10, Feb. 14, 2000; Ord. 1050-00 §2-4, Mar. 13, 2000; Ord. 1088-01 §2, Aug. 27, 2001.] (Ord. 1133-03, Amended, 03/24/2003; Ord. 1122-02, Amended, 11/25/2002; Ord. 1103-02, Amended, 03/25/2002; Ord. 1088-01, Amended, 08/27/2001)

### Section 60.050 Prohibited Uses.

The following uses are expressly prohibited, except as otherwise provided in TDC 60.020 and 60.040:

(1) All residential dwellings, except as otherwise provided in TDC 60.040.

(2) All commercial uses defined by TDC Chapters 50, 53, and 54, except as otherwise permitted in TDC 60.020, 60.030, and 60.040.

(3) All industrial uses defined by TDC Chapter 61, whether permitted, conditional or prohibited as listed in TDC 61.020, 61.030 and 61.040.

[Amended by Ord. 866-92 §18, passed April 27, 1992; Ord. 1026-99 §77, passed Aug. 9, 1999; Ord 1046-00 §11, passed Feb. 14, 2000.]

### **Section 60.060 Lot Size.**

Except for lots for public utility facilities, natural gas pumping stations and a wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

(1) The minimum lot area shall be 20,000 square feet.

(2) The minimum average lot width shall be 100 feet.

(3) The minimum lot width at the street shall be 100 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 50 feet on a cul-de-sac street. [Amended by Ord. 866-92,

Sec. 19, passed April 27, 1992; Ord. 965-96, Sec. 70, passed Dec. 9, 1996.]

### **Section 60.065 Central Urban Renewal Area - Lot Sizes.**

The minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3. [Added by Ord. 613-83 §3, passed December 12, 1983; amended by Ord. 635-84 §28, passed June 11, 1984; Ord. 694-86 §6, passed May 27, 1986; Ord. 1026-99 §78, passed Aug. 9, 1999; Ord. 1046-00 §12, passed Feb. 14, 2000.]

### **Section 60.070 Setback Requirements.**

(1) Front yard. The minimum setback is 30 feet. When the front yard is across the street from a residential or Manufacturing Park (MP) district, a front yard setback of 50 feet is required. When a dedication is granted on the subject property for a

greenway or natural area, the minimum setback is 10-30 feet as determined through the AR process, with the exception of front yards across the street from a residential or MP District.

(2) Side yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the side yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) district, a side yard setback of 50 feet is required.

(3) Rear yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the rear yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) district, a rear yard setback of 50 feet is required.

(4) Corner lot yards. The minimum setback is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined through the Architectural Review process.

(5) The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines in ingress and egress areas shared by abutting properties in accordance with TDC 73.400(2).

(6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.

(7) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or spur track.

(8) No fence shall be constructed within 10 feet of a public right-of-way.

(9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10

feet for each one foot increase in height above 80 feet. [Amended by Ord. 592-83 §93, passed June 13, 1983; Ord. 621-84 §8, passed Feb. 13, 1984; Ord. 862-92 §38, passed Mar. 23, 1992; Ord. 904-93 §41, passed Sept. 13, 1993; Ord. 933-94 §29, passed Nov. 28, 1994; and Ord. 965-96 §71, passed Dec. 9, 1996; Ord. 1026-99 §79, passed Aug. 9, 1999; Ord. 1050-00 §5, passed Mar. 13, 2000.] (Ord. 1098-02, Amended, 02/11/2002)

Section 60.080 [Repealed by Ord. 862-92, Sec. 39, passed March 23, 1992.]

### **Section 60.085 Sound Barrier Construction.**

(1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.

(2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three.

(4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(5) "Straight-line lateral path" shall mean a direct line between two points as measured on a site plan. "Wing wall" shall mean a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" shall include, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.

(6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.

(7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section. [Added by Ord. 812-90, Sec. 5, passed Sep. 24, 1990.]

### **Section 60.090 Structure Height.**

(1) Except as provided in TDC 60.090(2), (3) or (4), no structure shall exceed a height of 50 feet and flagpoles which display the flag of the United States of America either alone or with the State of Oregon flag shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to one and one-half times the flagpole height.

(2) The maximum permitted structure height provided in TDC 60.090(1) may be increased to no more than 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to one and one-half times the height of the structure.

(3) Height Adjacent to a Residential District. Where a property line, street or alley separates ML land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maxi-

imum height limitation set in TDC 60.090(1) and (2).

(4) **Wireless Communication Support Structure.** The maximum structure height for a wireless communication support structure and antennas is 100 feet unless the wireless communication support structure and antennas are located within 300 feet of the centerline of I-5, in which case the maximum structure height is 120 feet. [Amended by Ord.

792-90 §5, passed Jan. 8, 1990; Ord. 965-96 §72, passed Dec. 9, 1996; Ord. 1026-99 §80, passed Aug. 9, 1999; Ord. 1046-00 §13, passed Feb. 14, 2000.] (Ord. 1116-02, Amended, 08/26/2002)

### **Section 60.100 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §16, passed June 29, 1992; Ord. 979-97 §25,

passed July 14, 1997; Ord. 1026-99 §81, passed Aug. 9, 1999; Ord. 1046-00 §14, passed Feb. 14, 2000.]

### **Section 60.110 Off-Street Parking and Loading.**

Refer to Chapter 73.

### **Section 60.120 Environmental Standards.**

Refer to Chapter 63.

### **Section 60.130 Floodplain District.**

Refer to Chapter 70.

### **Section 60.140 Wetlands Protection District.**

Refer to Chapter 71.

### **Section 60.150 Community Design Standards.**

Refer to Chapter 73.

### **Section 60.160 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13,

passed June 22, 1987; amended by Ord. 862-92, Sec. 40, passed March 23, 1992.]

**Chapter 61****General Manufacturing Planning District (MG)****Sections:**

- 61.010 Purpose.**
- 61.020 Permitted Uses.**
- 61.030 Conditional Uses.**
- 61.035 Special Setbacks for Commercial Uses from Arterial Streets and Commercial Services Overlay**
- 61.040 Prohibited Uses.**
- 61.050 Lot Size.**
- 61.060 Setback Requirements.**
- 61.065 Central Urban Renewal Area - Lot Sizes.**
- 61.075 Sound Barrier Construction.**
- 61.080 Structure Height.**
- 61.090 Access.**
- 61.100 Off-Street Parking and Loading.**
- 61.110 Environmental Standards.**
- 61.120 Floodplain District.**
- 61.130 Wetlands Protection District.**
- 61.140 Community Design Standards.**
- 61.150 Landscape Standards.**

**Section 61.010 Purpose.**

The purpose of this district is to provide areas of the City that are suitable for light industrial uses and also for a wide range of heavier manufacturing and processing activities. These uses are expected to be more unsightly and have more adverse environmental effects than the uses allowed in the Light Manufacturing Planning District. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. The heaviest industrial uses that are environmentally adverse or pose a hazard to life and safety shall be prohibited. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of building and home improvement materials and supplies provided it is not greater than 60,000 square feet of gross

floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and allow selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035. [Amended by Ord.

1003-98, Sec. 5, passed April 27, 1998; Ord. 1046-00 §15, passed Feb. 14, 2000.] (Ord. 1133-03, Amended, 03/24/2003)

**Section 61.020 Permitted Uses.**

No building, structure or land shall be used, except for the following uses, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) All uses permitted by TDC 60.020 in the Light Manufacturing Planning District, including the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet, provided they are conducted wholly within a completely enclosed building.

(2) The following uses when conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facility, and outdoor storage of materials and products directly related to the permitted use:

(a) Assembly, packaging, processing, and other treatment of beer, coffee, and canned goods.



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(b) Assembly of electrical appliances, such as refrigerators, freezers, washing machines, and dryers.

(c) Auto body and/or paint shop; auto machine shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines and rearends except not allowed in the Special Commercial Setback, TDC 61.035(1-3).

(d) Chemical warehouse and distribution.

(e) Cold storage plant.

(f) Concrete batch plant, except not allowed in the Leveton Tax Increment District.

(g) Manufacture of the following types of products:

(i) Batteries.

(ii) Boilers.

(iii) Bottles.

(iv) Brick, tiles, or terra cotta.

(v) Cans.

(vi) Chainsaws.

(vii) Electric generators.

(viii) Electric motors.

(ix) Electric transformers.

(x) Engines, larger gasoline or diesel.

(xi) Heating and cooling equipment.

(xii) Industrial gases, excluding chlorine.

(xiii) Ladders.

(xiv) Lawnmowers.

(xv) Manufactured Dwellings.

(xvi) Motor vehicles.

(xvii) Paint.

(xviii) Pet food.

(xix) Prefabricated building or structural members for buildings.

(xx) Rototillers.

(xxi) Signs and display structures.

(xxii) Windows.

(h) Metal casting (small to large size).

(i) Metal fabrication (light to medium) (of unfinished or semi-finished metals).

(j) Petroleum product distribution and storage.

(k) Planing mill.

(l) Processing, assembly, packaging, and other treatment of small products manufactured from sheet metal, wire larger than 1/4 inch (0.25") in diameter, or tobacco.

(m) Production of agricultural crops.

(n) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.

(o) Sandblasting.

(p) Storage and retail sale of rock, gravel, barkdust, sawdust, coal or topsoil except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(q) Structural-mechanical testing laboratories.

(r) Welding shop.

(s) Wireless communication facility attached.

(t) Wireless communication facility.

(u) Other uses of a similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

(v) Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. [Amended by Ord. 592-83 §96, passed June 13, 1983; Ord. 621-84 §10, passed Feb. 13, 1984; Ord. 812-90 §6, passed Sept. 24, 1990; Ord. 819-91 §1, passed Jan. 14, 1991; Ord. 911-94 §3, passed Feb. 14, 1994; Ord. 913-94 §7, passed Feb. 28, 1994; Ord. 965-96 §73, passed Dec. 9, 1996; and Ord. 988-97 §9, passed Dec. 8, 1997; Ord. 1003-98 §6, passed April 27, 1998; Ord. 1026-99 §82, passed Aug. 9, 1999; Ord. 2046-00 §16, passed Feb. 14, 2000.] (Ord. 1133-03, Amended, 03/24/2003; Ord. 1122-02, Amended, 11/25/2002)

### Section 61.030 Conditional Uses.

The following uses are permitted in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business and provided the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet:

(1) All conditional uses listed in TDC 60.040, which are not otherwise permitted in TDC 61.020, except schools for kindergarten through 12, which are not permitted.

(2) Resource recovery facility except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(3) Refuse transfer station except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(4) Bus maintenance and storage facility.

[Amended by Ord. 592-83 §97, passed June 13, 1983; Ord. 621-84 §11, passed Feb. 13, 1984; Ord. 913-94 §8, passed Feb. 28, 1994; Ord. 1003-98 §7, passed April 27, 1998; Ord. 1026-99 §83, passed Aug. 9, 1999; Ord. 1046-00 §17, passed Feb. 14, 2000; Ord. 1050-00 §6, passed Mar. 13, 2000.](Ord. 1133-03, Amended, 03/24/2003; Ord. 1122-02, Amended, 11/25/2002; Ord. 1103-02, Amended, 03/25/2002)

## Section 61.035 Special Setbacks for Commercial Uses from Arterial Streets and Commercial Services Overlay

(1) Commercial uses listed in TDC 60.020 and 60.040 as subject to the Special Setback for Commercial Uses shall be set back at least 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway 99W west of Cipole Road.

(2) No part of the use, including required parking and outdoor storage or display, is allowed in the Special Setback.

(3) The Special Setback applies in the following specific areas. The areas are generally illustrated on Map 9-5.

(a) On the east side of SW124th Avenue from SW Tualatin Road to SW Tualatin Sherwood Road and on the west side from SW Pacific Highway to SW Tualatin Sherwood Road.

(b) On the south side of SW Tualatin Sherwood Road from the east property line of Lot 8, Itel Industrial Park to SW 120th Avenue and on the north side of SW Tualatin Sherwood Road from SW 95th Avenue to SW Cipole Road.

(c) On the south side of SW Pacific Highway 99W from Cipole Road west to the Urban Growth Boundary.

(4) Additional uses listed below are permitted in the Commercial Services Overlay on properties shown in the specific areas illustrated on Map 9-5 and only when conducted within an enclosed building.

(a) Automobile glass shop; Automobile accessory sales and auto parts retailing and wholesaling; auto and light truck service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, detailing, mufflers, oil, or lubrication, sound, tune-up, and upholstery; auto tire shop and ancillary truck tire sales; canopy sales and repair; automobile body and/or auto paint shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends.

(b) Truck-mounted camper sales with all sales and storage conducted entirely within an enclosed building and not to exceed 10,000 square feet of building floor area.

(c) Tool and equipment rental.

(Ord. 1133-03, Add, 03/24/2003; Amended by Ord. 1191-05, 6/27/05)

## Section 61.040 Prohibited Uses.

The following uses are prohibited:

(1) Residential dwellings, except as otherwise provided in TDC 61.030.

(2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 61.020 and 61.030.

(3) Others:

- (a) Auto wrecking.
- (b) Commercial radio or TV broadcasting antennas.
- (c) Creosote treatment of products.
- (d) Distillation of bones.
- (e) Distillation of oil, coal, wood or tar compounds.
- (f) Fat rendering.
- (g) Forge plants.
- (h) Junk or salvage yard.
- (i) Manufacture of the following products:
  - (i) Acid.
  - (ii) Ammonia.
  - (iii) Bleaching powder.
  - (iv) Celluloid pyroxylin.
  - (v) Cement, lime, gypsum and plaster of paris.
  - (vi) Chlorine gas.
  - (vii) Creosote.
  - (viii) Disinfectant.

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- (ix) Dye stuffs.
- (x) Explosives.
- (xi) Fertilizer.
- (xii) Herbicides.
- (xiii) Insect poison.
- (xiv) Radioactive materials.
- (xv) Soap.
- (xvi) Sodium compounds.
- (xvii) Tar roofing, water-proofing and other tar products.

- (j) Rock crushing.
- (k) Rolling mills.
- (l) Saw mill.
- (m) Slaughter of livestock or poultry.

(4) Handling, storage, processing, or other activities dealing with hazardous, toxic, or radioactive waste. [Amended by Ord. 592-83 §98, passed June 13, 1983; Ord. 621-84 §12, passed Feb. 13, 1984; Ord. 1026-99 §84, passed Aug. 9, 1999; Ord. 1046-00 §18, passed Feb 14, 2000; Ord. 1050-00 §8, passed Mar. 13, 2000.]

### Section 61.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum lot width shall be 100 feet.
- (3) The minimum average lot width at the building line shall be 100 feet.
- (4) The minimum lot width at the street shall be 100 feet.
- (5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).
- (6) The minimum lot width at the street shall be 50 feet on a cul-de-sac street. [Amended by Ord. 866-92,

Sec. 20, passed April 27, 1992; and Ord. 965-96, Sec. 74, passed Dec. 9, 1996.]

### Section 61.060 Setback Requirements.

(1) Front yard. The minimum setback is 30 feet. When the front yard is across the street from a residential or Manufacturing Park (MP) District, a front yard setback of 50 feet is required. When a dedication is granted on the subject property for

a greenway or natural area, the minimum setback is 10-30 feet as determined through the AR process, with the exception of front yards across the street from a residential or MP District.

(2) Side yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the side yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a side yard setback of 50 feet is required.

(3) Rear yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the rear yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a rear yard setback of 50 feet is required.

(4) Corner lot yards. The minimum setback is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined through the Architectural Review process.

(5) The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or Residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines within ingress and egress areas shared by abutting properties in accordance with TDC 73.400(2).

(6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.

(7) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or spur track.

(8) No fence shall be constructed within 10 feet of a public right-of-way.

(9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10

feet for each one foot increase in height above 80 feet. [Amended by Ord. 592-83 §99, passed June 13, 1983; Ord. 621-84 §13, passed Feb. 13, 1984; Ord. 862-92 §42, passed Mar. 23, 1992; Ord. 904-93 §42, passed Sept. 13, 1993; and Ord. 965-96 §75, passed Dec. 9, 1996; Ord. 1026-99 §85, passed Aug. 9, 1999; Ord. 1050-00 §9, passed Mar. 13, 2000.] (Ord. 1098-02, Amended, 02/11/2002)

## **Section 61.065 Central Urban Renewal Area - Lot Sizes.**

The minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3. [Added by Ord. 635-84 §29, passed June 11, 1984; amended by Ord. 694-86 §6, passed May 27, 1986; Ord. 1026-99 §86, passed Aug. 9, 1999; Ord. 1046-00 §19, passed Feb. 14, 2000.]

Section 61.070 [Repealed by Ord. 862-92 §43, passed March 23, 1992.]

## **Section 61.075 Sound Barrier Construction.**

(1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.

(2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three.

(4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(5) "Straight-line lateral path" shall mean a direct line between two points as measured on a site plan. "Wing wall" shall mean a wall that is at-

tached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" shall include, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.

(6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.

(7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section. [Added by

Ord. 812-90, Sec. 7, passed Sept. 24, 1990.]

## **Section 61.080 Structure Height.**

(1) Except as provided in TDC 61.080(2) - (4), no structure shall exceed a height of 60 feet and flagpoles which display the flag of the United States of America either alone or with the State of Oregon flag shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to the flagpole height.

(2) The maximum permitted structure height in TDC 61.080(1) may be increased to no more than 100 feet, provided that all yards adjacent to the structure are not less than a distance equal to the height of the structure.

(3) Height Adjacent to a Residential District. Where a property line, street or alley separates MG land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No

building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation in TDC 61.080(1) and (2).

(4) Wireless Communication Support Structure. The maximum structure height for a wireless communication support structure and antennas is 100 feet unless the wireless communication support structure and antennas are located within 300 feet of the centerline of I-5, in which case the maximum structure height is 120 feet. [Amended by Ord. 792-90 §6, passed Jan. 8, 1990; Ord. 965-96 §76, passed Dec. 9, 1996; Ord. 1026-99 §87, passed Aug. 9, 1999; Ord. 1046-00 §20, passed Feb. 14, 2000.] (Ord. 1116-02, Amended, 08/26/2002)

#### **Section 61.090 Access.**

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quality Control Facilities identified by Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 872-92 §17, passed June 29, 1992; Ord. 979-97 §26, passed July 14, 1997; Ord. 1026-99 §88, passed Aug. 9, 1999; Ord. 1046-00 §21, passed Feb 14, 2000.]

#### **Section 61.100 Off-Street Parking and Loading.**

Refer to Chapter 73.

#### **Section 61.110 Environmental Standards.**

Refer to Chapter 63.

#### **Section 61.120 Floodplain District.**

Refer to Chapter 70.

#### **Section 61.130 Wetlands Protection District.**

Refer to Chapter 71.

#### **Section 61.140 Community Design Standards.**

Refer to Chapter 73.

#### **Section 61.150 Landscape Standards.**

Refer to Chapter 73. [Added by Ord. 725-87, Sec. 13,

passed June 22, 1987; amended by Ord. 862-92, Sec. 44, passed March 23, 1992.]

**Chapter 62****Manufacturing Park Planning District (MP)****Sections:**

- 62.010 Purpose.**
- 62.020 Permitted Uses.**
- 62.030 Conditional Uses.**
- 62.040 Prohibited Uses.**
- 62.045 Industrial Master Plan.**
- 62.050 Lot Size.**
- 62.060 Setback Requirements.**
- 62.070 [Repealed by Ord. 862-92, Sec. 47, passed March 23, 1992.]**
- 62.080 Structure Height.**
- 62.090 Access.**
- 62.100 Off-Street Parking and Loading.**
- 62.110 Environmental Standards.**
- 62.120 Community Design Standards.**
- 62.130 Landscape Standards.**

**Section 62.010 Purpose.**

The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities. Such permitted uses shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is to protect existing and future sites for such uses by maintaining large lot configurations or a cohesive planned development design and limiting uses to those that are of a nature so as to not conflict with other industrial uses or surrounding residential areas. It also is intended to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the building area used for such retail selling is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. [Amended by Ord. 1003-98 §8,

passed April 27, 1998; Ord. 1046-00 §22, passed Feb. 14, 2000.] (Ord. 1122-02, Amended, 11/25/2002)

**Section 62.020 Permitted Uses.**

No building, structure or land shall be used in this district except for the following uses when conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities and outdoor storage occupying less than ten percent of the total site area, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet, provided they are conducted wholly within a completely enclosed building.

(1) Chemical and physical science offices and laboratories.

(2) Engineering and cartographic offices and laboratories.

(3) Manufacture, assembling and packaging of electronic equipment, instruments and devices.

(4) Manufacture, assembling and packaging of optical equipment, instruments and devices.

(5) Research offices and laboratories.

(6) Testing offices and laboratories.

(7) Manufacture, assembling and packaging of sporting goods providing however that primary processing of organic materials such as tanning of leather or rough milling of lumber is specifically prohibited.

(8) Manufacture, assembling and packaging of textiles and clothing.

(9) Manufacture, assembling and packaging of musical instruments and toys.

(10) Printing and publishing.

(11) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(12) Offices when part of a manufacturing use as listed in (1) through (11) above.

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(13) Corporate, regional, or district office headquarters for any use permitted in this Code, provided that the offices occupy at least 20,000 square feet and that no manufacturing is conducted where not otherwise permitted in this chapter.

(14) Private parking lot improved and landscaped in accordance with TDC Chapter 73.

(15) Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.

(16) Sewer and water pump stations, pressure reading stations, water reservoir.

(17) Child day care center, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(18) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(19) Electrical substation.

(20) Natural gas pumping station.

(21) Wireless communication facility attached.

(22) Wireless communication facility.

(23) Transportation facilities and improvements.

(24) Shared service facilities. [Amended by Ord. 824-91 §12, passed Feb. 11, 1991; Ord. 849-91 §35, passed Nov. 25, 1991; Ord. 890-93 §3, passed April 12, 1993; Ord. 965-96 §77, passed Dec. 9, 1996; Ord. 979-97 §27, passed July 14, 1997; Ord. 1003-98 §9, passed April 27, 1998; Ord. 1026-99 §89, passed Aug. 9, 1999; Ord. 1046-00 §23, passed Feb. 14, 2000; Ord. 1049-00 §1, passed Mar. 13, 2000.](Ord. 1164-04, Amended 06/28/2004; Ord. 1103-02, Amended, 03/25/2002)

### Section 62.030 Conditional Uses.

The following uses are permitted in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(1) Outdoor storage activity or mechanical equipment when proposed to occupy more than ten percent of the total lot area when part of and necessary for the operation of any permitted use.

(2) Residence for a caretaker when necessary for security purposes.

(3) Fire station. [Amended by Ord. 890-93 §4, passed April 12, 1993; Ord. 913-94 §9, passed Feb. 28, 1994; Ord. 1003-98 §10, passed April 27, 1998; Ord. 1026-99 §90, passed Aug 9, 1999; Ord. 1046-00 §24, passed Feb. 14, 2000; Ord. 1049-00 §2, passed Mar. 13, 2000.](Ord. 1122-02, Amended, 11/25/2002)

### Section 62.040 Prohibited Uses.

The following uses are prohibited:

(1) Residential dwellings, except as provided in TDC 62.030.

(2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 62.020 and 62.030.

(3) Manufacturing uses defined by TDC Chapters 60 and 61, except as otherwise provided in TDC 62.020 and 62.030.

(4) Hazardous waste storage facility.

[Amended by Ord. 1003-98 §11, passed April 27, 1998; Ord. 1026-99 §91, passed Aug. 9, 1999; Ord. 1046-00 §25, passed Feb. 14, 2000; Ord. 1049-00 §3, passed Mar. 13, 2000.]

### Section 62.045 Industrial Master Plan.

Industrial Master Plans may be approved subject to TDC Chapter 37. [Added by Ord. 890-93 §5, passed April 12, 1993. Amended by Ord. 1035-99 §7, passed Nov. 8, 1999; Ord. 1046-00 §26, passed Feb. 14, 2000; Ord. 1049-00 §4, passed Mar. 13, 2000.]

### Section 62.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.

(1) The minimum lot area north of SW Leveton Drive is 40 acres, except the minimum lot area may be reduced to 15 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37, and south of SW Leveton Drive is five acres, except for conditional uses north and south of SW Leveton Drive where the City Council shall set the minimum lot size and dimensions

to accommodate the proposed use, or as provided in TDC 62.050(6) or (7).

(2) The average lot width shall be 250 feet.

(3) The minimum lot width at the street shall be 250 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 50 feet on a cul-de-sac bulb.

(6) Lots or remnant areas created by the location of public streets may be less than 40 acres if necessary to create a logical, safe network of streets in the District.

(7) No minimum lot size, width or frontage requirement shall apply to wetland conservation lots. [Amended by Ord. 766-89 §1, passed Jan. 9, 1989; Ord. 866-92 §21, passed April 27, 1992; Ord. 890-93 §6, passed April 12, 1993; Ord. 965-96 §78, passed Dec. 9, 1996; Ord. 1035-99 §8, passed Nov. 8, 1999; Ord. 1046-00 §27, passed Feb. 14, 2000; Ord. 1049-00 §5, passed Mar. 13, 2000.]

**Section 62.060 Setback Requirements.**

(1) The setbacks set forth in an Industrial Master Plan approved in accordance with TDC Chapter 37 apply. Where setbacks are not specified in an Industrial Master Plan, TDC 62.060(2) - (5) apply.

(2) Yards Adjacent to Streets or Alleys.

(a) Except as otherwise provided in TDC Chapter 37, the minimum building setback for parcels south of SW Leveton Drive is 60 feet. The minimum building setback for parcels north of SW Leveton Drive is 100 feet.

(b) Except as otherwise provided in TDC Chapter 37, the minimum setback to any parking or circulation area is 50 feet.

(3) Side and Rear Yards Not Adjacent to Streets or Alleys.

(a) Except as otherwise provided in TDC Chapter 37, the minimum setback for parcels south of SW Leveton Drive is 0 to 50 feet, as determined through the Architectural Review process. The minimum setback for parcels north of SW Leveton Drive is 50 feet.

(b) Except as otherwise provided in TDC Chapter 37, all parking and circulation areas shall be set back a minimum of 5 to 25 feet from the

property line, as determined through the Architectural Review process. However, no setback is required from lot lines lying within ingress and egress areas shared by two or more abutting properties in accordance with TDC 73.400(2).

(c) No spur rail track shall be permitted within 200 feet of an adjacent residential district.

(d) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or track.

(4) No fence shall be constructed within 50 feet of a public right-of-way.

(5) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92 §45 and §46, passed March 23, 1992; Ord. 890-93 §7, passed April 12, 1993; Ord. 965-96 §79, passed Dec. 9, 1996; Ord. 1026-99 §92, passed Aug. 9, 1999; Ord. 1035-99 §9, passed Nov. 8, 1999; Ord. 1046-00 §28, passed Feb. 14, 2000; Ord. 1049-00 §6, passed Mar. 13, 2000.] (Ord. 1098-02, Amended, 02/11/2002)

Section 62.070 [Repealed by Ord. 862-92, Sec. 47, passed March 23, 1992.]

**Section 62.080 Structure Height.**

(1) Except as provided in TDC 62.080(2) or (3), no structure shall exceed a height of 70 feet, except for flagpoles displaying the flag of the United States of America either alone or with the State of Oregon flag, which shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to the flagpole height.

(2) Height Adjacent to a Residential District. Except as otherwise provided in TDC Chapter 37, where a property line, street or alley separates MP land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot or 100 foot setback line. No building or structure, including flagpoles,



shall extend above a plane beginning at 28 feet in height at the required 50 foot or 100 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation in TDC 62.080(1).

(3) Wireless Communication Support Structure. Except as otherwise provided in TDC Chapter 37, the maximum structure height for a wireless communication support structure and antennas is 100 feet. [Amended by Ord. 792-90 §7, passed Jan. 8, 1990; Ord. 965-96 §80, passed Dec. 9, 1996; Ord. 1026-99 §93, passed Aug. 9, 1999; Ord. 1035-99 §10, passed Nov. 8, 1999; Ord. 1046-00 §29, passed Feb. 14, 2000.]

### **Section 62.090 Access.**

Except as otherwise provided in TDC Chapter 37 and as provided below, no lot shall be created without provision for access to the public right of way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street, or via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right of way. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 890-93 §8, passed April 12, 1993; Ord. 979-97 §28, passed July 14, 1997; Ord. 1026-99 §94, passed Aug. 9, 1999; Ord. 1046-00 §30, passed Feb. 14, 2000.]

### **Section 62.100 Off-Street Parking and Loading.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 73. [Amended by Ord. 1035-99 §12, passed Nov. 8, 1999; Ord. 1046-00 §31, passed Feb. 14, 2000.]

### **Section 62.110 Environmental Standards.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 63. [Amended by Ord. 1035-99 §13, passed Nov. 8, 1999; Ord. 1046-00 §32, passed Feb. 14, 2000.]

### **Section 62.120 Community Design Standards.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 73. [Amended by Ord. 1035-99 §14, passed Nov. 8, 1999; Ord. 1046-00 §33, passed Feb. 14, 2000.]

### **Section 62.130 Landscape Standards.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 73. [Added by Ord. 725-87 §13, passed June 22, 1987. Amended by Ord. 862-92 §48, passed March 23, 1992; Ord. 1035-99 §15, passed Nov. 8, 1999; Ord. 1046-00 §34, passed Feb. 14, 2000.]

## Chapter 63

### Manufacturing Planning Districts - Environmental Regulations

#### Sections:

- 63.010 Purpose and Intent.**
- 63.020 Applicability.**
- 63.050 Environmental Standards.**
- 63.051 Noise.**
- 63.052 Vibration.**
- 63.053 Air Quality.**
- 63.054 Odors.**
- 63.055 Heat and Glare.**
- 63.056 Stored Materials.**
- 63.057 Liquid Waste Materials.**

#### Section 63.010 Purpose and Intent.

The purpose of this section is to protect the public health, safety and general welfare by environmental regulations applying to all industrial planning districts adjacent to residential planning districts. These environmental regulations are intended to protect adjacent residential and natural areas from the adverse effects of industrial development. It is intended that the following standards provide statutory authority for the enforcement of regulations relating to noise, vibration, smoke and particulate matter, odors, heat, glare, lighting, waste materials and liquid waste.

#### Section 63.020 Applicability.

All industrial uses, regardless of the Planning District in which they are located, shall comply with the environmental standards contained in TDC 63.050. [Sec. 63.020 amended by Ord. 592-83, Sec. 114, passed

June 13, 1983.]

Section 63.030 [Repealed by Ord. 869-92, Sec. 1, passed May 11, 1992.]

Section 63.040 [Repealed by Ord. 869-92, Sec. 1, passed May 11, 1992.]

#### Section 63.050 Environmental Standards.

Industrial uses located pursuant to TDC 63.020 shall continually comply with the standards prescribed in TDC 63.051 to 63.057.

#### Section 63.051 Noise.

(1) Except as otherwise provided in this section, all industrial development shall comply

with the Oregon State Department of Environmental Quality standards relating to noise. From 9:00 p.m. to 7:00 a.m., a dBA reading from an industrial development, whether new or existing, shall not exceed an L-max of 60 dBA when measured from a noise sensitive property.

(2) Method of measurement: sound or noise measurements procedures shall conform to the methods described in this section or to procedures approved by the Oregon Department of Environmental Quality.

(a) Measurements shall be made with a calibrated sound level meter in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standards, Section 1.4 - 1971. For purposes of this section, a sound level meter shall contain at least an "A" weighting network, and both fast and slow response capability.

(b) Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.

(c) When sound measurements are made, they shall be made from a position no more than 25 feet away from the noise sensitive property.

[Amended by Ord. 769-89, Sec. 1, passed Feb. 27, 1989.]

#### Section 63.052 Vibration.

(1) Planning district restrictions: No person shall cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.

(a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district shall not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.

(b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district shall

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not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.

(2) Method of measurement: Vibration measurement procedures shall conform to the methods described in this section or to procedures approved by the Oregon Department of Environmental Quality.

(a) Instrumentation shall be capable of measuring RMS value of the vibration velocity over the frequency range of 10 to 1,000 Hz.

(b) Measurement values shall be recorded for a sufficient period of observation to provide a representative sample.

(c) Attachment of the vibration transducer to the ground shall be by magnetic or screw attachment to a steel bar of a minimum of 9 inches (22.9 cm.) in length, driven flush with the ground surface.

(3) Exemptions: The rules of TDC 63.052(1) shall not apply to:

(a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad.

(b) Vibration resulting from the operation of any road vehicle.

(c) Vibration resulting from construction activities and equipment.

(d) Vibration resulting from roadway maintenance and repair equipment.

### Section 63.053 Air Quality.

All uses within any industrial planning district shall comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. [Sec. 63.053 amended by Ord. 869-

92, Sec. 2, passed May 11, 1992.]

### Section 63.054 Odors.

The emission of odors in such quantities as to create a nuisance condition at any point beyond the property line is prohibited.

### Section 63.055 Heat and Glare.

(1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.

(2) Exterior lighting shall be directed away from residential planning districts.

### Section 63.056 Stored Materials.

All materials, including wastes, shall be stored in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health hazard.

### Section 63.057 Liquid Waste Materials.

No liquid waste shall be disposed onto the site or into adjacent drainage ditches, creeks or other natural waterways in a manner to cause harm to wildlife.

## Chapter 68

### Historic Preservation

#### Sections:

- 68.010 Purpose.**
- 68.020 Landmark Designation or Removal of Landmark Designation.**
- 68.030 Criteria For Designation of a Landmark.**
- 68.040 Landmark Inventory.**
- 68.050 Demolition and Relocation Applications.**
- 68.060 Demolition Criteria.**
- 68.070 Relocation Criteria.**
- 68.080 Demolition and Relocation Approval Process.**
- 68.090 Alteration and New Construction Applications.**
- 68.100 Alteration and New Construction Criteria.**
- 68.110 Alteration and New Construction Approval Process.**
- 68.120 Appeals.**
- 68.130 Conformance.**
- 68.140 Time Limit of Approval.**

#### **Section 68.010 Purpose.**

It is the purpose of this chapter to establish procedures and standards to preserve, protect, maintain and enhance those landmark resources which represent or reflect elements of the City's cultural, social, economic, political and architectural history and to provide educational value, enjoyment and economic diversification as well as beautification of the City and enhancement of property values.

#### **Section 68.020 Landmark Designation or Removal of Landmark Designation.**

(1) The process for designating a landmark or removing a landmark designation shall be through the plan amendment process as described in TDC 31.080.

(2) Notice of the public hearing and property owner identification shall be as described in TDC 31.081.

(3) In making their decision the Council shall use the criteria of TDC 31.082 and additional cri-

teria pertaining specifically to landmark designation in TDC 68.030.

(4) The following information shall be required in an application for landmark designation or request for removal of a landmark designation:

- (a) The applicant's name and address.
- (b) The property owner's name(s) and address(s), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner. City initiated applications do not require a property owner signature.
- (c) The street address or other easily understood geographical reference to the property.
- (d) A drawing or site map illustrating the location of the structure on the property.

(e) A statement explaining compliance or non-compliance with the applicable approval criteria contained in TDC 31.082 and 68.030.

(f) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.

(g) Any other information deemed necessary by the Planning Director.

(5) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

#### **Section 68.030 Criteria For Designation of a Landmark.**

(1) The City Council shall consider the following criteria in determining whether to approve, approve with conditions or deny an application for landmark designation or a request to remove a landmark designation:

- (a) Approval criteria of TDC 31.082.
- (b) The site or structure shall have a primary or secondary ranking. A structure less than 50 years of age may be designated a landmark upon application by the owner; and
- (c) The site or structure shall meet one or more of the following:

(i) The resource is listed on the National Register of Historic Places;

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(ii) The site or structure is associated with the life of a person significant in local, state or national history;

(iii) The site or structure is associated with events that have significantly affected past social or economic activities in the community, state or nation;

(iv) The structure is in its original setting and remains substantially as originally constructed;

(v) The structure embodies the distinctive characteristic of a type, period or method of construction that was used in the past;

(vi) The structure's original workmanship and material remain to show the construction technique and stylistic character of a given period;

(vii) The structure represents the work of a master, i.e., is a noteworthy example of the work of a craftsman, builder, architect or engineer significant in local, state or national history;

(viii) The structure possesses high artistic values in its workmanship and materials;

(ix) The immediate setting of the site retains the planting scheme, plant materials or land uses of the relevant historic period or the landscaping is consistent with that period;

(x) The site or structure yields or may be likely to yield information important in history or prehistory; or

(xi) The site or structure is significant as a visual landmark.

### Section 68.040 Landmark Inventory.

Each site, structure, building or object designated a landmark as provided herein shall be included on the Landmark Inventory and shall be subject to the provisions of this chapter.

#### Landmark Inventory

Luster House (c.1857) 9030 SW Sagert Street (2S126AB,102)

Sweek House (1858) 18815 SW Boones Ferry Road (2S123,300)

Byrom House (1878) 9385 SW Arikara Street (2S126CD,5600)

Jurgens Barn (c.1880) 17700 SW Shasta Trail (2S114CD,9700)

Francis House (1885) 8430 SW Avery Street (2S125BC,5401)

Zeke Eddy House (c.1890) 9005 SW Avery Street (2S126AA,700)

Little White House (c.1890) 8570 SW Cherokee Street (2S123AA,1500)

Wesch House (c.1890) 18400 SW 86th Avenue (2S123AA,1601)

Smith/Boone House (c.1895) 18815 SW Boones Ferry Road (2S123,300)

Barngrover Barn (c.1899) 20130 SW 65th Avenue (2S1E30B,600)

Winona Cemetery (1900) 9900 SW Tualatin Road (2S123BA,2700)

Black House (1900) 11640 SW Myslony Street (2S122C,1500)

Nyberg House (1905) 7445 SW Nyberg Street (2S124A,2502)

Richardson House (1910) 20195 SW Boones Ferry Road (2S126AA,2000)

Robinson Store (1912) 18810 SW Boones Ferry Road (2S124BC,3001)

Elmer House (1914) 11450 SW Elmer Court (2S114DC,1100)

Wager House (1915) 12075 SW Tualatin-Sherwood Road (2S127B,300)

Minnie Skog House (1916) 6001 SW Borland Road (2S1E19C,1700)

Logan House (1917) 19930 SW Boones Ferry Road (2S123DD,1600)

(1918) 11325 SW Tualatin-Sherwood Road (2S127B,700)

Sherburn House (1925) 19840 SW Boones Ferry Road (2S123DD,1400)

Methodist Church (1926) 19100 SW Boones Ferry Road (2S124CB,900)

(c.1930) 6825 SW Childs Road (2S124AA,2400)

Avery Chicken Hatchery (1939) 8385 SW Avery Street (2S125BB,601)

Tualatin Grade School (1939) 19945 SW Boones Ferry Road (2S123DD,500)

Winona Grange (1940) 8340 SW Seneca Street (2S124BC,4700)

(Ord. 1109-02, Amended, 04/22/2002)

## **Section 68.050 Demolition and Relocation Applications.**

(1) The Planning Director and City Council shall have the authority to issue a Certificate of Appropriateness regarding demolition or relocation of designated landmarks. Only after issuance of a Certificate of Appropriateness stating approval or approval with conditions, compliance with imposed conditions and approval from other applicable historic preservation reviews shall a demolition or relocation permit be issued by the Building Official.

(2) Applications for demolition or relocation shall be on forms provided by the Planning Director and be accompanied by an application fee in accordance with 31.100.

(3) Applications for relocation of landmarks to sites other than in a Low Density Residential (RL) Planning District shall require Architectural Review approval in addition to a relocation certificate of appropriateness.

(4) Relocated landmarks, which also are to be altered, shall also obtain alteration approval as per 68.090, 68.100 and 68.110.

(5) The following information shall be required in an application for demolition or relocation of a landmark:

(a) The applicant's name and address.

(b) The property owner's name(s) and address(s), if different from the applicant's, and a statement of authorization to act on behalf of the owner signed by the owner.

(c) The street address or other easily understood geographical reference to the landmark property.

(d) A drawing or site map illustrating the location of the landmark.

(e) A statement explaining compliance with the applicable approval criteria (68.060 or 68.070, as appropriate).

(f) Five sets of plan drawings to include site, landscaping and elevations, drawn to scale.

(g) Photographs of the landmark which show all exterior elevations.

(h) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.

(i) Any other information deemed necessary by the Planning Director.

(6) For the purpose of identifying property owners, the requirements of 31.071(8) shall apply.

(7) At the time a demolition or relocation application is made, the Planning Director shall review alternatives to demolition or relocation with the owner of the landmark, including local, state and federal preservation programs.

## **Section 68.060 Demolition Criteria.**

(1) In determining whether a request for demolition of a landmark shall be approved, approved with conditions or denied, the Planning Director shall make a decision that the landmark is:

(a) No longer historically or architecturally significant; and

(b) That the benefits of demolishing the landmark and the construction of the identified conflicting permitted uses(s) outweigh the value to the community of preserving the landmark.

(2) The following factors shall be used by the Planning Director in making a decision on demolitions:

(a) The information used in the original designation of the landmark;

(b) Any evidence the applicant or property owner has provided demonstrating that there would be no reasonable, long-term economic benefit to the property owner from preservation of the landmark. In making this determination, the owner must show that all uses or adaptive uses of the landmark have been thoroughly examined. For example:

(i) The fact that a higher economic return would result from demolition than preservation is insufficient to meet this criterion.

(ii) A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet the criterion (i.e., selling the landmark is an option that shall be considered).

(c) Whether issuance of a Certificate of Appropriateness approving the demolition request would act to the detriment of the public welfare;

(d) The Economic, Social, Environmental and Energy consequences to the community of

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demolishing the landmark as compared to preserving it; and

(e) The physical condition of the landmark.

(f) Whether the landmark is identified as a primary or secondary resource. Additional importance shall be accorded to preserving landmarks with a primary designation.

### Section 68.070 Relocation Criteria.

(1) In determining whether a request for relocation of a landmark shall be approved, approved with conditions or denied the Planning Director shall make a decision that:

(a) The proposed relocation site will not compromise the historical and architectural significance of the landmark, and

(b) Relocation is the only alternative for preservation of the landmark.

(2) The following factors shall be used by the Planning Director in making a decision on relocation:

(a) The information used in the original designation of the landmark.

(b) Whether the landmark is within a Planning District that allows higher density or intensity of development than currently exists on the site, or is on land that is needed to accommodate the planned widening or realignment of a public road or transportation facility.

(c) Whether the landmark can reasonably be used in conjunction with a use permitted in the Planning District.

(d) Whether the continued location of the landmark on a proposed development site precludes development of other uses permitted on the site.

(e) Whether the designated landmark is structurally capable of relocation.

(f) Whether the proposed relocation site is an appropriate setting for the designated landmark.

(g) Whether the proposed relocation site is within the City limits or preferably within the neighborhood within which it is currently located.

(h) The Economic, Social Environmental and Energy consequences to the community of re-

locating the landmark as compared to preserving it.

### Section 68.080 Demolition and Relocation Approval Process.

(1) The Planning Director shall issue a Certificate of Appropriateness within 30 days of receipt of a complete application regarding a demolition or relocation request unless the applicant consents to an extension of time. The Planning Director's decision shall become final ten (10) City business days after the date the notice of decision is given unless within said ten (10) days the Planning Director receives a written request for review.

(2) Notice of a decision by the Planning Director concerning demolitions and relocations shall conform to the requirements of 31.074(2), (3) and (4).

(3) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

(4) The Planning Director may approve, approve with conditions or deny the demolition or relocation request after considering the applicable criteria and factors in TDC 68.060 or 68.070, as appropriate.

(5) As conditions of approval for demolition the applicant shall:

(a) List the landmark for sale with a real estate agent for a period of not less than 90 days. The landmark shall be advertised in at least one local or state newspaper of general circulation in the City for a minimum of 10 days over a 5-week period. A copy of the advertisement shall be submitted to the Planning Department prior to issuance of a demolition permit from the Building Official.

(b) Post a notice provided by the City offering the building "For Sale" as follows: HISTORIC BUILDING TO BE DEMOLISHED - FOR SALE. The sign shall be posted by the applicant in a prominent and conspicuous place within ten feet of a public street on the parcel on which the landmark is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with

(a) above. Marketing conducted by the applicant or property owner prior to application for demolition or relocation which meets requirements of 5(a) and (b) above may be applied towards meeting the requirements.

(c) Prepare and make available through the City any information related to the history and sale of the property to all individuals, organizations and agencies who inquire.

(d) Prepare photographic documentation, architectural drawings, and other graphic data or history as deemed necessary by the Planning Director to preserve an accurate record of the landmark. The basic format to be followed will be guidelines from the Historic American Building Survey (HABS, December 1973). The historical documentation materials shall be the property of the City or other party determined appropriate by the Planning Director.

(6) As conditions of approval for relocation the applicant shall comply with 68.080(5)(c) and (d).

(7) When a landmark is approved for demolition it shall automatically be deleted from the Landmark Inventory and shall not require approval through 68.020 and 68.030.

(8) When a landmark is relocated to another site within the City limits the landmark status is automatically retained for that landmark at the new site unless an application for landmark designation removal is submitted and approved by the City Council under 68.020 and 68.030.

(9) This ordinance shall not be construed to make it unlawful for any person, without prior approval of the Planning Director, to comply with an order by the City Council to remove or demolish any landmark determined by the City Council to be dangerous to life, health, or property.

### **Section 68.090 Alteration and New Construction Applications.**

(1) The Planning Director and City Council shall have the authority to issue a Certificate of Appropriateness regarding alteration or new construction of designated landmarks. Only after issuance of a Certificate of Appropriateness stating approval or approval with conditions, compliance with imposed conditions and approval from other

applicable historic preservation reviews shall a building permit be issued by the Building Official.

(2) Applications for alteration and new construction shall be on forms provided by the Planning Director and be accompanied by an application fee in accordance with 31.100.

(3) Applications for new construction on landmark sites other than in a Low Density Residential (RL) Planning District shall require Architectural Review approval in addition to an alteration Certificate of Appropriateness.

(4) The following information shall be required in an application for alteration or new construction of a landmark:

- (a) The applicant's name and address.
  - (b) The property owner's name(s) and address(s), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner.
  - (c) The street address or other easily understood geographical reference to the landmark property.
  - (d) A drawing or site map illustrating the location of the landmark.
  - (e) A statement explaining compliance with the applicable approval criteria (68.100(3) or (4)), as appropriate.
  - (f) Five sets of plan drawings to include site, landscaping and elevations, drawn to scale.
  - (g) Photographs of the landmark which show all exterior features.
  - (h) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.
  - (i) Any other information deemed necessary by the Planning Director.
- (5) For the purpose of identifying property owners, the requirements of 31.071(8) shall apply.

### **Section 68.100 Alteration and New Construction Criteria.**

(1) Nothing in this section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the Building Official shall de-



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termine is required for the public safety due to an unsafe or dangerous condition.

(2) Maintenance and repair are not subject to TDC 68.090 or 68.100 and include, but are not limited to:

(a) Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match either existing materials or those that were typically used on similar style buildings;

(b) Repairing, or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and craftsmanship contributes to the historical and architectural significance of the landmark;

(c) Replacement of wood siding, when required due to deterioration of material, with wood material that matches the appearance of the original siding;

(d) Repair and/or replacement of roof material with the same kind of roof materials existing, or with materials which replicate the original roof;

(e) Installation of storm windows and doors made with wood, bronze or flat finished anodized aluminum or baked enamel frames which complement or match the color, detail and proportions of the building;

(f) Replacement of wood sashes with wood sashes, or the addition of wood sashes when such is consistent with the original historic appearance; and

(g) Painting and related preparation.

(3) In determining whether a request for alteration of a landmark shall be approved, approved with conditions or denied, the Planning Director shall make a decision that:

(a) The alteration will not diminish the historical significance of the landmark; and

(b) The alteration will not diminish the architectural significance of the landmark.

(4) In determining whether a request for new construction on a landmark site shall be approved, approved with conditions or denied the Planning Director shall make a decision that:

(a) The design of the proposed structure is compatible with the design of the landmark re-

source on the site considering scale, style, height, architectural detail, materials and colors.

(b) The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site considering setbacks, distances between structures, location of entrances and similar siting considerations.

(5) The following factors are to be used by the Planning Director in making a decision on alterations and new construction:

(a) The use of the landmark, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in preservation of the landmark;

(b) The value and significance of the landmark;

(c) The physical condition of the landmark;

(d) The United States Department of the Interior's Secretary of the Interior Standards:

(i) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(ii) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(iii) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural elements from other buildings, shall not be undertaken.

(iv) Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.

(v) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(vi) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a

distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(vii) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(viii) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(ix) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

(x) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **Section 68.110 Alteration and New Construction Approval Process.**

(1) The Planning Director shall issue a Certificate of Appropriateness within 30 days of receipt of a complete application regarding a alteration or new construction request unless the applicant consents to an extension of time. The Planning Director's decision shall become final ten (10) City business days after the date the notice of decision is given unless within said ten (10) days the Planning Director receives a written request for review.

(2) Notice of a decision by the Planning Director concerning alteration and new construction shall comply with the requirements of 31.074(2), (3) and (4).

(3) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a

complete application is sufficient reason to deny the application.

(4) The Planning Director may approve, approve with conditions or deny the alteration or relocation request after considering the applicable criteria and factors in TDC 68.100.

### **Section 68.120 Appeals.**

(1) A decision by the Planning Director to approve, approve with conditions or deny issuance of a demolition, relocation, alteration or new construction Certificate of Appropriateness may be appealed to the City Council. An appeal shall be in conformance with TDC 31.076 and 31.077. If no appeal is filed in accordance with 31.076, the Planning Director's decision will be final.

### **Section 68.130 Conformance.**

No designated landmark of significance, or part thereof, shall be demolished, relocated or altered, nor shall any new construction take place on a landmark site except in conformity with this chapter.

### **Section 68.140 Time Limit of Approval.**

Historic preservation approvals shall be void after one year unless:

(1) A building permit has been issued and substantial construction pursuant thereto has taken place as defined by the state Uniform Building Code; or

(2) The Planning Director finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previous approval so as to warrant a new review.

[Chapter 68 added by Ord. 844-91, Sec. 7, passed October 14, 1991; amended by Ord. 894-93, Sec. 5-9, passed May 24, 1993.]

## Chapter 69

### Industrial Business Park Overlay Planning District

#### Sections:

- 69.010 Purpose.**
- 69.020 Permitted Uses.**
- 69.030 Prohibited Uses.**
- 69.040 Implementation of the Industrial Business Park Overlay District.**
- 69.045 Timing of Uses.**
- 69.050 Site Size.**
- 69.055 Lot Size.**
- 69.060 Urban Renewal Area - Lot Size.**
- 69.065 Mixed Use Percentage.**
- 69.070 Setback Requirements.**
- 69.080 [Repealed by Ord. 862-92 §49, passed March 23, 1992.]**
- 69.090 Structure Height.**
- 69.100 Access.**
- 69.110 Off-Street Parking and Loading.**
- 69.120 Environmental Standards.**
- 69.130 Floodplain District.**
- 69.140 Wetlands Protection District.**
- 69.150 Greenway and Riverbank Protection District.**
- 69.160 Community Design Standards.**
- 69.170 Landscaping.**

#### Section 69.010 Purpose.

The purpose of this district is to recognize and accommodate the changing Industrial Commercial marketplace by allowing mixed uses within the context of an enforceable Master Plan reviewed and approved during Architectural Review. Industrial uses are emphasized, but office and selected service and retail uses are allowed through the operation of the Industrial Business Park Overlay District. A second purpose of this district is to recognize that it is not necessarily appropriate to assume that all industrial, office, service and retail uses are incompatible and, therefore, must be separated based on planning districts. The Industrial Business Park Overlay District allows flexibility in the uses permitted for properties in the Light Manufacturing (ML) District and for selected General Manufacturing (MG) District areas. Further, the purpose of this district is to allow

selected retail and service uses that are supportive of and secondary to the industrial and office uses.

#### Section 69.020 Permitted Uses.

(1) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to a property in the Light Manufacturing (ML) District or to a property in one of the selected General Manufacturing (MG) District areas and the site is 10 acres or greater:

- (a) Business offices.
- (b) Commercial offices.
- (c) Branch banks and banking kiosks.
- (d) General offices, but not government offices.
- (e) Medical and healing arts offices.
- (f) Real estate offices.

(2) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to a property in the Light Manufacturing (ML) District or to a property in one of the selected General Manufacturing (MG) District areas and the site is 20 acres or greater:

- (a) Retail Uses:
  - (i) Food store of less than 4,000 square feet of gross floor area.
  - (ii) Restaurant, without drive-up or drive through facilities.
- (b) Service Uses:
  - (i) Child day care center, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.
  - (ii) Correspondence, trade and vocational schools, except vocational high schools.
  - (iii) Health or fitness facility.
  - (iv) Job training and related services.
  - (v) Mailing operations.
  - (vi) Reproduction, photocopying.

(Revised 03/01/00)

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(3) The properties in the General Manufacturing (MG) District where the Industrial Business Park Overlay District may be applied in accordance with TDC 69.040 are:

(a) North of the G.I. Joe's/Safeway Shopping Center and more particularly described as:

(i) Tax Map T2S, R1W, Section 13A, Tax Lot 800. (As of September 1, 1994 described as T2S, R1W, 13AA, Tax Lot 1200).

(ii) Tax Map T2S, R1E, Section 18BB, Tax Lots 2200, 2300, and 2400.

(iii) Tax Map T2S, R1E, Section 18BC, Tax Lots 200, 300, and 400. (As of September 1, 1994 described as T2S, R1E, 18BC, Tax Lots 200, 202, 300, and 400).

(b) PacTrust Area (Upper and Lower Boones Ferry Road) and more particularly described as Tax Map T2S, R1W, Section 24B, Tax Lots 1000, 1007, and 1008.

(c) Drake Management Company ownership at the northwest corner of SW Tualatin-Sherwood Road and Avery Street and more particularly described as Tax Map TS1, R1W, Section 27B, Tax Lots 100, 102 and 200. [Amended by Ord. 849-91 §37, passed Nov. 25, 1991; Ord. 1040-99 §1 and §2, passed Dec. 13, 1999.]

### Section 69.030 Prohibited Uses.

As per the underlying ML District or MG District, except as permitted in TDC 69.020. [Amended by Ord. 1040-99 §3, passed Dec. 13, 1999.]

### Section 69.040 Implementation of the Industrial Business Park Overlay District.

At the time of application for Architectural Review, the applicant shall state in writing if the proposed project is to be developed under the provisions of the Industrial Business Park Overlay District. Selection of the overlay district is at the option of the developer and application of the overlay district shall be implemented upon the developer's statement as part of the Architectural Review application. No public hearing shall be held to decide to apply the overlay district. The overlay district shall only be used in conjunction with the ML District and selected MG District ar-

reas. The Architectural Review decision may include conditions of approval in accordance with TDC 73.055. [Amended by Ord. 1040-99 §4, passed Dec. 13, 1999.]

### Section 69.045 Timing of Uses.

The retail and service uses shall be supportive of and secondary to the industrial and office uses and shall follow or be concurrent with the development of industrial and office uses. Office uses shall be secondary to industrial uses and shall follow or be concurrent with the development of industrial uses. Architectural Review approval, Building Permit issuance and Final Occupancy sign-off for office, retail and service uses shall follow or be concurrent with Architectural Review approval, Building Permit issuance and Final Occupancy sign-off for industrial uses. [Amended by Ord. 1040-99 §5, passed Dec. 13, 1999.]

### Section 69.050 Site Size.

The minimum site size for the application of the Industrial Business Park Overlay District shall be 10 acres for the uses listed in TDC 69.020(1) and 20 acres for the uses listed in TDC 69.020(2).

[Amended by Ord. 1040-99 §6, passed Dec. 13, 1999.]

### Section 69.055 Lot Size.

As per the underlying ML District or MG District.

### Section 69.060 Urban Renewal Area - Lot Size.

As per block area requirements in the underlying ML District or MG District.

### Section 69.065 Mixed Use Percentage.

(1) When the Industrial Business Park Overlay District site size is 10.00 to 19.99 acres, the gross floor area of office uses shall not be greater than 50 percent of the total gross floor area of buildings on the site.

(2) When the site size is 20.00 acres or greater:

(a) The gross floor area of office, service and retail buildings combined shall not be greater than 50 percent of the total gross floor area of buildings on the site.

(b) The gross floor area of office uses listed in TDC 69.020(1) may occupy up to 50 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(c) The gross floor area of retail uses listed in TDC 69.020(2)(a) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(d) The gross floor area of service uses listed in TDC 69.020(2)(b) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(3) The percentages in (1) and (2) of this section shall not be exceeded and may be reduced in the Architectural Review decision when information shows the impact, or the cumulative impact, of the development generated by the uses allowed through the Industrial Business Park Overlay District exceed the capacity of the onsite or offsite public infrastructure to support the development.

[Amended by Ord. 1040-99 §7, passed Dec. 13, 1999.]

### **Section 69.070 Setback Requirements.**

As per the underlying ML or MG District, except that retail and service uses be set back from any designated arterial or collector street right-of-way and any Residential District not less than 80 feet.

Section 69.080 [Repealed by Ord. 862-92 §49, passed March 23, 1992.]

### **Section 69.090 Structure Height.**

(1) No structure which is in the ML District and is overlaid by the Industrial Business Park Overlay District shall exceed a height of 70 feet, except as provided pursuant to TDC Chapter 32, in which case the maximum permitted structure height may be increased to 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to 1½ times the height of said structure.

(2) No structure which is in the MG District and is overlaid by the Industrial Business Park Overlay District shall exceed a height of 70 feet, except as provided in TDC Chapter 32, in which case the maximum permitted structure height may

be increased to 100 feet, provided that all yards adjacent to the structure are not less than a distance equal to the height of the structure.

(3) Height Adjacent to a Residential District. Where a property line or alley separates ML and MG land from land in a residential district, a building shall not be greater than 28 feet in height at the setback line. No building or structure shall extend above a plane beginning at 28 feet in height above the setback line and extending inward and upward at a slope of 45 degrees, subject always to the maximum height limitation set in subsection (1) and (2) above. [Amended by Ord. 1040-99 §8, passed Dec. 13, 1999.]

### **Section 69.100 Access.**

Access shall be in accordance with the Access Management Standards in TDC Chapter 75 and the underlying ML or MG District, except that retail and service uses shall not have access directly onto an arterial or collector street. [Amended by Ord. 1040-99 §9, passed Dec. 13, 1999.]

### **Section 69.110 Off-Street Parking and Loading.**

Refer to Chapter 73.

### **Section 69.120 Environmental Standards.**

Refer to Chapter 63.

### **Section 69.130 Floodplain District.**

Refer to Chapter 70.

### **Section 69.140 Wetlands Protection District.**

Refer to Chapter 71.

### **Section 69.150 Greenway and Riverbank Protection District.**

Refer to Chapter 72.

### **Section 69.160 Community Design Standards.**

Refer to Chapter 73.

### **Section 69.170 Landscaping.**

Refer to Chapter 73. [Sec. 69.170 added by Ord. 862-92, Sec. 50, passed March 23, 1992.]

**Chapter 70  
Floodplain District (FP)**

**Sections:**

- GENERAL PROVISIONS**
- 70.010 Purpose.**
- 70.020 Methods of Reducing Flood Losses.**
- 70.030 Definitions.**
- 70.040 Lands to Which This Chapter Applies.**
- 70.050 Basis for Establishing the Areas of Special Flood Hazard.**
- 70.060 Compliance.**
- 70.070 Abrogation and Greater Restrictions.**
- 70.080 Interpretation.**
- 70.090 Warning and Disclaimer of Liability.**
- 70.110 Development Permit Required.**
- 70.120 Application for Development Permit.**
- 70.130 Designation of the City Engineer.**
- 70.140 Duties and Responsibilities of the City Engineer.**
- 70.150 City Council Action.**
- 70.160 Conditions for Variances.**
- 70.170 General Standards.**
- 70.180 Specific Standards.**
- 70.190 Floodways.**

**GENERAL PROVISIONS**

**Section 70.010 Purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard;
- (6) To help to maintain a stable tax base by providing for the sound use and development of

areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(9) Comply with Metro's Urban Growth Management Functional Plan, Title 3. [Amended by Ord. 1070-01 §9, passed Apr. 9, 2001.] (Ord. 1070-01, Amended, 04/09/2001)

**Section 70.020 Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities that 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, dredging, and other development that may increase flood damage; and

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

**Section 70.030 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter most reasonable application.

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(1) Appeal. A request for a review of the City Engineer's interpretation of any provision of this chapter or a request for a variance.

(2) Area of Shallow Flooding. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

(3) Area of Special Flood Hazard. The land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

(4) Base Flood. The flood having a 1-percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

(5) Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

(6) Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(7) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(8) Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(9) Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(10) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

(11) Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(12) Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter, found in subsection 70.180(1)(c).

(13) Manufactured Home. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, recreational vehicles, and other similar vehicles placed on a site for more than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, recreational vehicles, and other similar vehicles placed on a site for 180 consecutive days or fewer.

(14) Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(15) New Construction. Structures for which the "start of construction" commenced on or after the effective date of this chapter.

(16) Recreational Vehicle. A vehicle which is built on a single chassis, 400 square feet or less

when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(17) Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(18) Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground.

(19) Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term "substantial improvement" does not, however, include either:

(c) Any project for improvement of a structure to comply with existing state or local

health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or

(d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(20) Variance. A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter. [Amended by Ord. 717-87 §1, passed April 27, 1987; Ord. 1007-98 §2, passed July 13, 1998; Ord. 1048-00 §1, passed February 28, 2000.]

### **Section 70.040 Lands to Which This Chapter Applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Tualatin.

### **Section 70.050 Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Tualatin," dated February 19, 1987, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062. [Amended by Ord. 717-87, Sec. 2, passed April 27, 1987; Ord. 1007-98, Sec. 3, passed July 13, 1998]

### **Section 70.060 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

[Amended by Ord. 717-87, Sec. 3, passed April 27, 1987.]

### **Section 70.070 Abrogation and Greater Restrictions.**

This chapter is to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes



the more stringent restrictions shall prevail. [Amended by Ord. 717-87, Sec. 4, passed April 27, 1987.]

### **Section 70.080 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. [Amended by

Ord. 717-87, Sec. 5, passed April 27, 1987.]

### **Section 70.090 Warning and Disclaimer of Liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Tualatin, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Amended by Ord. 717-87,

Sec. 6, passed April 27, 1987.]

## **ADMINISTRATION**

Section 70.100 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

### **Section 70.110 Development Permit Required.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all other development, including fill and other activities, also as set forth in the "Definitions." [Amended by Ord. 717-87, Sec. 7, passed April 27,

1987.]

### **Section 70.120 Application for Development Permit.**

Application for a development permit shall be made on forms furnished by the City Engineer and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;

(2) Elevation, in relation to mean sea level, to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in TDC 70.180 and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. [Amended by Ord. 717-87, Sec. 8, passed

April 27, 1987.]

Section 70.121 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

Section 70.122 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

Section 70.123 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

Section 70.124 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

### **Section 70.130 Designation of the City Engineer.**

The City Engineer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. [Amended by Ord. 717-87, Sec.

9, passed April 27, 1987.]

### **Section 70.140 Duties and Responsibilities of the City Engineer.**

Duties of the City Engineer shall include but not be limited to those listed in this Section.

(1) Permit Review.

(a) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of TDC 70.190(1) are met.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with TDC 70.050, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer TDC 70.180, SPECIFIC STANDARDS, and TDC 70.190 FLOODWAYS. Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the Flood Insurance Study or as required under subsection (2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level); and

(ii) Maintain the floodproofing certifications required by TDC 70.120(3).

(c) Maintain for public inspection all records pertaining to the provisions of this Chapter.

(4) Alteration of Watercourses.

(a) Notify adjacent communities and the State coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations when needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in TDC 70.150. [Amended by Ord. 717-87, Sec. 10, passed

April 27, 1987.]

**PROVISIONS FOR FLOOD HAZARD REDUCTION**

**Section 70.150 City Council Action.**

(1) The City Council of the City of Tualatin shall hear and decide appeals and requests for variances from the requirements of this Chapter.

(2) The City Council shall hear the matter in accordance with quasi-judicial evidentiary hearing procedures (31.077) and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the City Engineer in the enforcement or administration of this chapter. [Amended by Ord. 743-88, Sec. 39, passed March 28, 1988.]

(3) Those aggrieved by the decision of the City Council may appeal such decision in accordance with State law.

(4) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:

(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, when applicable;

(f) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

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(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, and streets and bridges.

(5) Upon consideration of the factors in TDC 70.150(4) and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter. The requirements for variances as described in Chapter 33 must also be met.

(6) The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. [Amended by Ord. 717-87, Sec. 11, passed April 27, 1987.]

Section 70.151 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

Section 70.152 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

Section 70.153 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

Section 70.154 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

### Section 70.160 Conditions for Variances.

(1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in TDC 70.150(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without

regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public as identified in TDC 70.150(4) or conflict with existing local laws or ordinances.

(6) 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, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 70.160(1), and otherwise complies with subsections 70.170(1) and (2).

(8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest-floor elevation. [Amended by Ord. 717-

87, Sec. 12, passed April 27, 1987.]

Section 70.161 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]  
 Section 70.162 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]  
 Section 70.163 [Repealed by Ord. 717-87, Sec. 17, passed April 27, 1987.]

## Section 70.170 General Standards.

In all areas of special flood hazards, the following standards are required:

### (1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Methods of anchoring 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.)

### (2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### (3) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(b) New and replacement 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.

(c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

### (4) Subdivision Proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed so as to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

(5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (TDC 70.140(2)), applications for buildings permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. [Amended by Ord. 717-87, Sec. 14, passed April 27, 1987; Ord. 988-97, Sec. 10, passed Dec. 8, 1997.]

## Section 70.180 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TDC 70.050, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD," or TDC 70.140(2), "USE OF OTHER BASE FLOOD DATA," the following provisions are required:

### (1) Residential Construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

(b) New public streets providing vehicle access to residences, including residences within mixed use developments, shall be constructed at or above the base flood elevation. Public street rights-of-way in existence as of January 14, 1993, shall not be subject to this requirement.

### (2) Nonresidential Construction.

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New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b).

(d) Fully enclosed areas below the lowest floor that are subject to flooding 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 either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood-waters.

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(3) Manufactured Dwellings. Manufactured dwellings placed or substantially improved within

Zones A1-30, AH, and AE shall be on a permanent foundation and shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation and shall be securely anchored to a foundation system in accordance with TDC 70.170(1)(b). [Added by Ord. 717-87, passed April 27, 1987; amended by Ord. 882-92 §11, passed Dec. 14, 1999; Ord. 988-97, §11, passed Dec. 8, 1997; Ord. 993-98 §1, passed Feb. 23, 1998; Ord 1048-00 §2, passed Feb. 28, 2000.]

### Section 70.190 Floodways.

Located within areas of special flood hazard established by TDC 70.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development that will increase in flood levels during the occurrence of the base flood discharge.

(2) If Subsection 70.190(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of TDC 70.170 to and including 70.190, Provisions for Flood Hazard Reduction.

[Added by Ord. 717-87, passed April 27, 1987.]

**Chapter 71****Wetlands Protection District (WPD)****Sections:**

- 71.010 Purpose.**
- 71.020 Definitions**
- 71.025 Boundaries**
- 71.030 Applicability.**
- 71.040 Certification Required.**
- 71.050 Appeals.**
- 71.060 Environmental Standards.**
- 71.061 Development Setback.**
- 71.062 Excavation and Filling.**
- 71.063 Contamination and Sedimentation.**
- 71.064 Vegetation.**
- 71.065 Uses.**
- 71.066 Exceptions.**
- 71.067 Wetland Protection District Crossings**
- 71.080 Issuance of Permits and Approvals.**
- 71.090 Miscellaneous.**
- 71.900 Exhibits**

**Section 71.010 Purpose.**

(1) There is hereby established in the City a Wetlands Protection District (WPD), which contains in excess of 300 acres of highly desirable developed and developable land within which there are situated certain natural marshes and wetlands. These natural marshes and wetlands constitute a wildlife habitat and natural resource of important physical, biological, recreational, aesthetic, educational and economic value to the existing and future residents of the City of Tualatin.

(2) It is the express purpose, objective and intent of this chapter to protect the natural marshes and wetlands of the City occurring within the Wetlands Protection District (WPD), as hereinafter identified and defined, while simultaneously permitting and encouraging development and use of the lands adjacent to these areas that lie within the Wetlands Protection District (WPD) to the fullest extent consistent with those primary planning district classifications that are applicable thereto.

(a) Accordingly, the Wetlands Protection District (WPD) is hereby divided into 3 sub-districts. One shall be designated the Wetlands Protected Area (WPA), which contains the natural marshes and wetlands to be protected by this chapter. The other shall

be the Sweek Pond Management Area (SPMA) which contains the Sweek Pond and adjacent area planned for environmental, educational and interpretive land uses as authorized by this chapter of the City of Tualatin Development Code. The third shall be designated the Wetlands Fringe Area (WFA), which contains the balance of the land contained in the Wetlands Protection District (WPD) and which is now, or which will be, subject of the development and usage to be permitted and encouraged by this chapter.

(b) The Wetlands Protection District (WPD) established hereby is an overriding planning district classification; and all conditions and restrictions of land use established by this chapter of the City of Tualatin Development Code shall apply as indicated herein to all lands and areas within the subdistricts above described, in addition to such restrictions and conditions as may be imposed and established in the primary planning district classifications applicable to such lands and areas by reason of the provisions of other chapters of the City's Development Code.

(c) Where conflicts develop between the provisions of this chapter and the provisions of the primary planning district or other regulations applicable to any specific area, areas or uses subject of this chapter, such conflicts shall be resolved in favor of the purposes, objectives and intent of this chapter above set forth.

(d) Subject to the provisions of TDC 71.090(4) of this chapter, nothing contained in this Code shall be construed to prohibit or otherwise limit the City of Tualatin from acquiring from any owners of property lying within the Wetlands Protected Area (WPA) any form of interest in, or ownership of, all or any portion of such property by any lawful means for any lawful purpose.

(e) In the event that the City Council determines, after appropriate public hearings, that the areas contained within the Wetlands Protected Area (WPA) no longer constitute an important wildlife habitat, then the Council shall appropriately amend the Tualatin Community Plan and render this chapter to be of no further force or effect. The City shall notify the U.S. Army Corps of Engineers and other

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federal and state agencies who may have an interest in the Wetlands Protection District (WPD) prior to such action by the City Council. [Amended by Ord. 800-90,

Sec. 5, passed March 26, 1990.]

## Section 71.020 Definitions

The Wetlands Protection Area (WPA) is defined to mean and include those land areas lying within the Wetlands Protection District (WPD) that are saturated or inundated by ground water or surface water at such duration or frequency as to support vegetation structurally and physiologically adapted to live in water or water-saturated soil and which provide wildlife habitat, supply primary wildlife production to adjacent waterway ecosystems, improve water quality and constitute the valuable community resources above described. The Sweek Pond Management Area (SPMA) is defined to mean the land and water area within and adjacent to the Sweek Pond which is planned for environmental, educational and interpretive land uses as authorized by this chapter of the City of Tualatin Development Code, subject to the Resource Management Plan. The Wetlands Fringe Area (WFA) is defined to mean and include those lands in the immediate watershed of the Wetlands Protection Area (WPA) that constitute the balance of the area contained within the Wetlands Protection District (WPD) established by this chapter. The physical boundaries of the Wetlands Protection District (WPD), the Wetlands Protected Area (WPA), the Sweek Pond Management Area (SPMA) and the Wetlands Fringe Area (WFA), are hereby fixed and established as shown on Map 71-1.

The "Resource Management Plan" is defined to mean that plan developed and approved by the Oregon Division of State Lands, the Oregon Department of Fish and Wildlife, the United States Fish and Wildlife Service, the United States Environmental Protection Agency, the United States Army Corps of Engineers, the Wetlands Conservancy, the Audubon Society of Portland and a representative of Emery Zidell. The Resource Management Plan shall encompass at a minimum that portion of the WPA and SPMA within the Zidell property, and shall address wildlife habitat improvement, wetland function, fencing and vegetative screening north of the WPA,

storm water quality within the WPA and SPMA, and the specific type and location of uses to be allowed within the Sweek Pond Management Area. [Amended by

Ord. 800-90, Sec. 7, passed March 26, 1990.]

## Section 71.025 Boundaries

(1) The boundaries of the Wetlands Protection Area (WPA) are described as shown on Exhibit N.

(2) The boundaries of the Sweek Pond Management Area (SPMA) are described as shown on Exhibit O. [Added by Ord. 800-90, passed March 26, 1990.]

## Section 71.030 Applicability.

Uses located within the Wetlands Protection District (WPD) shall comply with the certification requirements contained in TDC 71.040.

## Section 71.040 Certification Required.

(1) All applications to the City for permits or approvals to fill or excavate, to construct buildings or other improvements, or to engage in public works upon lands lying within the Wetlands Protection District (WPD) which are otherwise required by City ordinance shall be accompanied by a written certification by a qualified engineer, licensed by the State of Oregon, which certification shall contain the following:

- (a) A statement that the activities subject to such application will conform to the environmental standards herein set forth;
- (b) Proposed construction methods and schedule; and
- (c) The basis upon which the engineer has founded the statements contained in such certification.

(2) Prior to issuing any approval or permit, the City may transmit the applicant's certification to the U.S. Army Corps of Engineers and/or the Oregon State Department of Fish and Wildlife for comment. The City shall use the comments, if any, received by it from these agencies to evaluate the applicant's certification; and, predicated thereon, the City may, within 45 days from the date of its submission by the applicant, direct modification or deny the adequacy of the certification, in writing, delivered or mailed to the applicant, wherein the City shall set forth the

specific basis upon which it has denied or directed modification of such certification.

(3) Unless the City acts affirmatively to approve, deny or modify the certification within the time limit above set forth, the certification shall be deemed approved for all purposes. Pending such approval, no excavation of any kind excepting soil or ground water testing shall be permitted upon the property subject to such certification.

## **Section 71.050 Appeals.**

Appeals shall be conducted pursuant to the procedure defined herein by TDC 31.076 and 31.077.

[Amended by Ord. 743-88, Sec. 22, passed March 28, 1988.]

## **Section 71.060 Environmental Standards.**

All construction or development, including excavation or filling, or the use of any land within the Wetlands Protection District (WPD), shall conform to the environmental standards required by TDC 71.061 to 71.066.

## **Section 71.061 Development Setback.**

(1) Except as otherwise provided for herein, all permanent surface structures and other surface improvements located adjacent to the Wetlands Protected Area (WPA) shall be set back not less than 40 feet from the boundary of the Wetlands Protected Area (WPA) established in accordance with the provisions of this chapter.

(2) Where buildings or other surface structures are placed on or immediately adjacent to the outer edge of the setback area, and where means of emergency access or egress is required to be furnished to or from the sides of such buildings or structures that adjoin or face the Wetlands Protected Area (WPA), such means of access or egress may be provided within the setback area.

(3) Except as otherwise provided herein or in the Resource Management Plan, no setback for permanent surface structures and other surface improvements is required from the boundary of the Sweek Pond Management Area (SPMA). [Sec. 71.061(3) added by

Ord. 800-90, Sec. 7, passed March 26, 1990.]

## **Section 71.062 Excavation and Filling.**

Excavation, filling and earthmoving activities are permitted within the Wetlands Protection District (WPD), subject to the following restrictions:

(1) Within the Wetlands Protected Area (WPA), temporary dredging, filling, dewatering or other activities may be undertaken in order to place, install, service or maintain utilities or similar improvements within or across the area only during such periods and in such manner as to reduce as much as reasonably practicable the significant detrimental effects, if any, such activities may have on wildlife within, or on the hydrological integrity of the area.

(2) Within the Wetlands Fringe Area (WFA), excavation and filling shall be allowed in all areas for purposes related to its full development and use in accordance with applicable primary planning district classifications and for purposes of increasing or decreasing the elevations within such area to, or in excess of, the level of the so-called "100-year flood plain"; provided, however:

(a) Excavation or filling in the Wetlands Fringe Area (WFA) shall not, when completed, result in significant increase or decrease in the volume of surface water that will thereafter flow or discharge into the Wetlands Protected Area (WPA) from the Wetlands Fringe Area (WFA).

(b) All excavation, filling or other earthmoving activities within the Wetlands Fringe Area (WFA) shall be conducted in such a manner that erosion and silting of surface water runoff into the Wetlands Protected Area (WPA) will not take place. Where upland areas are exposed and subject to erosion due to such excavation, filling or other earthmoving activities, temporary grass cover or other soil stabilizing vegetation shall be established immediately upon completion of such activities if such exposure and erosion will result in erosion or siltation of any portion of the Wetlands Protected Area (WPA).

(3) Where necessary or desired in order to fully utilize all land lying in the Wetlands Fringe Area (WFA), or for the purpose of the installation or maintenance of subsurface improvements located thereon, fill, excavation or other earthmoving activities shall be permitted within the setback area above described; provided that, upon completion of such activities, the profile of the setback area shall conform with the characteristics of a "Type A" or "Type B" development setback, as depicted by Figure 71-1.



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(a) Fill materials placed in the setback area shall consist of topsoil of suitable nature and character to allow revegetation in accordance with the provisions of TDC 71.064, or, in the alternative, where topsoil is not utilized for purposes of fill, the materials that are utilized as fill shall be covered with topsoil to a depth of at least 12 inches where the underlying fill material is heavily compacted.

(b) Quatoma, Woodburn or Hillsboro loam, when identified within the setback area or upon adjacent land inside the Wetlands Fringe Area (WFA) by the U.S. Soil Conservation Service or by other reliable means, shall be suitable in nature and character to serve as topsoil for purposes of allowing revegetation of soil surfaces altered by filling, excavation or other earthmoving activities undertaken within the setback area, or elsewhere within the Wetlands Fringe Area (WFA) in accordance with the requirements of the provisions of TDC 71.064. Where other types of soils or materials are proposed for use as topsoil in accordance with this subsection, the same shall be of a type and character that will promote rapid propagation and growth of vegetation which will provide food, cover and nesting areas for wildlife, as well as a visual barrier or screen between the Wetlands Protected Area (WPA) and adjacent uplands.

(c) Cove clay and silty clay loam shall not be used for purposes of providing any topsoil cover required to be placed within the setback area after filling, excavation or other earthmoving activities.

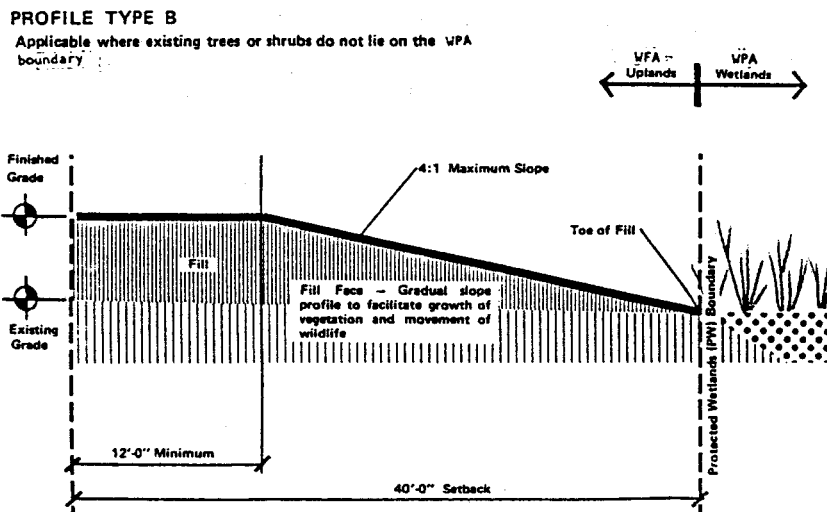
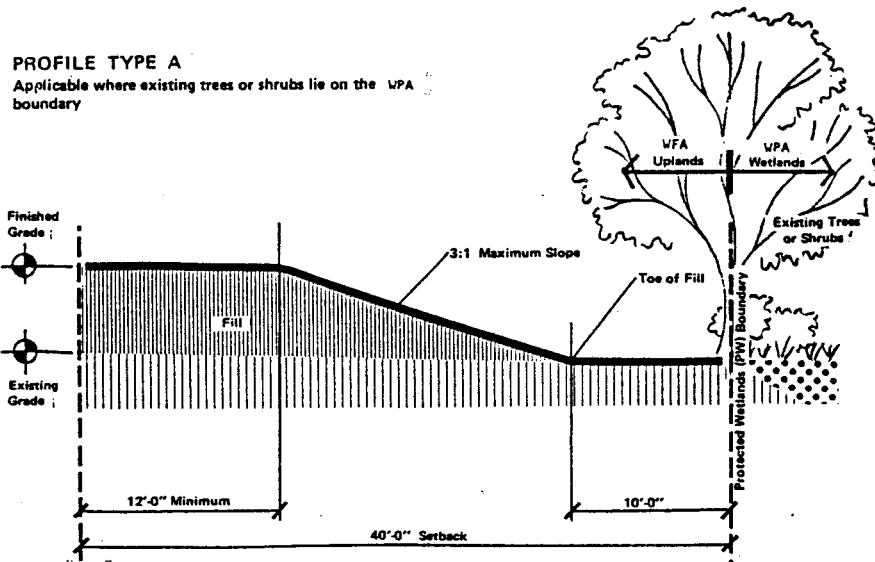
(d) Placement of landfill and topsoil within the setback area should be accomplished before September 15 in order to provide adequate opportunity for revegetation to occur during the ensuing growing season. Pending permanent revegetation in accordance with the requirements of TDC 71.064, filled areas within the setback area should be planted with temporary grass cover, winter cereal grains (broadcast at a rate of not less than 100 pounds per acre), or other soil-stabilizing vegetation for fast and effective control of any erosion or siltation that will occur in the Wetlands Protected Area (WPA) if stabilization is not effected in such areas.

(4) Within the Sweek Pond Management Area (SPMA) filling, dewatering or other activities may be undertaken in order to place, install, service or

maintain utilities or similar improvements, subject to the Resource Management Plan. The work will be accomplished in such manner as to reduce as much as reasonably practicable the significant detrimental effects, if any, such activities may have on wildlife within, or on the hydrological integrity of the area.

[Sec. 71.062(4) added by Ord. 800-90, Sec. 8, passed March 26, 1990.]

**Figure 71-1  
Development Setbacks**



**Section 71.063 Contamination and Sedimentation.**

During the course of development, site preparation, construction of any improvements, or usage of lands lying within the Wetlands Fringe Area (WFA) or the Sweek Pond Management Area (SPMA), the introduction of storm drainage, surface and roof runoff into the Wetlands Protection Area (WPA) and the Sweek Pond Management Area (SPMA) shall only occur when such runoff is substantially free of silt, debris, oil or other materials injurious to plants

or wildlife in the Wetlands Protected Area and the Sweek Pond Management Area (WPA and SPMA).

(1) All apparent and potential sources of storm drainage and surface runoff contamination located within the Wetlands Fringe Area (WFA) and the Sweek Pond Management Area (SPMA) such as operating areas, and equipment cleaning and maintenance area, shall have curbs and be drained into impoundment areas or a waste treatment system in such a manner that no contaminated storm drainage or surface runoff originating in such areas will be dis-

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charged directly into the Wetlands Protected Area (WPA) or Sweek Pond Management Area (SPMA) without treatment that would render such drainage uncontaminated.

(2) No solid wastes that are known to be toxic to vegetation or wildlife within the Wetlands Protected Area (WPA) and the Sweek Pond Management Area (SPMA) shall be permanently stored or disposed of within the Wetlands Fringe Area (WFA) or Sweek Pond Management Area (SPMA).

(3) No pesticides shall be used in the Wetlands Protected District before the type, duration and manner of use have been approved by the Oregon Department of Environmental Quality.

(4) To prevent soil movement into, or erosion within, the Wetlands Protected Area and the Sweek Pond Management Area (WPA and SPMA) as a result of drainage from adjacent upland areas within the Wetlands Fringe Area (WFA) and Sweek Pond Management Area (SPMA) during the course of development, site preparation, construction of improvements or use, a combination of filters or diversions or other appropriate means to be specified by an engineer shall be employed where necessary in order to supplement soils stabilization that will result from revegetation as otherwise provided for and described in TDC 71.062(2) and 71.064. [Sec. 71.063 is amended by Ord. 800-90, passed March 26, 1990.]

### Section 71.064 Vegetation.

(1) Vegetation occurring within the Wetlands Protected Area (WPA) and the Sweek Pond Management Area (SPMA) shall not be degraded or damaged except as a result of activities otherwise permitted by this chapter. [TDC 71.064(1) amended by Ordinance No. 800-90, passed March 26, 1990.]

(2) Vegetation occurring within the Wetlands Fringe Area (WFA) may be removed or altered at any time during the course of development, site preparation, construction of improvements or usage, when reasonably required for any of such purposes, subject to the following:

(a) Areas where vegetation has been removed or altered incidental to construction or development of land areas within the Wetlands Fringe Area (WFA) lying outside the setback area, which are not otherwise committed and used as the location or site

of surface improvements associated with the development or use of the property, shall be seeded or planted to reestablish a vegetation cover compatible with the adjacent wetland habitats insofar as practicable.

(b) Areas where vegetation has been removed or altered incidental to development or usage of land areas within the Wetlands Fringe Area (WFA) which occurs by reason of filling, excavation or other activities undertaken within the setback areas, shall be seeded or planted so as to effect eventual reestablishment of vegetation, if practicable, of the character, type and density that occurred in the areas affected prior to such removal or alteration.

(c) Owners and occupiers of land lying within the setback area upon which vegetation has been disturbed as a result of development, site preparation, construction of improvements or use shall permit access to such areas by public agencies, resource management groups and environmental interest groups approved by the City for purposes of entry and the conduct of activities designed or intended to effect the seeding, planting and maintenance of vegetation within the setback area in addition to, or in lieu of, the vegetation to be placed therein in accordance with TDC 71.064(2)(b) in the nature of trees, shrubs or other vegetation forms that will provide food, cover and nesting areas for wildlife and which may also provide a visual barrier or screen between the boundary of the Wetlands Protected Area (WPA) and adjacent upland areas. No such activity shall be authorized or permitted where the same or the effects thereof may materially impair or damage the structural integrity or usefulness of landfill occurring within such area, or which may enhance the area's susceptibility to erosion or damaging surface or subsurface water flow, or which may damage, or impair the usefulness of, utilities or other improvements lying within or adjacent to the area otherwise permitted under the terms of this chapter.

(d) Revegetation as required by the provisions of this section shall begin as soon as practicable, but in no event later than 60 days, after cessation of development, unless otherwise approved by the City. Such revegetation shall be deemed to comply with the requirements of this chapter if approved or

recommended as to type, species and placement by either the U.S. Soil Conservation Service or the Oregon Department of Fish and Wildlife.

(3) Land areas within the Wetlands Fringe Area (WFA) that lie outside the 40-foot setback area and which are not otherwise committed to development or use in connection with the intended development or use to be made of such areas by the owners, developers or occupiers thereof, shall be left, insofar as practicable, in their natural state for so long as such development or use does not require their alteration. Subject to the limitations set forth in TDC 71.064(2)(c), access shall be afforded to public agencies, resource management groups and environmental interest groups approved for purposes of planting and maintenance of vegetation within such areas that will afford food, cover and nesting areas for wildlife indigenous to the Wetlands Protected Area (WPA) except where such entry or activities are unsafe or may damage the property or security of adjacent developed areas. Any such vegetation shall be subject to removal at a later date, should such areas be required or involved in future development.

(4) There shall be included in the statement of proposed construction methods and schedule required as part of the certification by TDC 71.040 of this chapter, a landscaping and revegetation plan and schedule, which shall set forth in reasonable detail the means by which the applicant(s) for any building permits, subdivision approvals or public works permits within the Wetlands Protection District (WPD) shall comply with the requirements of this section.

#### **Section 71.065 Uses.**

Except as otherwise provided for, or permitted, by the provisions of this chapter, and subject to the provisions of the Resource Management Plan, no permanent use of the Wetlands Protected Area (WPA) will be allowed other than passive nature study, wildlife protection and enhancement, the north-south collector road and pedestrian bridge through the Zidell property (2S1--23/100), and other activities compatible with the intent, purposes and objectives of this chapter above set forth. The north-south collector shall be located according to Map 11-2 of the Tualatin Development Code. The pedestrian bridge shall be located within 300 foot wide corridor west of the Pratt-Broome property (2S1--23/100).

Except as otherwise provided for, or permitted by the provisions of this chapter (and subject to the Resource Management Plan), no permanent use of the Sweek Pond Management Area (SPMA) will be allowed other than the following uses:

- Public uses;
- Habitat protection;
- Water supply protection;
- Enhancement;
- Restoration;
- Wetland resource protection;
- Historic houses such as the ("Hedges House") relocation;
- Environmental educational facility;
- Gardens;
- Landscaping;
- Trails;
- Parking lot;
- Lighting;
- Signing;
- Picnic facilities;
- Boardwalk with viewing platform into Sweek Pond;
- Access road east of Pond area; and
- Other uses deemed to be consistent with the Resource Management Plan.

All uses in the WPA and SPMA will be subject to the following provisions:

(1) Such permitted uses shall be in all cases and at all times remain subject to the provisions of TDC 71.090(2) and (3) of this chapter and to such other or further restrictions or conditions as may be, or become, reasonably necessary to afford to the owner(s) or to others entitled to possession or control of the area reasonable assurance that they will suffer or incur no loss, damage, expense or liability of any kind by reason of such uses or any activities undertaken in connection therewith.

(2) No discharge of firearms, trapping, poisoning, or intentional destruction of wildlife shall be permitted in the Wetlands Protection District (WPD).

(3) Annual monitoring of the number of plant and animal species and the number within each species occurring within the Wetlands Protection Area (WPA) and 40-foot setback within the Wetlands Fringe Area (WFA) may be undertaken by conservation groups under the supervision, or with the ap-

## Tualatin Development Code

proval, of the Oregon Department of Fish and Wildlife.

(4) Uses occurring within the Wetlands Fringe Area (WFA) shall be restricted to those uses allowed by the primary planning district classifications and standards.

(5) Structures and other permanent improvements to land lying adjacent to the boundary of the Wetlands Protected Area (WPA) and Sweek Pond Management Area (SPMA) shall be located as far removed from such boundary as is consistent with the development objectives and plans of the owners or developers of such adjacent property, subject in all cases to the provisions of TDC 71.061 of this chapter.

(6) Where upland development occurs and immediately adjacent to the Wetlands Protected Area (WPA) and the 40-foot setback provided for by TDC 71.061, such development and usages associated therewith shall be effected in such a manner as to minimize to the greatest extent practicable, consistent with full development and usage of the Wetlands Fringe Area (WFA), disturbance of recognized valuable wildlife forms within the Wetlands Protected Area (WPA) by automobile, truck and pedestrian traffic, shipping and receiving activities, trash and refuse pickup or disposal activities, and outdoor production or manufacturing operations. [Sec. 71.065

amended by Ord. 800-90, passed March 26, 1990.]

### Section 71.066 Exceptions.

If degradation of the wildlife habitat within the Wetlands Protected Area (WPA) occurs despite protective work accomplished complying with an approved certification statement pursuant to TDC 71.040, and such degradation is caused by an overburdening by an Act of God of the protective methods so approved; then the owners, occupiers, or users of the land where said degradation originated shall not be liable for such adverse effects on the Wetland Protected Area (WPA). After an Act of God, said owner, occupiers, or users shall immediately take steps to conform to the provisions of this chapter. An Act of God, for the purposes of this section, shall be extreme climatic conditions which include, but are not limited to, a rain storm in excess of the 25-year frequency storm, extremely long peri-

ods of drought or freezing weather, or damage caused by wildfires or unusual insect infestations.

### Section 71.067 Wetland Protection District Crossings

(1) A new north-south collector street as more specifically described in Chapter 11 shall be permitted.

(2) Vehicle Access to the pond area of the Sweek Pond Management Area shall be provided by an access road located adjacent to the east side of such pond area. The right-of-way shall be 45 feet and the centerline shall be located within a 45 foot wide corridor, that being 22.5 feet on either side of the centerline described in Exhibit F. The access road shall be located so as to limit the impact on the Wetlands Protected Area (WPA) and the Sweek Pond Management Area (SPMA) as much as practicable. This access road shall be used to connect the RH/HR District on the east with the RH District on the west.

(3) A public pedestrian bridge over the Wetlands Protected Area is permitted, provided the bridge shall not impact an area of more than approximately 2,614 square feet within the WPA, shall be located within a corridor, described in Exhibit G. the pedestrian bridge shall be located so as to limit the impact on the Wetlands Protected Area (WPA) as much as practicable. [Sec. 71.067 added by Ord. 800-90, passed March 26, 1990.]

### Section 71.080 Issuance of Permits and Approvals.

Where otherwise required by City ordinance, no permit or approval shall be issued for the filling or excavation of land, or the construction, alteration, enlargement or modification of any building, structure or improvement, within the Wetlands Fringe Area (WFA), until all the terms and provisions of this chapter have been satisfied, which satisfaction shall be evidenced by approval of the certification required by TDC 71.040.

(1) The Building Official is hereby authorized and directed to inspect such filling or excavation of land and the construction of all such improvements, alterations and/or modifications while the same are in process at such intervals and in such manner as will enable such officer to determine whether or not

the terms and conditions of this chapter are being observed by the applicant.

(2) If, at any time during the course of such filling, excavation or construction, the Building Official determines that the work is not being done in conformity with the approved certification, plans and permits, a stop-work order may be issued to the applicant, his agents, or any other person in control of such activities.

(3) Upon receipt of such a stop-work order, all activities enumerated therein shall immediately cease until such time as the circumstances giving rise to the issuance of such order are corrected or the order is withdrawn, whichever event occurs first.

(4) It shall be unlawful for the recipient of a stop-work order to initiate or continue any activities proscribed and enumerated therein and, upon conviction for violation of this subsection, the recipient of such stop-work order shall be subject to fine as provided herein pursuant to TDC 31.111.

**Section 71.090 Miscellaneous.**

(1) Owners of land within the Wetlands Protected Area (WPA), their agents, successors in interest and assigns shall be and are hereby relieved of all and any duty or obligation to manage, protect or maintain any portion of their property lying within the Wetlands Protected Area (WPA) except as required by virtue of the provisions of this chapter, unless they shall specifically assume responsibility for such management, protection or maintenance in writing filed with the City Engineer, and except as required by reason of their status as riparian owners of such property.

(2) All persons entering or conducting activities upon, or departing from, lands within the Wetlands Protected Area (WPA), shall enter or conduct such activities thereon or depart therefrom at their sole risk and jeopardy. Neither the City of Tualatin nor any owner(s) of any land within said Wetlands Protected Area (WPA) shall incur liability for any form of loss or damage to property, or for any form of injury to persons, or death, occurring during, or attributable to, entry upon, or activities undertaken within, or departure from, said lands unless caused by the active negligence, willful misconduct, or criminal activity of the City or such owner(s). Printed notice containing the provisions of this subsection shall be

prepared, posted and maintained at the expense of the City in at least 1 conspicuous location at or near each point or place that may be or become a customary or commonly used means of access to the Wetlands Protected Area (WPA).

(3) Where property lying within the Wetlands Protection District (WPD) is severed or divided by areas lying within the Wetlands Protection Area (WPA) to an extent that access to 1 or more portions of such property lying outside the Wetlands Protected Area (WPA) is, or becomes, practically impossible by means of surface vehicular traffic or rail access, construction of alternative public means of access to such severed property shall be coordinated and supported by the City of Tualatin, subject to the Tualatin Transportation Plan.

(4) Neither the City of Tualatin nor any agency, public or private, nor any person, firm or organization, public or private, shall have or acquire by any means other than written conveyance, license, or permit, voluntarily granted by the lawful owner thereof, any property interest in or to any portion of the lands lying within the Wetlands Protected Area (WPA) by operation of law, condemnation, adverse possession, permissive user, prescription or otherwise.

**NOTE:** Map 71-1 has not been included at this time. Questions concerning this map should be directed to the Planning Department, City Offices, Tualatin City Center, P.O. Box 369, Tualatin, Oregon 97062. The telephone number is (503) 692-2000.

# Tualatin Development Code

“EXHIBIT F”

March 21, 1990

## LEGAL DESCRIPTION FOR ZIDELL

### 45 FOOT ROAD CORRIDOR THROUGH WETLANDS PROTECTED AREA:

That portion of the Northeast quarter of Section 23, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, described as follows:

BEGINNING at a point on the East line of the Northeast quarter of Section 23 marked by a 5/8 inch iron rod set in Washington County Survey number 20550, said iron rod being located 855.00 feet North of the East quarter corner of said Section 23;

THENCE North along said East line of the Northeast quarter of said Section 23, 141.00 feet to a 5/8 inch iron rod;

THENCE South 85° 35' 36" West 141.04 feet to a 5/8 inch iron rod;

THENCE North 87° 40' 52" West 179.83 feet to a 5/8 inch iron rod;

THENCE North 67° 29' 21" West 140.78 feet to a 5/8 inch iron rod;

THENCE North 44° 18' 12" West 121.60 feet to a point on the arc of a 477.50 foot radius non-tangent curve to the right (said point being on the Westerly right-of-way line of a proposed 45 foot road) and the TRUE POINT OF BEGINNING;

THENCE South 76° 07' 50" East 32.43 feet to a 5/8 inch iron rod;

THENCE South 43° 00' 21" East 14.26 feet to a point on the arc of a 522.50 feet radius non-tangent curve to the left (being on the Easterly right-of-way line of a proposed 45 foot road);

THENCE following the arc of said 522.50 foot radius curve to the left, the radial bearing of which bears North 63° 33' 04" West, through a central angle of 10° 00' 11" an arc distance of 91.22 feet, the long chord of which bears North 21° 26' 51" East for a chord distance of 91.11 feet;

THENCE North 44° 18' 12" West 52.36 feet to the TRUE POINT OF BEGINNING.

It is the intent of the above description to create a 45 foot corridor through a portion of the Wetlands Protected Areas as shown on Washington County surveys number 20550 and number 20819, and adopted by the City Council of the City of Tualatin under Resolution Number 1434-84.

“EXHIBIT G”

March 19, 1990

LEGAL DESCRIPTION  
FOR  
ZIDELL

PEDESTRIAN CORRIDOR THROUGH THE WETLANDS PROTECTED AREA:

That portion of the Northeast quarter of Section 23, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, described as follows:

BEGINNING at a point on the East line of the Northeast quarter of Section 23 marked by a 5/8 inch iron rod set in Washington County survey number 20550, said iron rod being located 855.00 feet North of the East quarter corner of said Section 23;

THENCE South along said East line of the Northeast quarter of Section 23 37.21 feet to a 5/8 inch iron rod set in Washington County survey number 20819 to mark the boundary of the amended Wetlands Protected Area as adopted by the City Council of the city of Tualatin under Resolution Number 1434-84;

THENCE following the boundary of the amended Wetlands Protected Area, South 59° 47' 08" West 63.50 feet to a 5/8 inch iron rod;

THENCE South 65° 48' 33" West 40.57 feet to a 5/8 inch iron rod;

THENCE South 37° 51' 17" West 69.35 feet to a 5/8 inch iron rod;

THENCE South 77° 50' 14" West 184.70 feet to a 5/8 inch iron rod;

THENCE South 56° 36' 32" West 197.63 feet to a 5/8 inch iron rod;

THENCE South 59° 34' 53" West 236.68 feet to a 5/8 inch iron rod and the TRUE POINT OF BEGINNING;

THENCE South 36° 50' 45" West 257.07 feet to a 5/8 inch iron rod;

THENCE leaving the boundary of said Wetlands Protected Area, North 26° 29' 21" West 326.86 feet to a point on the North line of the proposed amended boundary of the Wetlands Protected Area;

THENCE North 80° 52' 10" East 181.29 feet to a 5/8 inch iron rod at an angle point in the Original Wetlands Protected Area boundary;

THENCE following the boundary of the Wetlands Protected Area North 29° 08' 40" East 107.90 feet to a 5/8 inch iron rod;

THENCE North 45° 47' 30" East 25.62 feet;



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THENCE leaving the boundary of the Wetlands Protected Area South  $00^{\circ} 04' 00''$  East 194.12 feet more or less, regardless of footage, to the Southwest corner of the "Sweek Estate" as shown on Washington County survey number 22785;

THENCE South  $56^{\circ} 01' 04''$  East 60.08 feet more or less, regardless of footage, to a 5/8 inch iron rod at the TRUE POINT OF BEGINNING.

## EXHIBIT "N"

February 26, 1990

### LEGAL DESCRIPTION FOR ZIDELL

#### AMENDED BOUNDARY OF WETLANDS PROTECTED AREA:

That portion of Section 23, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

BEGINNING at a point on the East line of the Northeast quarter of said Section 23, marked by a 5/8 inch iron rod set in Washington County survey number 20550, said iron rod being located 855.00 feet North of the East quarter corner of said Section 23;

THENCE along the East line of the Northeast quarter of said Section 23, North 141.00 feet to a 5/8 inch iron rod;

THENCE South 85° 35' 36" West 141.04 feet to a 5/8 inch iron rod;

THENCE North 87° 40' 52" West 179.83 feet to a 5/8 inch iron rod;

THENCE North 67° 29' 21" West 140.78 feet to a 5/8 inch iron rod;

THENCE North 44° 18' 12" West 121.60 feet to a point on the arc of a non-tangent 477.50 foot radius curve to the right (being the Westerly right-of-way line of a proposed 45 foot road);

THENCE along the arc of said 477.50 foot radius non-tangent curve to the right, the radial bearing of which bears North 76° 37' 33" West through a central angle of 13° 19' 19" an arc distance of 111.03 feet;

THENCE South 76° 07' 50" East 32.43 feet to a 5/8 inch iron rod;

THENCE South 43° 00' 21" East 86.15 feet to a 5/8 inch iron rod;

THENCE South 17° 53' 21" West 57.97 feet to a 5/8 inch iron rod;

THENCE South 51° 04' 18" West 108.35 feet to a 5/8 inch iron rod;

THENCE South 42° 13' 03" West 179.52 feet to a 5/8 inch iron rod;

THENCE South 45° 47' 30" West 65.28 feet to a 5/8 inch iron rod;

THENCE South 29° 08' 40" West 107.90 feet to a 5/8 inch iron rod;

THENCE South 80° 52' 10" West 359.44 feet to a 5/8 inch iron rod;

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THENCE North 80° 23' 48" West 113.56 feet to a 5/8 inch iron rod;

THENCE North 87° 34' 44" West 136.49 feet;

THENCE South 09° 56' 49" West 289.60 feet to a 5/8 inch iron rod;

THENCE North 87° 40' 51" West 887.38 feet to a 5/8 inch iron rod on the West line of the Northeast quarter of said Section 23, the last mentioned 5/8 inch iron rod being North 00° 02' 13" East 300.89 feet from a 3/4 inch iron pipe set for the center of said Section 23 in Washington County survey number 18174;

THENCE along the West line of the Northeast quarter of said Section 23, South 00° 02' 13" West 50.89 feet to the Northeast corner of that tract of land described in Exhibit A in a conveyance from THE NATURE CONSERVANCY to THE WETLANDS CONSERVANCY recorded as Document Number 82007596, deed records;

THENCE South 74° 51' 42" West 348.14 feet to the Northwest corner of said tract described in Exhibit A, Document Number 82008596, deed records;

THENCE South 82° 55' 14" West 331.85 feet to a 5/8 inch iron rod;

THENCE South 57° 57' 41" West 227.20 feet to a 5/8 inch iron rod on the South line of the Northwest quarter of said Section 23, the last mentioned 5/8 inch iron rod being South 89° 50' 38" West 857.82 feet from a 3/4 inch iron pipe set for the center of said Section 23 in Washington County survey number 18174;

THENCE South 05° 39' 10" West 182.09 feet to a 5/8 inch iron rod;

THENCE South 54° 21' 48" West 222.00 feet to a 5/8 inch iron rod;

THENCE South 57° 56' 29" West 199.67 feet to a 5/8 inch iron rod;

THENCE South 71° 29' 00" West 253.84 feet to a 5/8 inch iron rod;

THENCE South 64° 33' 57" West 258.50 feet to a 5/8 inch iron rod at the Northeast corner of Lot 15, Premier Industrial Park;

THENCE North 69° 11' 24" West 275.29 feet to a 5/8 inch iron rod;

THENCE South 82° 57' 08" West 172.29 feet to a 5/8 inch iron rod at the Westerly point of curve return in Lot 13; Premier Industrial Park;

THENCE North 89° 47' 48" West 59.99 feet to a 5/8 inch iron rod at the Easterly point of curve return in Lot 8, Premier Industrial Park;

THENCE North 25° 15' 57" West 81.02 feet to a 5/8 inch iron rod;

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THENCE North 85° 30' 35" West 428.39 feet to a 5/8 inch iron rod on the West line of said Section 23, the last mentioned 5/8 inch iron rod being South 00° 02' 07" West 417.51 feet from the West quarter corner of said Section 23 as monumented in U.S.B.T. Book 2, page 272, entry 348;

THENCE along said West line of Section 23, South 00°02' 07" West 82.49 feet to a 5/8 inch iron rod;

THENCE South 84° 12' 26" East 391.63 feet to a 5/8 inch iron rod;

THENCE South 77° 57' 12" East 185.48 feet to a 5/8 inch iron rod;

THENCE North 71° 24' 09" East 96.33 feet to a 5/8 inch iron rod;

THENCE South 59° 46' 28" East 104.95 feet to a 5/8 inch iron rod;

THENCE South 42° 55' 31" East 288.07 feet to a 5/8 inch iron rod on the East line of said Lot 15;

THENCE South 83° 40' 44" East 161.47 feet to a 5/8 inch iron rod;

THENCE South 78° 09' 04" East 391.63 feet to a 5/8 inch iron rod;

THENCE North 10° 17' 21" East 148.83 feet to a 5/8 inch iron rod;

THENCE South 88° 39' 19" East 240.85 feet to a 5/8 inch iron rod;

THENCE North 80° 34' 09" East 248.18 feet to a 5/8 inch iron rod;

THENCE North 06° 41' 12" West 337.06 feet to a 5/8 inch iron rod;

THENCE South 89° 24' 20" East 435.53 feet to a 5/8 inch iron rod;

THENCE South 70° 18' 52" East 139.25 feet to a 5/8 inch iron rod;

THENCE South 22° 46' 10" East 122.94 feet to a 5/8 inch iron rod;

THENCE South 88° 53' 27" East 141.72 feet to a 5/8 inch iron rod;

THENCE South 86° 03' 20" East 12.82 feet to a point on the East line of the Southwest quarter of said Section 23, the last mentioned point being South 00° 02' 13" West 551.10 feet from a 3/4 inch iron pipe set for the center of said Section 23 in Washington County survey number 18174;

THENCE continuing South 86° 03' 20" East, 78.79 feet to a 5/8 inch iron rod;

THENCE North 89° 33' 02" East 106.35 feet to a 5/8 inch iron rod;

THENCE North 03° 39' 34" West 344.73 feet to a 5/8 inch iron rod;

THENCE North 41° 23' 53" East 122.42 feet to a 5/8 inch iron rod;

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THENCE South  $86^{\circ} 55' 31''$  East 518.95 feet to a 5/8 inch iron rod;

THENCE South  $81^{\circ} 47' 42''$  East 265.97 feet to a 5/8 inch iron rod;

THENCE South  $22^{\circ} 36' 05''$  East 127.44 feet to a 5/8 inch iron rod;

THENCE continuing South  $22^{\circ} 36' 05''$  East 20.00 feet;

THENCE North  $84^{\circ} 34' 12''$  East 190.04 feet;

THENCE North  $72^{\circ} 06' 06''$  East 188.70 feet;

THENCE North  $30^{\circ} 07' 44''$  East 129.61 feet to a 5/8 inch iron rod;

THENCE continuing North  $30^{\circ} 07' 44''$  East 83.78 feet to a 5/8 inch iron rod;

THENCE North  $31^{\circ} 57' 59''$  East 303.53 feet to a 5/8 inch iron rod;

THENCE North  $59^{\circ} 24' 27''$  East 102.67 feet to a 5/8 inch iron rod;

THENCE North  $36^{\circ} 50' 45''$  East 257.07 feet to a 5/8 inch iron rod;

THENCE North  $59^{\circ} 34' 53''$  East 236.68 feet to a 5/8 inch iron rod;

THENCE North  $56^{\circ} 36' 32''$  East 197.63 feet to a 5/8 inch iron rod set in Washington County survey number 20819 to amend the boundaries of the Wetlands Protected Area as adopted by the City Council of Tualatin by Resolution Number 1434-84;

THENCE following the boundary of said amended Wetlands Protected Area, North  $77^{\circ} 50' 42''$  East 184.70 feet to a 5/8 inch iron rod;

THENCE North  $37^{\circ} 51' 17''$  East 69.35 feet to a 5/8 inch iron rod;

THENCE North  $65^{\circ} 48' 33''$  East 40.57 feet to a 5/8 inch iron rod;

THENCE North  $59^{\circ} 47' 08''$  East 63.50 feet to a 5/8 inch iron rod on the East line of the Northeast quarter of Section 23;

THENCE North along said East line of the Northeast quarter 37.21 feet to a 5/8 inch iron rod at the POINT OF BEGINNING.

ALSO, that portion of Section 22, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, designated as the "WETLANDS PROTECTED AREA" in Washington County survey number 20550, which survey, by reference is made a part of this legal description as follows:

BEGINNING at the East quarter corner of said Section 22 as monumented in U.S.B.T. Book 2, page 272, entry number 348;

THENCE along the East line of the Southeast quarter of said Section 22, South 00° 02' 07" West 500.00 feet to a 5/8 inch iron rod;

THENCE North 87° 26' 13" West 150.00 feet to a 5/8 inch iron rod;

THENCE North 02° 33' 47" East 40.00 feet to a 5/8 inch iron rod;

THENCE North 87° 26' 13" West 500.00 feet to a 5/8 inch iron rod;

THENCE South 02° 33' 47" East 40.00 feet to a 5/8 inch iron rod;

THENCE North 87° 26' 13" West 670.49 feet to a 5/8 inch iron rod on the East line of the West half of the Southeast quarter of said Section 22;

THENCE along the East line of said West half, North 00° 09' 17" East 436.49 feet to a 5/8 inch iron rod on the South line of that tract of land conveyed by August Guetz to Henry Saxton by deed recorded in Book "P" page 151, said point being the Southwest corner of Lot 17, Glenmorage Park;

THENCE North 00° 02' 15" East along the West boundary of said Lot 17, a distance of 88.51 feet, to the Northwest corner of said Lot 17, said point being on the Southerly right-of-way of the Southern Pacific Railroad;

THENCE along the Northerly line of said Lot 17, and said Southerly right-of-way, North 67° 35' 15" East 86.52 feet to a 1/2 inch iron rod;

THENCE leaving said Northerly line, and said Southerly right-of-way, South 127.36 feet to a 1/2 inch iron rod;

THENCE continuing South 5.04 feet to a point on the Southerly line of said Glenmorag Park, said line also being the Southerly line of said Saxton tract;

THENCE along the Southerly line of said Glenmorag Park and said Saxton tract the following courses: South 82° 14' 45" East 855.49; thence North 71° 29' 15" East 411.91 feet to the East quarter corner of said Section 22 and the POINT OF BEGINNING.

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EXHIBIT "O"

March 21, 1990

LEGAL DESCRIPTION  
FOR  
ZIDELL

SWEEK POND MANAGEMENT AREA:

That portion of the Northeast quarter of Section 23, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, described as follows:

BEGINNING at a point on the East line of the Northeast quarter of Section 23 marked by a 5/8 inch iron rod set in Washington County Survey number 20550, said iron rod being located 855.00 feet North of the East quarter corner of said Section 23;

THENCE North along said East line of the Northeast quarter of said Section 23, 141.00 feet to a 5/8 inch iron rod;

THENCE South 85° 35' 36" West 141.04 feet to a 5/8 inch iron rod;

THENCE North 87° 40' 52" West 179.83 feet to a 5/8 inch iron rod;

THENCE North 67° 29' 21" West 140.78 feet to a 5/8 inch iron rod;

THENCE North 44° 18' 12" West 121.60 feet to a point on the arc of a 477.50 foot radius non-tangent curve to the right (said point being on the Westerly right-of-way line of a proposed 45 foot road) and the TRUE POINT OF BEGINNING;

THENCE following the arc of said 477.50 radius curve to the right, the radial bearing of which bears North 76° 36' 33" West, through a central angle of 18° 20' 06", an arc distance of 152.80 feet, the long chord of which bears South 22° 32' 32" West for a chord distance of 152.15 feet;

THENCE North 76° 04' 43" West 55.05 feet;

THENCE South 78° 16' 53" West 91.31 feet;

THENCE North 80° 48' 48" West 157.49 feet;

THENCE North 73° 32' 26" West 109.70 feet;

THENCE North 74° 53' 44" West 81.53 feet;

THENCE North 10° 09' 15" West 124.85 feet;

THENCE North 08° 21' 31" East 94.04 feet;

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THENCE North  $37^{\circ} 07' 48''$  East 141.70 feet to a 5/8 inch iron rod marking the Southwest corner of a 5.00 foot strip dedicated to the City of Tualatin under Washington County Fee Number 87054114 as set in Washington County survey number 22785;

THENCE North  $88^{\circ} 42' 42''$  East 458.98 feet to a 5/8 inch iron rod at the Southeast corner of said 5.00 foot strip;

THENCE North  $01^{\circ} 17' 18''$  West 5.00 feet to a 5/8 inch iron rod on the South boundary of the Plat of the Town of Tualatin, a subdivision in said Town, according to the duly recorded Plat thereof;

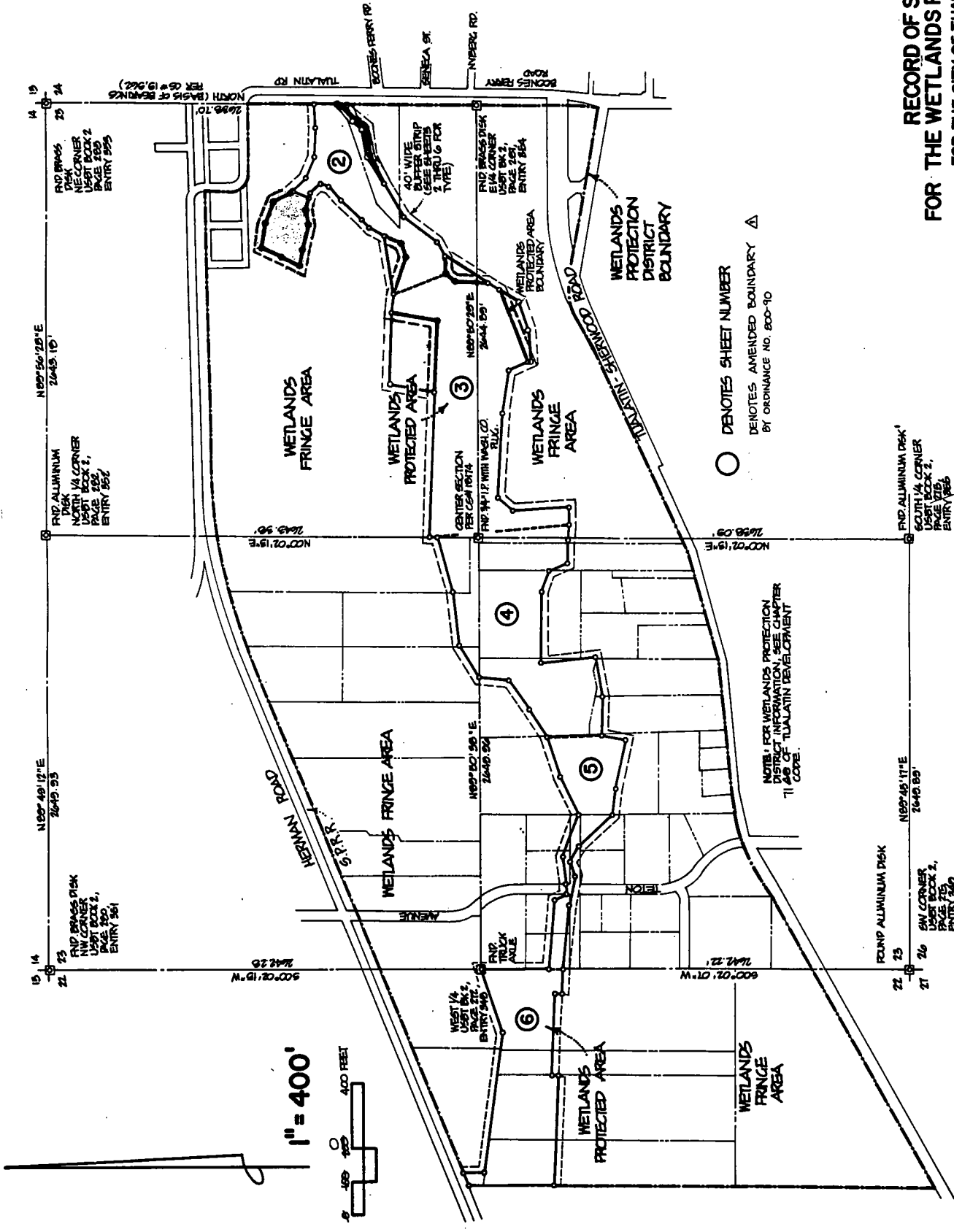
THENCE North  $88^{\circ} 42' 42''$  East 14.25 feet to a point on the West right-of-way line of the aforesaid proposed 45 foot road;

THENCE following the West right-of-way line of said proposed road South  $01^{\circ} 10' 49''$  East 155.93 feet to a point of curvature;

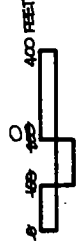
THENCE following the arc of a 477.50 foot radius curve to the right, through a central angle of 14



**RECORD OF SURVEY  
FOR THE WETLANDS PROTECTED AREA**  
FOR THE CITY OF TUALATIN, OREGON  
SITUATED IN SECTIONS 22 AND 23, T.2S., R.1W., W.M.  
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON  
OCTOBER 5, 1983  
SCALE 1" = 400'



1" = 400'



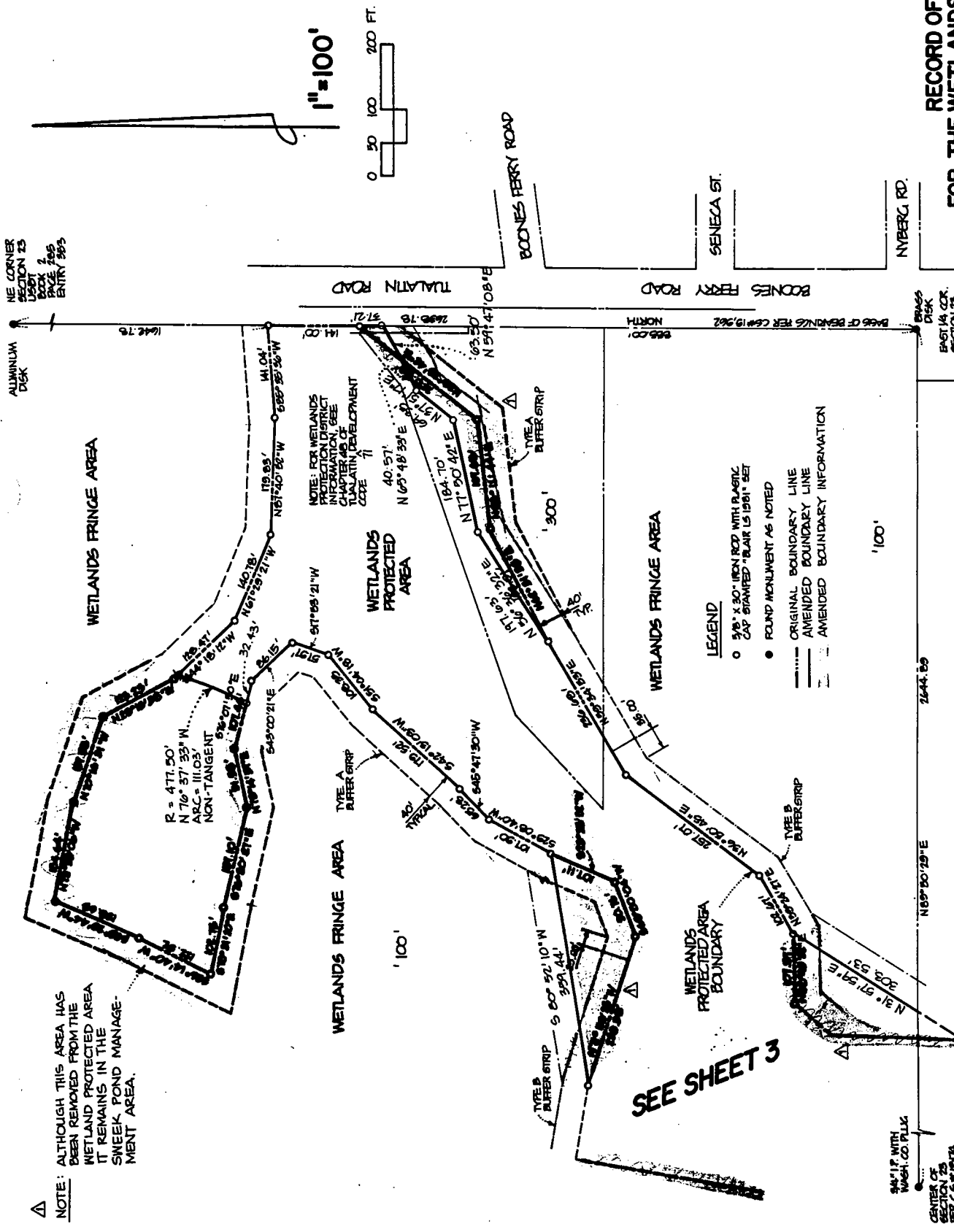
NO.	AMENDED BOUNDARY	REVISION	DATE	BY
1				
2				
3				
4				
5				
6				
7				
8				
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10				
11				
12				
13				
14				
15				
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18				
19				
20				
21				
22				
23				
24				

**R.A. Wright  
engineering**  
consulting engineers

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Diane M. Blair*  
OR 0130N  
DIANE M. BLAIR  
1981

208 SW Bertha Blvd  
Portland, Oregon 97208  
503/238-4583

**RECORD OF SURVEY  
FOR THE WETLANDS PROTECTED AREA**  
FOR THE CITY OF TUALATIN, OREGON  
SITUATED IN SECTIONS 22 AND 23, T.2 S., R.1 W., W.M.  
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON  
OCTOBER 5, 1983  
SCALE 1" = 100'



NOTE: ALTHOUGH THIS AREA HAS BEEN REMOVED FROM THE WETLAND PROTECTED AREA IT REMAINS IN THE SNEEK POND MANAGEMENT AREA.

NOTE: FOR WETLANDS PROTECTION DISTRICT INFORMATION, SEE CHAPTER 46 OF TUALATIN DEVELOPMENT CODE

- LEGEND**
- 5/8" x 30" IRON ROD WITH PLASTIC CAP STAMPED "BLAR 15 1981" SET
  - ROUND MONUMENT AS NOTED
  - ORIGINAL BOUNDARY LINE
  - - - AMENDED BOUNDARY LINE
  - - - AMENDED BOUNDARY INFORMATION

SEE SHEET 3

NO.	BOUNDARY	REVISION	DATE	CH	BY
	AMENDED				
	BOUNDARY				

100 SW Bertha Blvd  
Portland, Oregon 97208  
503/258-4583

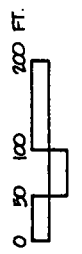
**R.A. Wright**  
engineering  
consulting engineers

REGISTERED PROFESSIONAL LAND SURVEYOR  
Diane W. Blain  
OREGON  
DEANE W. BLAIN  
1981

NE CORNER SECTION 23  
LAST  
BOOK 2  
PAGE 265  
ENTRY 965

EAST 1/4 COR. SECTION 23  
LAST  
BOOK 2  
PAGE 267  
ENTRY 564

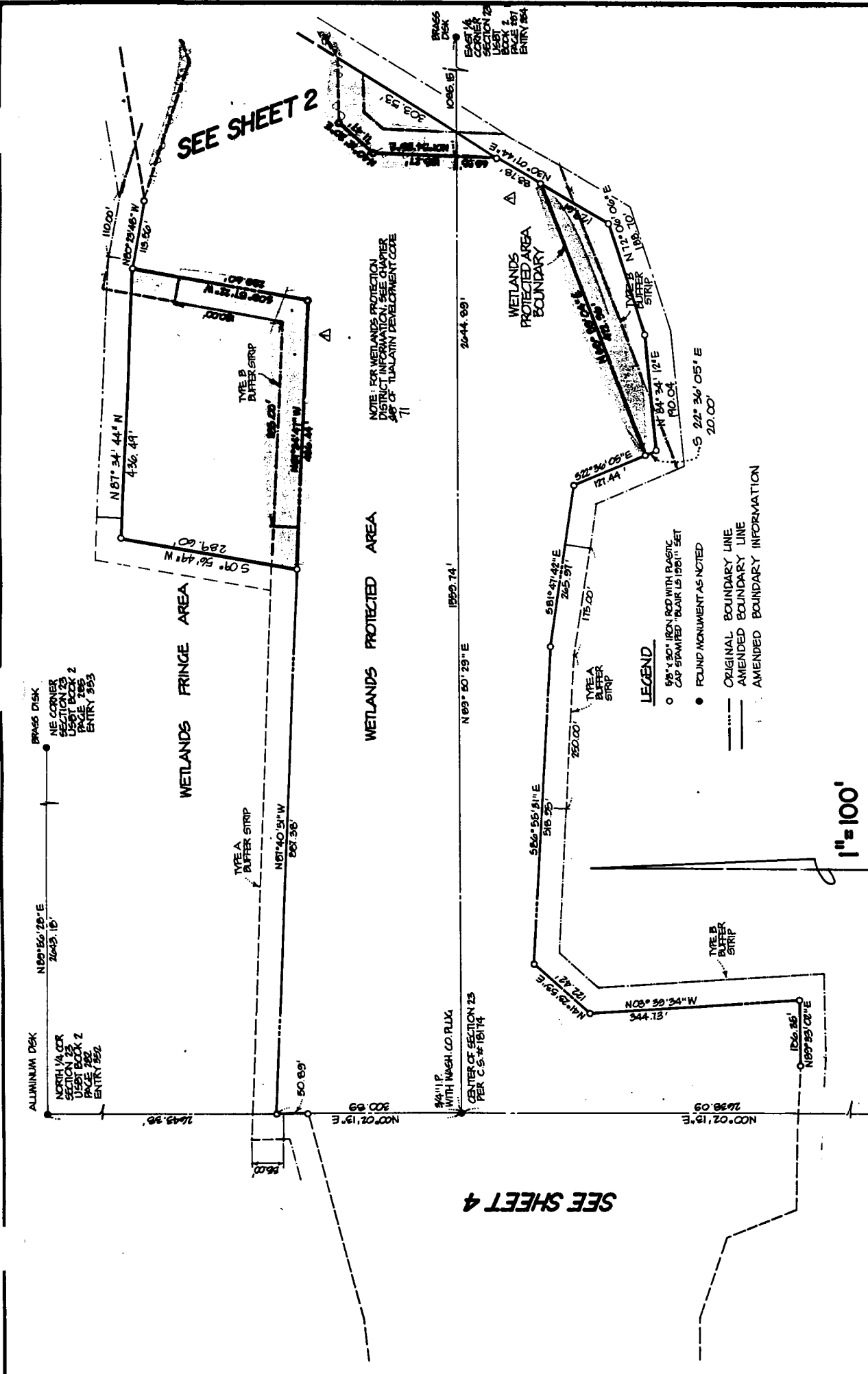
3/4" I.P. WITH WASH. CO. PLUG  
CENTER OF SECTION 23  
PER C.S. 1701A



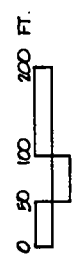
1" = 100'

TUALATIN ROAD  
BOONES FERRY ROAD  
SENECA ST.  
NYBERG RD.

**RECORD OF SURVEY  
FOR THE WETLANDS PROTECTED AREA**  
FOR THE CITY OF TUALATIN, OREGON  
SITUATED IN SECTIONS 22 AND 23, T.2S., R.1W., W.M.  
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON  
OCTOBER 5, 1983  
SCALE 1" = 100'



- LEGEND**
- 5/8" x 30" IRON ROD WITH PLASTIC CAP STAMPED "BLAIR 15 1983" SET
  - ROUND MONUMENT AS NOTED
  - ORIGINAL BOUNDARY LINE
  - - - - - AMENDED BOUNDARY LINE
  - △ AMENDED BOUNDARY INFORMATION



NO.	REVISION	DATE	BY
1	AMENDED BOUNDARY	8-972	CH

508 SW Bertha Blvd  
Portland, Oregon 97206  
503/768-4252

**R.A.Wright**  
engineering  
consulting engineers

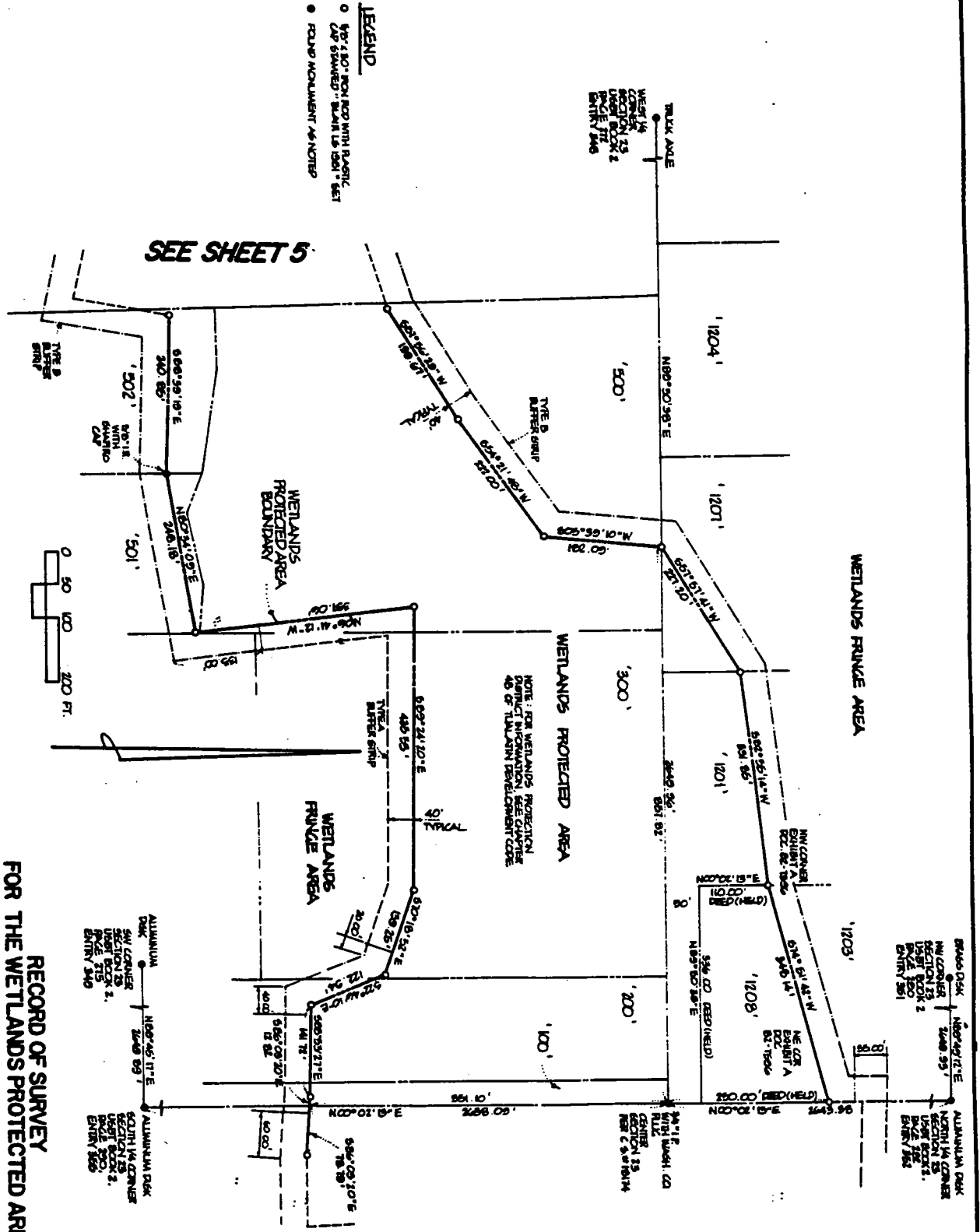
REGISTERED  
LAND SURVEYOR  
*Dean W. Blair*  
OREGON  
DEAN W. BLAIR  
1981

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**DAVID W. BLUM**  
OREGON  
DAVID W. BLUM

**RAWNIGHT**  
engineering  
consulting engineers

1200 SW Garden Blvd  
Portland Oregon 97205  
503/725-4322

**RECORD OF SURVEY  
FOR THE WETLANDS PROTECTED AREA**  
FOR THE CITY OF TUALATIN, OREGON  
SITUATED IN SECTIONS 22 AND 23, T. 2 S., R. 1 W., W.M.  
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON  
OCTOBER 5, 1983



**LEGEND**

- 3/4" x 3/4" IRON ROD WITH PLASTIC CAP STAMPED "BLUM L.S. 1981" SET
- ROUND MONUMENT AS NOTED

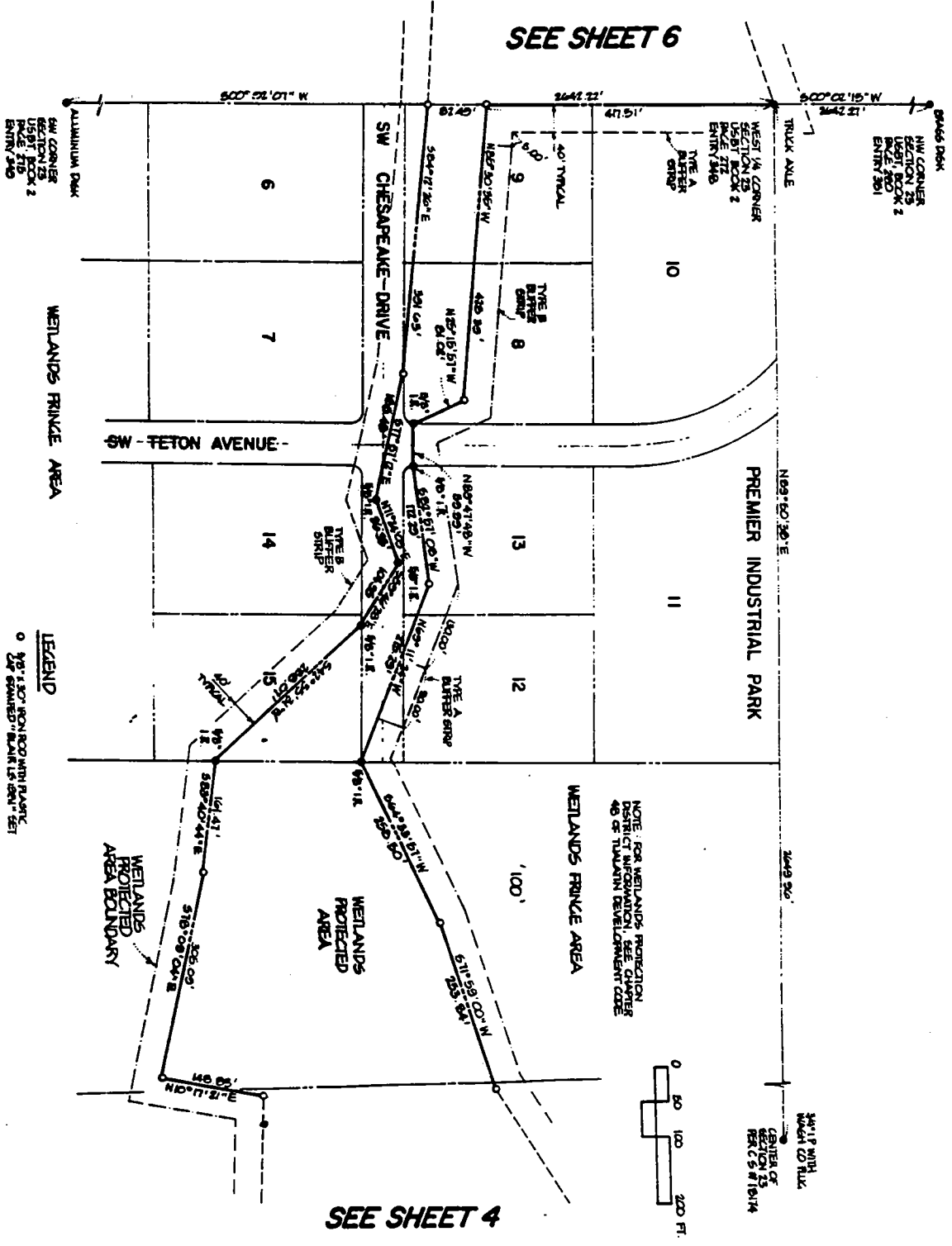
SEE SHEET 5

SEE SHEET 3

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
OREGON  
DAVID W. BLUM

**R.A. Wright**  
engineering  
consulting engineers

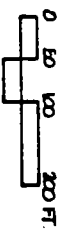
1000 SW 20TH AVE  
PORTLAND, OREGON  
503/754-3282



SEE SHEET 6

SEE SHEET 4

**RECORD OF SURVEY**  
**FOR THE WETLANDS PROTECTED AREA**  
FOR THE CITY OF TUALATIN, OREGON  
SITUATED IN SECTIONS 22 AND 23, T.2S., R.1W., W.M.  
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON  
OCTOBER 5, 1983

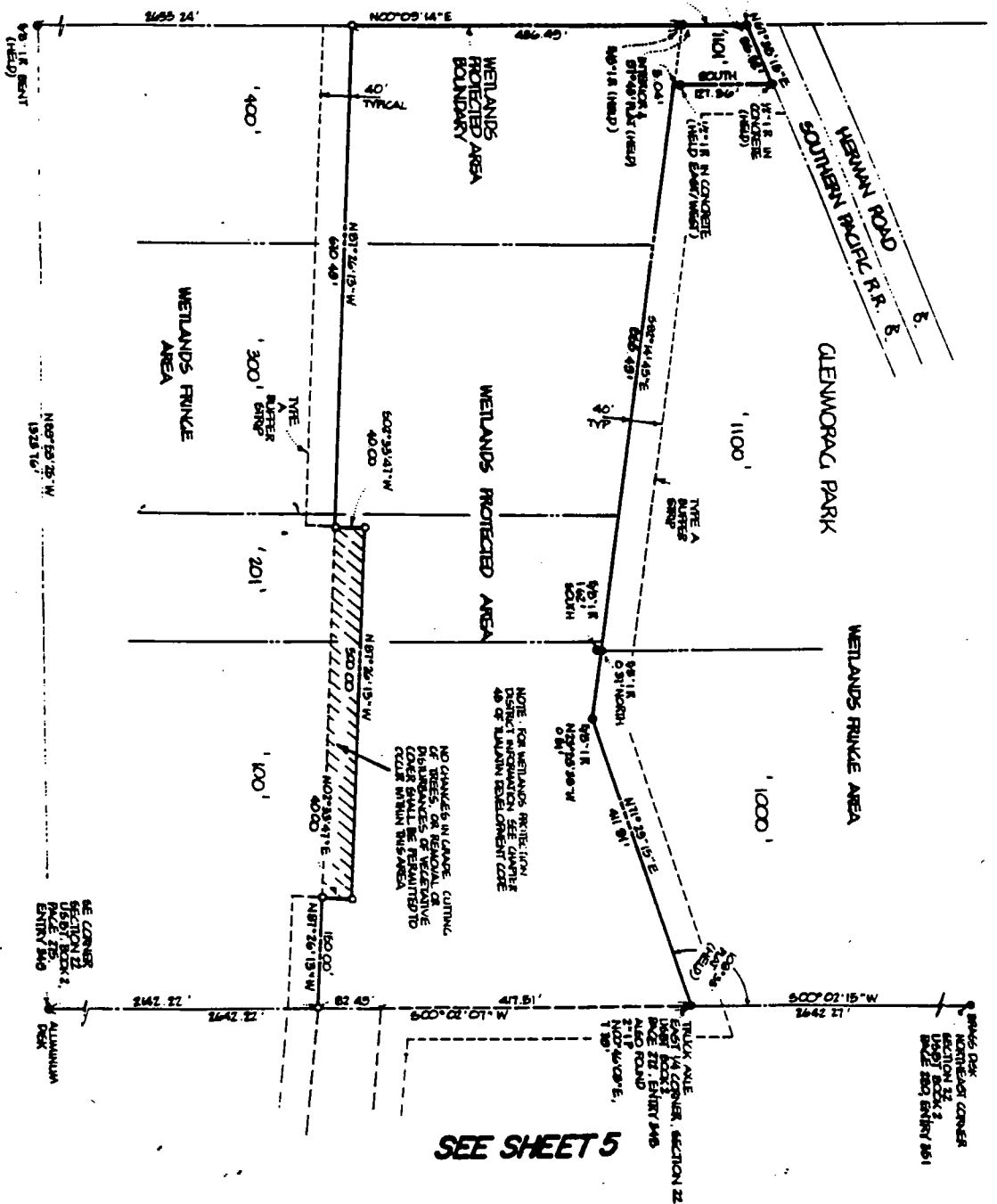


**NARRATIVE** (OF PORTION WITHIN REC 22)

- 1) HEED THE EAST LINE OF THE WEST 1/2, SOUTHEAST 1/4, SECTION 22 AS ESTABLISHED IN GS# 18150
- 2) HEED PLAT DISTANCES AND ANGLES SHOWN

**REFERENCES**

COUNTY SURVEYS: 1108, 1931, 2945, 3040, 3225, 4085, 11783, 15274, 18174, 18150  
 PLATS: GLENMORAC PARK, PREMIER INDUSTRIAL PARK



**LEGEND**

- 5/8" x 1/2" IRON ROD WITH PLASTIC CAP STAMPED "BLAIR 801" SET
- ROUND MONUMENT AS NOTED

**RECORD OF SURVEY  
 FOR THE WETLANDS PROTECTED AREA**  
 FOR THE CITY OF TUALATIN, OREGON  
 SITUATED IN SECTIONS 22 AND 23, T. 2S., R. 1W., W.M.  
 CITY OF TUALATIN, WASHINGTON COUNTY, OREGON  
 OCTOBER 5, 1983

**SEE SHEET 5**

REGISTERED PROFESSIONAL LAND SURVEYOR  
**Dennis V. Blair**  
 OREGON BOARD OF LAND SURVEYORS  
 No. 181

**RA. Wright**  
 engineering  
 consulting engineers

100 S.W. Smith Blvd  
 Tualatin Oregon 97146  
 503/728-5211

## Chapter 72

### Greenway Protection Overlay District (GPO) And Natural Areas

#### Sections:

- 72.010 Purpose.**
- 72.011 Criteria for Determining Significant Natural Resources.**
- 72.013 Significant Natural Resources.**
- 72.020 Location of Greenways and Natural Areas.**
- 72.030 Greenways.**
- 72.040 Natural Areas.**
- 72.050 [Amended by Ord. 635-84, Sec. 33, passed June 11, 1984; Ord. 947-95, Sec. 5, passed July 24, 1997; incorporated into Sec. 72.030 by Ord. 979-97, Sec. 34, passed July 14, 1997.]**
- 72.055 Other Natural Areas.**
- 72.056 Vegetated Corridors of Sensitive Areas.**
- 72.060 Development Restrictions in Greenways and Natural Areas.**
- 72.065 Hardship Created, Map Error, Property Not Buildable.**
- 72.070 General Guidelines for Pedestrian and Bike Paths in Greenways.**
- 72.080 Shift of Density for Residential Development Adjacent to Greenways or Natural Areas**
- 72.085 Landscaping Credit Within Commercial and Industrial Planning Districts Adjacent to Greenways and Natural Areas.**
- 72.090 Reduction in Setback Requirements.**
- 72.100 Parks Systems Development Charge (SDC) Credit.**
- 72.110 Easements for Pedestrian and Bicycle Access.**
- 72.120 Wetlands Protection District.**
- 72.130 Floodplain District.**
- 72.140 Dedication of Land for Park Purposes**
- 72.150 Modifications for Storm Drainage Improvements**

#### Section 72.010 Purpose.

(1) To identify and protect by preservation and conservation the designated significant natural resources and Other Natural Areas. The designated significant natural resources are

greenways and natural areas, which include the riparian areas and scenic areas of the Tualatin River and certain creeks and drainage swales, wetlands, upland forests, meadows, fish and wildlife resources, and the geologic features of the Tonquin Scablands. Significant Natural Resources are identified on the Significant Natural Resource List and Map TDC 72.013 and Map 72-3, TDC). The significant natural resources designated for protection are shown on Map 72-1, TDC. Other Natural Areas are identified on Map 3-4 of the Parks and Recreation Master Plan.

(2) To provide sufficient area for stormwater runoff to reduce flood hazards and enhance water quality.

(3) To provide public access to scenic and riparian areas, where appropriate, by designating pedestrian and bicycle path locations.

(4) To provide specific design standards for development adjacent to, and within, greenways and natural areas in order to preserve and conserve them, and provide mechanisms for the granting of easements or dedications for Greenways, and Natural Areas while allowing reasonable economic development of property adjacent to the greenways and natural areas. [Amended by Ord. 635-84, Sec. 30, passed June 11, 1984; Ord. 933-94, Sec. 31, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 30, passed July 14, 1997.]

#### Section 72.011 Criteria for Determining Significant Natural Resources.

(1) The Significant Resource Criteria in Subsections (2-3) must be considered when determining whether a natural resource site is a Significant Natural Resource or is not significant.

(2) Significant Resource Criteria— Wetlands Not in Riparian Corridors.

(a) Exclusions. Wetland natural resources are not significant if they fall within any one of the following categories:

(i) Wetlands artificially created entirely from upland that are:

## Tualatin Development Code

(A) created for the purpose of controlling, storing or maintaining stormwater; or

(B) active surface mining or active log ponds; or

(C) ditches without a free and open connection to natural waters of the state (as defined in OAR 141-85-010(9) and which do not contain food or game fish (as defined in ORS 496.009); or

(D) less than one acre in size and created unintentionally as the result of irrigation water overflow or construction activity not related to compensatory mitigation for permitted wetland impacts; or

(E) of any size and created for wastewater treatment, farm or stock watering, settling of sediment, cooling industrial water, or as a golf course hazard.

(ii) Wetlands or portions of wetlands that are contaminated by hazardous substances, materials or wastes as per the following conditions:

(A) The wetland is documented as contaminated on either the U.S. Environmental Protection Agency's (EPA) National Priority List, or the Department of Environmental Quality's (DEQ) Inventory of Hazardous Substance Sites (ORS 465.225).

(B) Only the portion of the wetland affected by such hazardous substances shall be excluded from significance analysis.

(b) A Wetland natural resource is a Significant Natural Resource if it meets one or more of the following criteria:

(i) The site has a rating of "High" in at least one of the following environmental categories in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) Wetland and Natural Areas Inventory Environmental and Social Value Assessment:

(A) Fish Habitat Value. The assessment values use the low-medium-high rating for a site based on the modified fish habitat and wildlife habitat assessment methods used in the City of Tualatin Natural Resource Inventory.

Fish habitat rates high if potential fish habitat exists.

(B) Wildlife Habitat Value. Evaluates habitat diversity. Areas with permanent or seasonal water, diverse vegetation and structure, and interspersed plant communities rate high. Wildlife habitat value also increases with the size of the site and linkage to open space habitat.

(C) Hydrologic Control, Water Quality Protection, and Water Quality Potential. Resource sites that provide or have the potential to provide water quality protection to receiving streams or stormwater detention within the watershed are important and are rated high.

(ii) The wetland or a portion of the wetland occurs within a horizontal distance of less than one-fourth mile from a water body listed by the Oregon Department of Environmental Quality (DEQ) as a water quality limited body [303(d) list] and the wetland's water quality protection or potential function is described as High or Medium in the Wetlands and Natural Areas Assessment.

(iii) The site has a presence of one or more rare or locally unique plant communities that are relatively undisturbed with few or no non-native plants.

(iv) The site has a presence of a plant or animal species that is state or federally listed as sensitive, rare, threatened or endangered, or is a critical habitat for such listed species, unless the appropriate state or federal agency indicates that the wetland is not important for the maintenance of the species.

(3) Significant Resource Criteria—Streams, riparian corridors, forests, meadows and geologic features. A stream, riparian corridor, forest, meadow or geologic feature site is a significant resource site if it meets one or more of the following criteria:

(a) The site has a presence of a plant or animal species that is state or federally listed as sensitive, rare, threatened or endangered, or is a critical habitat for such listed species;



(b) The site has a presence of a physical feature that is designated as a scenic river or natural or geologic resource by county or regional government, or state or federal agencies. This includes but is not limited to designation as a significant natural resource or geologic area. Physical features do not include buildings or other constructed features.

(c) The site has a presence of one or more relatively undisturbed native plant communities with few or no non-native plants.

(d) The site has a rating of "High" in at least one of the following environmental categories in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) Wetland and Natural Areas Inventory Environmental and Social Value Assessment:

(i) Fish Habitat Value. The assessment values use the low-medium-high rating for a site based on the modified fish habitat and wildlife habitat assessment methods used in the City of Tualatin Natural Resource Inventory. Fish habitat rates high if potential fish habitat exists.

(ii) Wildlife Habitat Value. Evaluates habitat diversity. Areas with permanent or seasonal water, diverse vegetation and structure, and interspersed plant communities rate high. Wildlife habitat value also increases with the size of the site and linkage to open space habitat.

(iii) Hydrologic Control, Water Quality Protection, and Water Quality Potential. Resource sites that provide or have the potential to provide water quality protection to receiving streams or stormwater detention within the watershed are important and are rated high.

(iv) Ecological Integrity. Sites are rated high if they provide ecosystem linkage or continuity, allow wildlife passage between larger habitat units or genetic flow between plant populations, provide critical habitat for certain life history stages of sensitive fish and wildlife species, or other watershed or ecosystem functions. This criterion regards the both the ecological integrity and connectivity assessments of the site.

(v) Uniqueness. Site contains fish and wildlife species, wildlife habitat, plant communities or geologic features that are unique in the Tualatin area. Uniqueness is a consideration of the quantity and quality of a particular resource site relative to other resources in the Tualatin area.

(e) A non-wetland site has a rating of "High" in at least two of the following social categories in the City of Tualatin Natural Resource Inventory (December, 1995) Wetland and Natural Areas Inventory Environmental and Social Value Assessment:

(i) Educational Value and Scientific Research. Sites are rated high if they provide potential educational opportunities for local schools or parks and recreation programs or research opportunities for the scientific community. This value is dependent on access and distance from schools.

(ii) Aesthetic or Scenic Qualities, or Visual or Noise Buffering Qualities. Rating aesthetic or scenic quality is based on visual characteristics. Buffering qualities refer to the site's ability to serve as a buffer to unattractive or noisy areas such as the interstate freeways.

(iii) Opportunity for Passive Recreation. Rating for recreational opportunity is based on a combination of the availability of public access, environmental value, aesthetic and/or scenic value, and low probability for recreational uses that will adversely affect environmental, aesthetic or scenic values.

(f) Meets the definition of a riparian corridor in OAR-660-090-(5) and any other criteria in subsections (3)(a-e) and (3)(g).

(g) In addition to (a)-(f) above, a final decision to determine whether a resource site is significant or not significant shall consider information about the resource site from all available sources, including but not limited to property owners and interested citizens, and may use factors not listed in criteria (a)-(f) above provided that it is shown the factor(s) address the issue of whether or not the site is significant.

[Added by Ord. 979-97, Sec. 31, passed July 14, 1997.]

## Tualatin Development Code

### Section 72.013 Significant Natural Resources.

The following natural resource sites identified in the City of Tualatin Natural Resource Inven

tory and Local Wetlands Inventory (December, 1995) are Significant Natural Resources:

Unit #	Resource #	Assessors Map and Tax Lot
		(Unit C: Cummins Creek; H: Hedges Creek; N: Nyberg Creek; S: Saum Creek; SD: Seeley Ditch; T: Tualatin River.)
C1	F25	2S121A002100 2S121DA00300 2S121DA00400 2S122C000801
C1	W37	2S121D000100 2S121D000203 2S121D000301 2S121D000500 2S121D000600 2S121DA00300 2S121DA00400 2S122B000800 2S122C000603 2S122C000801
C1	W38	2S121A002100 2S121A002600
H	W25	2S127D000106 2S127D001500 2S127D001500 BNRR
H	W28	2S126CC06000
H	W36	2S1220000400 2S1220000500 2S1220000600 2S1220000800 2S122B000800 2S122C000300 2S122C000502 2S122C000503 2S122C000603 2S122C001800 2S122C001900 2S122C002200 2S122C002300
H	W47	2S135B000803 2S135BA00300 2S135BA00400 2S135BA00500 2S135BD00200 2S135BD01500 2S135BD05000
H1	W22	2S124B001300 2S124BC00100 2S124BC00300 2S124BC00500 2S124BC01100 2S124BC01200 2S124BC01300 2S124BC01301 2S124BC01400
H2	F21	2S1230000100 2S123AA00800
H2	F22	2S123CA00300 2S123CB00102
H2	F23	2S122D000301 2S122DA00100 2S122DA00200 2S122DA00300 2S122DA00500 2S122DA00600
H2	W23	Wetlands Protection District
H2	W48	2S123A00600
H3	F24	2S122D000500
H3	W35	2S116C002600 2S1220000700 2S122C000103 2S122C002100 2S122D000500
H4	W34	2S122C000105 2S122C001500 2S122C001502 2S127B000100 2S127B000102 2S127B000300 2S127B000500 2S127B000600 2S127B000700 2S127B000701
H5	F26	2S127A000100 2S127A000105 2S127A000200 2S127A000300 2S127A000300 2S127A000302 2S127A000303 2S127A000400 2S127D001500
H5	W24	2S127A000105 2S127A000300 2S127A000302 2S127B000800
H6	F27	2S127D000400 2S127D001300 2S127D001400 2S127D001500
H6	W26	2S127D001400 2S127D001500
H7	F28	2S127D000400 2S127D001300 2S127D001400 2S127D001500
H7	W27	2S126CA13800 2S126CB14000 2S126CC00102 2S126CC06100 2S127D001101 2S127D001201
H8	F31	2S126CD13200

# Tualatin Development Code

72.013

Unit #	Resource #	Assessors Map and Tax Lot
		(Unit C: Cummins Creek; H: Hedges Creek; N: Nyberg Creek; S: Saum Creek; SD: Seeley Ditch; T: Tualatin River.)
H8	W29	2S126CD13200 2S126CD13300 2S126CD13400 2S126CD13500
H9	F32	2S127B000502 2S127C000100 2S127C000200 2S127D000200 2S127D000300 2S127D000301 2S134A001001 2S134A001100 2S134A001501 2S134A001600 2S134A001700 2S134A001701 2S134A002000 2S134A002002 2S134A002100 2S134AA01900 2S134AA02200 2S134AA02300 2S134AA02400
H9	F33	2S134A001500 2S134A001501 2S134A002001 2S134A002100
H9	M2	2S134A002100
H9	W32	2S127D000200 2S127D000300 2S134A002000 2S127D000301 2S134A001500 2S134A001501 2S134A002001 2S134A002100 2S134B000600 RR RR
N	F4	2S126DB00100
N	W5	2S123DA00100 2S124CB02200 2S124CB02601 2S124CB03100 2S124CB03200
N1	F1	21E19C 00900 21E19C 01200 21E19C 01400
N1	W1	21E19C 00200
N1	W2	21E19C 00700 21E19C 00900 21E19C 01200
N2	F2	2S124DB00102 2S124DC00200 2S124DC00300
N2	W3	2S124DA00100 2S124DA00500 2S124DA00600 2S124DA00900 2S124DA01000 2S124DB00102
N3	F3	2S124CA00100 2S124CA00300 2S124CD00100
N3	W4	21E19C 00900 2S124CA00100 2S124CA00300 2S124DA00100 2S124DA00400 2S124DA00900 2S124DB00102
S	F9	Interstate 5 Hwy. ROW
S1	F13	21E20CB02700
S1	W7	21E19DD12700 21E19DA10000 21E19DD12700 21E20CB02500 21E20CB02700
S1	W8	21E30A 00990 21E30A 01000 21E30A 01090 21E30A 01190
S2	F5	21E30A 01300 21E30A 01600 21E30A 01700 21E30B 00100 21E30B 00200 21E30B 00600
S2	W9	21E30A 01300 21E30A 01400 21E30A 01600 21E30A 01700 21E30A 01800 21E30B 00100 21E30B 00200 21E30B 00600 21E30B 00700 2S125AA05200
S3	W10	2S125AA05100 2S125AA05200 2S125AC00100 2S125AC03000
S4	F39	2S125CB05800 2S125CB06400 2S125CB06500 2S125CB10000 2S125CB10100 2S125CC02400 2S125CC06400 2S126DD01100
SD1	F35	2S135B000900 2S135B002500 2S135BC01000 2S135BC01100 2S135BC01200 2S135BC01300 2S135BC01400 2S135BC01500 2S135BC01600 2S135BC01700 2S135BC01800 2S135BC01900 2S135BC02000 2S135BC02100 2S135BC02200 2S135BC02300
SD1	F36	2S135B002500 2S135B002600
SD1	W31	2S135B002500 2S135BC02100

## Tualatin Development Code

Unit #	Resource #	Assessors Map and Tax Lot
		(Unit C: Cummins Creek; H: Hedges Creek; N: Nyberg Creek; S: Saum Creek; SD: Seeley Ditch; T: Tualatin River.)
T1	F14	21E19DA10100 21E19DA10400
T1	F15	21E19 00900 21E19 01000 21E19C 00200 21E19DA10400
T1	M1	21E19DA10100 21E19DA10400
T1	W13	21E19C 00200
T1	W14	21E19C 00200
T1	W50	21E19DA10100
T1-T7	F43	21E19 00900 21E19 01000 21E19C 00200 21E19C 00300 21E19DA10100 21E19DA10400 21E19DA10500 21E20CB02400 21E20CB02401 21E20CB02402 2S114BC01700 2S114BC01800 2S114BC01900 2S114BC02000 2S114BC02100 2S114BC02200 2S114BD04400 2S114CA00300 2S114CA00301 2S114D000200 2S114D000300 2S115AD01100 2S115AD01200 2S115AD01300 2S115AD01400 2S115AD01500 2S115AD01600 2S115AD01700 2S115AD01800 2S115C001400 2S115C001401 2S115C001500 2S115C001501 2S115C001800 2S115C002202 2S115C002300 2S115D001402 2S115D001403 2S115D001404 2S115D001500 2S115D001600 2S115D001700 2S115DA00100 2S115DA00300 2S115DA00800 2S115DA00900 2S115DA01100 2S116C002600 2S116D001400 2S121A000101 2S121A000102 2S121A000200 2S121A000300 2S121A000400 2S121A000401 2S121A000500 2S121AB00500 2S121AB13700 2S124A002601 2S124A002700 2S124A002700 2S124A002900 2S124B001006 2S124B001007 2S124B001100 2S124B001300 2S124B001500 2S124BC00100 2S124BC01400
T2	F16	2S124A002503 2S124A002601 2S124A002700 2S124A002800 2S124A002900
T2	W15	2S124A002503 2S124A002700 2S124A002800
T2	W16	2S124A002700
T3	F17	2S124A002700
T4	F18	2S124B001100
T5	W17	2S114D000300 2S123AA00100 2S123AA00200
T5	W18	2S114D000200
T5	W52	2S114D000200
T6	F19	2S115AD01100 2S115AD01200 2S115AD01300 2S115DA00800 2S115DA00900
T6	F29	2S114BD04400 2S114CA00300 2S114CA00301
T6	W19	2S114CA00200 2S114CA00201 2S114CA00300
T6	W21	2S114BC01900 2S114CB00700 2S114CB00800 2S114CB01000 2S115AD01100 2S115AD01200 2S115AD01300 2S115AD01400 2S115AD01500 2S115AD01600 2S115AD01700 2S115AD01800 2S115D001404 2S115D001405 2S115DA00100 2S115DA00200

Unit #	Resource #	Assessors Map and Tax Lot
		(Unit C: Cummins Creek; H: Hedges Creek; N: Nyberg Creek; S: Saum Creek; SD: Seeley Ditch; T: Tualatin River.)
		2S115DA00300 2S115DA00400 2S115DA00500 2S115DA00600 2S115DA00700 2S115DA00800 2S115DA00900 2S115DA01100
T7	F42	2S116C002600 2S121AB13700
T7	W51	2S116C002600

[Added by Ord. 979-97, Sec. 32, passed July 14, 1997.]

**Section 72.020 Location of Greenways and Natural Areas.**

(1) The designated significant natural resources are the Greenways and Natural Areas on Map 72-1, which shows the general location of the NRPO District. The general locations of Other [n] Natural Areas are shown on the Recreation Resources Map (Figure 3-4) of the Parks and Recreation Master Plan.

(2) Lands in the Wetland Protection District (WPD) are subject to Chapter 71, and other applicable regulations, but not Chapter 72. [Amended

by Ord. 635-84, Sec. 31, passed June 11, 1984; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 33, passed July 14, 1997.]

**Section 72.030 Greenways.**

(1) Greenways can exhibit diverse characteristics. Those along the Tualatin River and Hedges, Nyberg and Saum Creeks can be natural in some sections and have pedestrian and bike paths in other sections. Greenways in built-up areas such as in subdivisions are typically landscaped with lawn and often include concrete pedestrian/bike paths.

(2) Riverbank Greenway (NRPO-GR).

(a) Except as provided in Subsection (b), the NRPO District along the south bank of the Tualatin River, beginning at the City's western Urban Growth Boundary (UGB) and extending to the City's eastern UGB, and along the north bank of the Tualatin River from the northwest corner of Tax Lot 1007 to the southeast corner of Tax Lot 1006, Washington County Tax Map 2S1 24B, shall have a width as measured from a line 40 feet inland from the top of the bank extending to the middle of the river. The top of the bank shall be where the landform called "the

bank" changes from a generally upslope feature to a generally flat feature. The NRPO District shall automatically apply to property annexed to the City, except as provided for in Appendix G to the Parks and Recreation Master Plan.

(b) For the area 300 feet east and west of the I-5 right-of-way as shown on Map 72-1, the NRPO District on the south bank of the Tualatin River shall have a width as measured from a line 75 feet inland from the top of the bank extending to the middle of the river.

(3) Creek Greenways (NRPO-GC).

(a) Except as provided in Subsections (b-d), the NRPO-GC District shall have a width of 50 feet centered on the centerline of Hedges Creek from SW Ibach Street to the western boundary of the Wetlands Protection District and from the eastern boundary of the Wetlands Protection District to the Tualatin River, and centered on Nyberg Creek from SW Tonka Street to the Tualatin River.

(b) The NRPO-GC District shall have a width of 30 feet centered on the centerline of Nyberg Creek from SW Boones Ferry Road to SW Tonka Street.

(c) Property owners on opposite sides of a creek may enter into a written agreement to allow the NRPO-GC District to be off-center, but in no case shall it be less than 15 feet on one side of the creek. Such agreement shall be binding on property owners, their heirs and assigns; shall be approved by City Council and shall be placed on permanent file with the City Recorder.

(d) The NRPO-GC District shall have a width of 50 feet extending out from the top of the stream bank or from the upland edge of wet-

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lands within the stream riparian area on the following creek sections:

(i) Hedges Creek from SW 105th Avenue downstream to the private driveway culvert at the upper end of the fire pond at Tri-County Industrial Park,

(ii) Hedges Creek from the fire pond dam's outlet at Tri-County Industrial Park downstream to SW Tualatin-Sherwood Road, and

(iii) Saum Creek beginning east of I-5, just north of I-205 extending downstream to the Tualatin River, except:

(A) a width of 25 feet extending out from the upland edge of wetlands in the stream riparian area for the severely constrained properties shown on Map 72-1, and

(B) to the upland edge of the wetland in the stream riparian area adjacent to existing developed residential properties west of Atfalati Park shown on Map 72-1.

(4) Other Greenways (NRPO-OG). The greenways listed below are not within a river-bank or creek greenway. These areas are primarily drainage corridors for neighboring residential zones. The location and size of these greenways are shown on Map 72-1.

- (a) Chieftain/Dakota Greenway,
- (b) Indian Meadows Greenway,
- (c) Hi-West Estates Greenway,
- (d) Shaniko Greenway,
- (e) Nyberg Creek Greenway (south).

[Amended by Ord. 721-87, Sec.1, passed May 26, 1987; Ord. 933-94, Sec. 32, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; repealed and added by Ord. 979-97, Sec. 34, passed July 14, 1997.]

### Section 72.040 Natural Areas.

(1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.

(2) Wetland Natural Areas.

(a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.

(b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.

(c) For uses not permitted in TDC 72.060(3), excavation, fill or removal in a NRPO-WCNA is allowed subject to the Oregon Division of State Lands (DSL) requirements and the following standards:

(i) The wetland acreage affected by the excavation, fill or removal shall not exceed 30% of the subject property's delineated wetland acreage. The wetland acreage affected shall include excavation, fill or removal activities conducted since March 1, 1996.

(ii) The excavation, fill or removal shall not reduce or block water features such as springs, drainage courses and streams.

(iii) The wetland's functions and values listed in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) shall be retained or improved through mitigation and/or enhancement. The wetland's functions and values may be assessed using the Oregon Freshwater Wetland Assessment Methodology (DSL, 1996, as amended).

(iv) Mitigation shall be conducted either on the subject property or within the same stream watershed as the subject wetland unless the applicant demonstrates the impracticality of doing so.

(3) Open Space Natural Areas.

(a) Open Space Natural Areas (NRPO-OSNA) are shown on Map 72-1. They include upland forests, upland forests associated with slopes or streams, upland meadows, upland meadows associated with slopes or streams, the geologic features of the Tonquin Scablands, areas with slopes greater than 25%, areas within 50 feet of a delineated wetland and areas within 50 feet of a stream top of bank.

(b) The top of bank for the Tualatin River is as stated in TDC 72.030 and for all other

streams is the bankfull stage. Slope is the vertical elevation divided by the horizontal distance of vertical change and is measured for a horizontal distance of 100 feet.

(c) Land use and permit applications shall show the NRPO-OSNA Boundary and shall include information on wetland delineations, location of streams, top of bank, topography and a vegetation inventory. [Amended by Ord. 635-84, Sec. 32, passed June 11, 1984; Ord. 673-85, Sec. 1, passed Aug. 12, 1985; Ord. 721-87, Sec. 2, passed May 26, 1987; Ord. 933-94, Sec. 33, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; incorporated into Sec. 72.030 by Ord. 979-97, Sec. 35, passed July 14, 1997; added by Ord. 979-97, Sec. 35, passed July 14, 1997.]

**Section 72.050** [Amended by Ord. 635-84, Sec. 33, passed June 11, 1984; Ord. 947-95, Sec. 5, passed July 24, 1997; incorporated into Sec. 72.030 by Ord. 979-97, Sec. 34, passed July 14, 1997.]

**Section 72.055 Other Natural Areas.**

(1) Other Natural Areas are not shown on Map 72-1. They are shown in the Parks and Recreation Master Plan (pp. 7, 65 and 70). They are natural resources not designated as NRPO Greenways or Natural Areas.

(2) Other Natural Areas may be voluntarily conserved or preserved using measures such as land dedication, granting conservation easements and acquisition programs. [Amended by Ord. 635-84, Sec. 33, passed June 11, 1984; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 36, passed July 14, 1997.]

**Section 72.056 Vegetated Corridors of Sensitive Areas.**

Lands subject to these regulations are also subject to the regulations in the Unified Sewage Agency's Design and Construction Standards.

[Amended by Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 37, passed July 14, 1997; Ord. 1070-01 §10, passed Apr. 9, 2001.] (Ord. 1070-01, Amended, 04/09/2001)

**Section 72.060 Development Restrictions in Greenways and Natural Areas.**

(1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious sur-

face, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.

(2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:

(a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.

(b) Public streets, including bridges, when part of a City approved transportation plan, and public utility facilities, when part of a City approved plan and provided appropriate restoration is completed.

(c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.

(d) Except in Creek Greenways and Wetland Natural Areas, outdoor seating for a restaurant within the Central Urban Renewal District, but outside of any sensitive area or its vegetated corridor.

(e) Public parks and recreational facilities including, but not limited to, boat ramps, benches, interpretive stations, trash receptacles and directional signage, when part of a City-approved Greenway or Natural Area enhancement plan.

(f) Landscaping, when part of a landscape plan approved through the Architectural Review process. City initiated landscape projects are exempt from the Architectural Review process. Landscaping in Greenways and Natural Areas shall comply with the approved Plant List in the Parks and Recreation Master Plan. When appropriate, technical advice shall be obtained from the Oregon Department of Fish and Wildlife, U.S. Soil Conservation Service, or similar agency, to ensure the proposed landscaping will enhance the preservation of any existing fish or wildlife habitats in the vicinity.

(g) Wildlife protection and enhancement, including the removal of non-native vegetation and replacement with native plant species.

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(h) Except in Wetland Natural Areas, public boating facilities, irrigation pumps, water-related and water-dependent uses including the removal of vegetation necessary for the development of water-related and water-dependent uses, and replacement of existing structures with structures in the same location that do not disturb additional riparian surface.

(i) In Wetland Natural Areas, perimeter mowing and other cutting necessary for hazard prevention.

(3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:

(a) Use of Greenways and Natural Areas for storm drainage purposes;

(b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;

(c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.

(4) Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required.

(5) The Parks and Recreation Director shall be included as a commentor when a development application proposes dedication of Greenway or Natural Area property to the City or when development is proposed on Greenway or Natural Areas property maintained by the Parks and Recreation Department. [Amended by Ord. 673-85, Sec.

2, passed Aug. 12, 1985; Ord. 933-94, Sec. 34, passed Nov. 28, 1994; Ord 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 38, passed July 14, 1997.]

### **Section 72.065 Hardship Created, Map Error, Property Not Buildable.**

(1) Applications for variances due to a hardship resulting from the requirements of Chapter 72 shall be processed in accordance with the provisions of Chapter 33. For variance applications alleging the requirements of Chapter 72 have rendered a property not buildable, the applicant has the burden of proof to show the property is not buildable and to specify which Chapter 72 requirements are proposed to be reduced or removed to render the property buildable.

(2) Claims of a location error in a Greenway or Natural Area Boundary on Map 72-1 shall be considered as part of an application for a subdivision, partition, lot line adjustment, architectural review or variance. Claims that an existing Greenway or Natural Area Boundary should be deleted, or added, on Map 72-1 shall be considered through the Plan Amendment process. Claims of map errors shall be supported by adequate inventory information and analysis to justify the claim and meet the land use application approval criteria. Claims of map error for wetland boundaries shall be verified by the Oregon Division of State Lands. [Added by Ord. 979-97, Sec. 39, passed

July 14, 1997.]

### **Section 72.070 General Guidelines for Pedestrian and Bike Paths in Greenways.**

To construct bike and pedestrian paths in greenways, the developer of the path shall adhere to the following guidelines, wherever practicable:

(1) Incorporate trails into the surrounding topography.

(2) Provide viewing opportunities for special vistas, wetlands, and unique natural features.

(3) Protect existing vegetation to the greatest extent possible. In wooded areas meander paths through the woods to avoid significant trees. An arborist should be consulted to determine methods for minimizing impact of construction of paths near trees greater than 5 inch caliper as measured 4 feet above-grade.



(4) Replant trees in the vicinity where they were removed. Use native species as outlined in the approved plant list incorporated in the Parks and Recreation Master Plan.

(5) Minimize impact on wetland environments. Build paths above wetlands wherever possible. Use boardwalks, bridges or other elevated structures when passing through a wetland. Direct trails away from sensitive habitat areas such as nesting or breeding grounds.

(6) Provide interpretive opportunities along the trail. Use interpretive signage and displays to describe plant and animal species, nesting areas, wildlife food sources, and geologic, cultural and historic features.

(7) Provide amenities along the trail. Place benches, picnic tables, trash receptacles and interpretive signage where appropriate.

(8) Where paths are placed in utility corridors, path design should be coordinated with the City's Engineering and Building Department and Operations Department to allow utility maintenance.

(9) Mitigate surface water drainage near wetlands and streams. Where hard surface trails occur adjacent to wetlands or creeks, provide, when appropriate, an open water system through swales, trench percolation, or on-site detention ponds to prevent erosion and negative impacts.

(10) Incorporate signage. Place properly scaled and sited regulatory and guide signs to instruct users on accessibility, local conditions, safety concerns and mileage information. [Amended by Ord. 635-84, Sec. 35, passed June 11, 1984 and Ord. 933-94, Sec. 35, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995.]

**72.080 Shift of Density for Residential Development Adjacent to Greenways or Natural Areas.**

(1) When a parcel of land located in a multi-family residential planning district is also located partially within the NRPO District, an Other Natural Area identified on Map 3-4, Parks and Recreation Master Plan, or a vegetated corridor located within or adjacent to the NRPO District and when that portion is dedicated to the City, the remainder of the parcel may be permitted to be developed to the same residential den-

sity as would be permitted by the applicable multi-family residential planning district standards if none of the parcel were in the NRPO District, Other Natural Area or vegetated corridor.

(2) When a parcel of land located in the Residential Low Density (RL) Planning District is also located partially within the NRPO District, an Other Natural Area or vegetated corridor located within or adjacent to the NRPO District, and when that portion is dedicated to the City, the lot size standards may be reduced under the provisions of TDC 40.055. [Amended by Ord. 979-97, Sec. 40, passed July 14, 1997.]

**Section 72.080 Shift of Density for Residential Development Adjacent to Greenways or Natural Areas**

(1) A shift of density may be allowed in accordance with TDC 41.150 (RML District), 42.150 (RMH District), 43.180 (RH District) and 44.160 (RH/HR District).

(2) Small lots may be allowed in subdivisions and partitions in accordance with TDC 40.055 (RL District). [Amended by Ord. 979-97, Sec. 40, passed July 14, 1997.] (Ord. 1136-03, Amended, 04/28/2003)

**Section 72.085 Landscaping Credit Within Commercial and Industrial Planning Districts Adjacent to Greenways and Natural Areas.**

(1) When a property owner in a Commercial or Industrial Planning District dedicates to the City a portion of the NRPO District, an Other Natural Area or vegetated corridor located within or adjacent to the NRPO District in accordance with a City-approved landscape plan, a Greenway and Natural Area Landscaping Credit shall be applied toward a portion of the site's percentage landscaping requirement.

(2) The amount of the Greenway and Natural Area Landscaping Credit shall be as provided in Chapter 73. The applicant must meet all landscaping requirements in this Code to the satisfaction of the Planning Director through the Architectural Review process. [Amended by Ord. 673-85, Sec. 2, passed Aug. 12, 1985; Ord. 933-94, Sec. 37, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 41, passed July 14, 1997.]

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### **Section 72.090 Reduction in Setback Requirements.**

When a property owner in a CO, CR, CO/MR, ML, or MG Planning District dedicates to the City land in the NRPO District or Other Natural Area, a bikeway or pedestrian path facility, or a vegetated corridor located within or adjacent to the NRPO District, the minimum front yard setback may be reduced through the AR process as provided in Chapters 50, 51, 52, 55, 60, and 61. [Amended by Ord. 721-87, Sec. 3, passed May 26, 1987; Ord. 933-94, Sec. 38, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 42, passed July 14, 1997.]

### **Section 72.100 Parks Systems Development Charge (SDC) Credit.**

Ordinance 833-91 establishes a System Development Charge for Parks in residential planning districts. The ordinance contains provisions for credits against the Parks SDC, subject to certain limitations and procedures. Credit may be received up to the full amount of the Parks SDC fee. Dedication of NRPO District Areas, Other Natural Areas or vegetated corridors located within or adjacent to the NRPO District listed in the SDC capital improvement list are eligible for a SDC credit. Dedication and improvement of bicycle and pedestrian paths may also be eligible for a SDC credit. [Amended by Ord. 933-94, Sec. 39, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 43, passed July 14, 1997.]

### **Section 72.110 Easements for Pedestrian and Bicycle Access.**

In any portion of the NRPO District, the City may, through the subdivision, partition, conditional use, architectural review, or other applicable development approval process, require that easements for pedestrian and bicycle access and maintenance uses be granted as a condition of approval when said easements are necessary to achieve the purposes of the Parks and Recreation Master Plan, Greenways Development Plan, or Bikeways Plan. [Amended by Ord. 933-94, Sec. 40, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 44, passed July 14, 1997.]

### **Section 72.120 Wetlands Protection District.**

In cases where land within the NRPO District is also within the Wetlands Protection District, Chapter 71, any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 71. [Amended by Ord. 933-94, Sec. 41, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 45, passed July 14, 1997.]

### **Section 72.130 Floodplain District.**

In cases where land within the NRPO District is also within the Floodplain District, Chapter 70, any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 70. [Amended by Ord. 933-94, Sec. 42, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 46, passed July 14, 1997.]

### **Section 72.140 Dedication of Land for Park Purposes**

Nothing in this chapter shall prohibit the dedication of land within the NRPO District to the public for park or open space purposes when the City Council finds that such dedication would be consistent with the purpose and objectives of the parks and recreation element of the Tualatin Public Facilities Plan. [Amended by Ord. 933-94, Sec. 43, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 24, 1995; Ord. 979-97, Sec. 47, passed July 14, 1997.]

### **Section 72.150 Modifications for Storm Drainage Improvements**

Nothing in this chapter shall prohibit the City or any property owner from altering, enlarging, straightening, piping, or otherwise modifying a creek channel in the NRPO District upon a finding by the City Engineer that such modification is necessary for maintaining the ability of the creek to transmit storm water runoff. [Amended by Ord. 933-94, Sec. 44, passed Nov. 28, 1994; Ord. 947-95, Sec. 5, passed July 5, 1995; Ord. 979-97, Sec. 48, passed July 14, 1997.]

**Chapter 73**  
**Community Design Standards**

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- 73.020 Findings and Objectives for the Architectural Review Process.**

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**Section 73.010 Purpose.**

To provide a process and definable standards to improve the aesthetic quality of the City's physical development.

**Section 73.020 Findings and Objectives for the Architectural Review Process.**

(1) The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping, in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such

areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.

(2) The City Council declares that the purposes and objectives of community design standards are to:

(a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.

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

(c) Promote the City's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.

(d) Encourage site planning and development to incorporate bikeways, pedestrian facilities, greenways, wetlands, and other natural features of the environment and provide incentives for dedication of access easements and property to the public through shift of residential density, system development charge credits, landscaping credits and setback allowances.

(e) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

(f) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.

(g) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.

(h) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and

in community growth, change and improvement.

(i) Sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.

(j) Determine the appropriate yard setbacks, building heights, minimum lot sizes when authorized to do so by City ordinance.

[Amended by Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 864-92, Sec. 11, passed April 13, 1992; Ord. 933-94, Sec. 45, passed Nov. 28, 1994.]

### **ARCHITECTURAL REVIEW BOARD**

#### **Section 73.030 Establishment of the Architectural Review Board.**

(1) There is hereby established an Architectural Review Board whose members, terms, officers and manner of transacting business shall be as prescribed by TDC 73.030 to 73.037.

(2) The Architectural Review Board shall be responsible for reviewing and commenting upon applications which may be directed to it through the development process in accordance with TDC 31.073(4) and requests for review of planning staff decisions concerning architectural features. Additionally, projects for commercial buildings 50,000 square feet and larger, industrial buildings 150,000 square feet and larger, multi-family projects of 100 units or more or for any number of multi-family units adjacent to a Low Density Residential (RL) Planning District shall be reviewed directly by the Architectural Review Board in accordance with TDC 31.077. The City Council may direct the Board to review and comment on other matters that the Council determines are or may be within the Board's areas of expertise. [Amended by Ord. 743-88, Sec. 38,

passed March 28, 1988; Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 864-92, Sec. 12, passed April 13, 1992; Ord. 894-93, Sec. 10, passed May 24, 1993; Ord 1096-02 §36, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

#### **Section 73.031 Qualification of Members**

The Board shall consist of seven regular members and three alternate members as follows: one member of the City Council; one registered professional architect and one alternate member who

shall be a registered professional architect; one registered professional landscape architect and one alternate member who shall be a registered professional landscape architect; one registered professional engineer or registered engineer in training and one alternate member who shall be a registered professional engineer or registered engineer in training; and three lay members. Of the three lay members, at least two shall reside in the City. [Amended by Ord. 637-84, Sec. 1, passed 6/11/84; Ord. 1188-05, passed 5/23/05.]

#### **Section 73.032 Appointment and Term.**

The members of the Board shall be appointed by the Mayor and approved by the City Council. Whenever possible, the Mayor shall appoint individuals who are either property owners, residents, or actively engaged in business or employment in the City. Of the members first appointed, 3 members shall be appointed for terms of 1 year, and 4 members for terms of 2 years. Subsequent appointments shall be for terms of 2 years, or until successors are appointed. Terms of office shall commence on the dates of appointment of the respective members. The term of any alternate member designated in TDC 73.031 shall be the same as the term of the professional member for whom the alternate member is designated.

#### **Section 73.033 Vacancies and Removal.**

Any vacancy shall be filled for the remainder of the unexpired term of the original appointment. The Mayor, with the approval of the City Council, may remove any regular or alternate member of the Board for misconduct or nonperformance. Unexcused absences from 3 consecutive meetings, including regular and special work sessions, or unexcused absences from more than 50 percent of such meetings held during the calendar year, shall constitute nonperformance. An excused absence may be obtained by contacting the Chairman or Secretary of the Board at least 24 hours prior to any scheduled Board meeting. No member of the Board may be excused for more than 3 Board meetings during any calendar year. Misconduct means con-

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viction of a crime or violation of the Code of Ethics, ORS 244,040, or laws concerning conflicts of interest, ORS 244.120. [Amended by Ord. 862-92, Sec. 51, passed March 23, 1992.]

### **Section 73.034 Chairman.**

The City Council member of the Board shall serve as Chairman. [Amended by Ord. 637-84, Sec. 2, passed June 11, 1984.]

### **Section 73.035 Voting.**

Four members shall constitute a quorum for the transaction of business. The Chairman shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one vote. A majority vote of the members shall be required for all Board actions. An alternate member shall have the same voting rights as the professional member for whom the alternate member is designated.

### **Section 73.036 Meetings and Records.**

The Board shall hold two regular meetings each month. However, the regular meetings need not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public. [Amended by Ord. 637-84, Sec. 3, passed June 11, 1984.]

### **Section 73.037 Rules.**

The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code.

### **Section 73.038 Ex Officio Member Under Eighteen (18) Years of Age.**

In addition to the regular members of the Board, the City Council may appoint not more than one ex officio member under the age of eighteen (18) years, who shall serve a one-year term which may be renewed for one additional year. Except as otherwise provided, such ex officio member shall be treated as a board member, i.e., by receiving a copy of the agenda and staff report, and by full participation in the

Board's discussion. Such ex officio member shall not be counted for purposes of establishing a quorum for the conduct of Board business and shall not be permitted to vote on motions or other action taken by regular Board members. The qualification of members of the Board under 73.031 shall not apply to the ex officio member. In addition to other criteria deemed relevant by the Council for appointment or removal, the Council may consider the effect of participation on the Board on such person's academic performance. [Added by Ord. 888-93, Sec. 11, passed March 22, 1993.]

## **ARCHITECTURAL REVIEW APPROVAL**

### **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, as permitted by these standards, no new building, condominium, townhouse, accessory dwelling unit that increases the gross floor area of the single family 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 Planning Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable criteria.

(2) Construction, site development and landscaping shall be carried out in substantial accord with the approved architectural review plan. Review of the proposed architectural review plan and any changes thereto shall be conducted in accordance with Chapter 31. [Amended by Ord. 743-88

§32, passed March 28, 1988; Ord. 844-91 §8, passed Oct. 14, 1991; Ord. 862-91 §51, passed March 23, 1992; Ord. 864-94 §13, passed April 13, 1992; Ord. 904-93 §43, passed Sept. 13, 1993; Ord. 965-96 §81, passed Dec. 9, 1996; Ord. 988-97 §12, passed Dec. 8, 1997; Ord. 979-97 §49, passed July 14, 1997; Ord. 988-97 §12, passed Dec. 8, 1997; Ord. 1025-99 §31, passed July 26, 1999; Ord. 1026-99 §95, passed Aug. 9, 1999.]

### **Section 73.050 Criteria and Standards.**

(1) In exercising or performing his or her powers, duties, or functions, the Planning Director shall determine whether there is compliance with the following:

(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;

(b) The proposed design of the development is compatible with the design of other developments in the general vicinity; and

(c) The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

(2) In making his or her determination of compliance with the above requirements, the Planning Director shall be guided by the objectives and standards set forth in this chapter. If the architectural review plan includes utility facilities or public utility facilities, then the City Engineer shall determine whether those aspects of the proposed plan comply with applicable standards.

(3) In determining compliance with the requirements set forth, the Planning Director shall consider the effect of his or her action on the availability and cost of needed housing. The Planning Director shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Planning Director from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of

housing beyond the minimum necessary to achieve the purposes of this Code. As part of the Architectural Review process, the Planning Director has no authority to reduce dwelling unit densities.

(4) As part of Architectural Review, the property owner may apply for approval to cut trees in addition to those allowed in TDC 34.200. The granting or denial of a tree cutting permit shall be based on the criteria in TDC 34.230.

(5) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73 and other applicable Chapters, conflict or are different, they shall be resolved in accordance with TDC 57.200(2).

[Amended by Ord. 637-84, Sec. 5, passed June 11, 1984; Ord. 725-87, Sec. 2, passed June 22, 1987; Ord. 743-88, Sec. 33, passed March 28, 1988; Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 864-92, Sec. 14, passed April 13, 1992; Ord. 963-96, Sec. 5, passed June 24, 1996; Ord. 1025-99, Sec. 32, passed July 26, 1999; Ord. 1062.00, §22, passed December 11, 2000.] (Ord. 1062-00, Amended, 01/03/2001)

### **Section 73.055 Conditions Placed on Architectural Review Approvals.**

(1) An architectural review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

(a) protect the public from the potentially deleterious effects of the proposal;

(b) fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the proposal;

(c) further the implementation of the requirements of the Tualatin Development Code.

(2) The following types of conditions are specifically contemplated by subsection (1) of this section and the listing below is illustrative only and not a limitation of the authority granted by this section.

(a) Development Schedule--A reasonable time schedule may be placed on construction activities associated with the proposed development, or portion of the development.

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(b) Dedications, Reservation--Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.

(c) Construction and Maintenance Guarantees--Security from the property owners in such an amount that will assure compliance with approval granted.

(d) Plan Modifications--Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.

(e) Off-Site Improvements--Improvements in public utility facilities not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development or if the cost of providing services to others will be increased as a result of the development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be prorated to the proposed development in proportion to the service demand projected to be created or increased by the project. For development on land where the Industrial Business Park Overlay District is applied, conditions of approval may be included to address the impact, or the cumulative impact, of the development generated by the underlying ML or MG District uses and the Overlay District uses, including but not limited to the traffic impacts generated by non-industrial uses. For development on land where the Mixed Use Commercial Overlay District (MUCOD) is applied, conditions of approval may be included to address the impact, or the cumulative impact, of the development generated by the underlying CG District uses and the MUCOD uses, including but not limited to the traffic impacts generated by noncommercial uses.

(f) Other Approvals--Evaluation, inspections or approval by other agencies, jurisdictions,

public utilities, or consultants, may be required for all or any part of the proposed development.

(g) Access Limitation--The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

(h) Public Utility Facilities--Must be constructed in accordance with the City's Public Works Construction Code. [Amended by Ord. 743-88 §24, passed March 28, 1988; Ord. 862-92 §51, passed March 23, 1992; Ord. 933-94 §46, passed Nov. 28, 1994; Ord. 979-97 §50, passed July 14, 1997; Ord. 1040-99 §10, passed Dec. 13, 1999; Ord. 1062.00, §21, passed December 11, 2000.] (Ord. 1062-00, Amended, 01/03/2001)

### Section 73.056 Time Limit on Approval.

Architectural Review approvals shall be void after one year unless:

(1) A building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division; or

(2) An extension is requested by the applicant of the Architectural Review and approved by the Planning Director and City Engineer. Before approving an extension the Planning Director and City Engineer shall find that there have been no significant changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its re-submittal. The following conditions shall also apply:

(a) An extension request shall be submitted prior to the initial one year expiration, and

(b) No more than one 6 month extension shall be granted for a project receiving Architectural Review approval. [Added by Ord. 862-92, Sec. 51, passed March 23, 1992; amended by Ord. 904-93, Sec. 44, passed Sept. 13, 1993.]

### PROCEDURE

Section 73.060 [Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]

Section 73.065 [Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]

Section 73.067 [Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]

Section 73.070 [Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]



Section 73.075	[Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]
Section 73.080	[Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]
Section 73.085	[Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.]
Section 73.090	[Repealed by Ord. 862-92, Sec. 51, passed March 23, 1992.]

## OCCUPANCY

### Section 73.095 Occupancy Requirements.

(1) Except as allowed by Subsection (2), all landscaping and exterior improvements required as part of the Planning Director's, Architectural Review Board's or City Council's approval shall be completed in addition to Fire and Life Safety, and Engineering/Building Department requirements prior to the issuance of any certificate of occupancy.

(2) A temporary certificate of occupancy may be issued by the Building Official prior to the complete installation of all required on-site landscaping, landscaping in the public right-of-way and on-site exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Planning Director, is filed with the City, assuring such installation within a time specified by the Planning Director, but not to exceed 6 months after granting of temporary occupancy. The applicant shall provide a list of uncompleted items along with specific cost estimates of on-site landscaping and on-site exterior improvements, including materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a corporate surety bond issued by a surety company authorized to transact business in the State of Oregon, a cash deposit, an assignment of bank funds, an irrevocable letter of credit, cash in escrow or a certified check; and the form shall meet with the approval of the City Attorney. If installation of the on-site landscaping or other on-site exterior improvements is not completed within the period specified by the Planning Director, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the party posting the security. The final landscape and exterior improvement inspection shall be made by the Planning

Department prior to the return of any securities. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the City. [Amended by Ord. 637-84, Sec. 14, passed June 11, 1984; Ord. 862-92, Sec. 51, passed March 23, 1992.]

## LANDSCAPE AND BUILDING MAINTENANCE

### Section 73.100 Landscaping Installation and Maintenance.

(1) All landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review Process, unless subsequently altered with Planning Director approval.

(2) All building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Planning Director approval. [Added by Ord. 862-92, Sec. 51, passed March 23, 1992; amended by Ord. 904-93, Sec. 45, passed Sept. 13, 1993.]

## DESIGN STANDARDS

### Section 73.110 Site Planning - Multi-family Uses.

Purpose. The purpose of multi-family, including townhouse, site planning design objectives and standards is to implement the purposes and objectives of TDC 73.020(2) by focusing on the placement, design and relationship of proposed site elements such as buildings, vehicular parking and circulation areas, bikeways and bike parking areas, outdoor shared areas, private areas, walkways, accessways, buffer areas and landscaping. Except as otherwise provided in this Code, multi-family site planning objectives and standards shall apply to all residential and mixed use residential developments within the Central Design District. [Added by Ord. 862-92, Sec. 51, passed March 23, 1992; amended by

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Ord. 882-92, Sec. 12, passed Dec. 14, 1992 and Ord. 895-93, Sec. 3, passed May 24, 1993; Ord. 1025-99 §33, passed July 26, 1999.]

## Section 73.120 Objectives.

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 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. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. Site elements shall be placed and designed, to the maximum extent practicable, to:

(1) Retain and incorporate existing trees and other significant natural features such as drainage-ways and wetlands.

(2) Minimize soil removal from the site and grade changes.

(3) Minimize the effects of noise and dust pollution on areas surrounding and within the site.

(4) Create areas for recreation which are suitable for passive and active uses.

(5) Provide the opportunity for residents to watch over shared outdoor areas, entry areas and vehicular parking areas through placement and orientation of kitchen or living room windows, or both.

(6) Provide protection from adverse climate conditions such as summer overheating and winter storms. Architectural and landscape elements such as porches, trellises, awnings, trees and shrubs are examples of items which may mitigate these impacts.

(7) Parking lot location and design should minimize distances between resident vehicular parking and entry areas while providing a suitable transition in materials and scale between vehicular areas and living areas.

(8) Protect parked vehicles from moving vehicles.

(9) Select and locate plant materials to appropriately articulate space, frame views and vistas, provide seasonal variety, create usable

ground surfaces, discourage intrusion into private outdoor areas, and curtail erosion.

(10) Provide shade and break up the appearance of large expanses of paved areas.

(11) Screen vehicular headlights from shining into residential units.

(12) Screen elements such as mechanical and electrical facilities from view.

(13) Avoid barriers to disabled individuals.

(14) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.

(15) Provide, protect and maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.

(16) Provide safe and convenient walkways for pedestrians to move from parking areas to building entrances.

(17) Provide and maintain a circulation system of safe and convenient walkways and bikeways that link buildings on the site with adjacent public streets and accessways.

(18) Provide direct and convenient accessways between the development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and a bike lane is provided or designated; and abutting residential, commercial and semi-public property. Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway and which provides continuity from property to property for pedestrians and bicyclists to use the accessway. [Added by Ord.

862-92, Sec. 51, passed March 23, 1992; amended by Ord. 895-93, Secs. 4, 5 passed May 24, 1993; Ord. 898-93, Sec. 3, passed June 14, 1993; Ord. 979-97, Sec. 51, passed July 14, 1997; Ord. 1025-99, Sec. 34, passed July 26, 1999.] (Ord. 1097-02, Amended, 02/11/2002)

## Section 73.130 Standards.

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas

(a) Except within the Central Design District, a separate outdoor area of not less than 80 square feet shall be attached to each ground level

dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District such outdoor areas may be less than 48 square feet.

#### (2) Entry Areas

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following minimum area requirements:

(i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).

(ii) Four dwelling units for two-story buildings (96 square feet).

(iii) Six dwelling units for three-story buildings (144 square feet).

(iv) Unlimited for four-story and greater and for buildings with dwelling unit entries from interior corridors.

(b) Within the Central Design District, a private main entry area need not meet the minimum square footage requirements in TDC 73.130(2)(a).

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

#### (3) Shared Outdoor Areas and Children's Play Areas

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive

recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

(b) The shared outdoor and children's play areas shall be located and de-signed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the kitchen, living room, dining room or other activity room (bedrooms or bathrooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

(iv) Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(v) Provides both sunny and shady spots; and

(vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).

(c) These standards shall not apply to townhouses or within the Central Design District.

#### (4) Safety and Security.

(a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.

(b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.

(c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location,

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orientation and brightness without being obtrusive (i.e., shining into residential units).

(d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

### (5) Service, Delivery and Screening

(a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.

(b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.

(c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

### (6) Accessways

(a) Accessways shall be constructed, owned and maintained by the property owner.

(b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:

(i) adjoining publicly-owned land intended for public use, including schools, parks, or bikelanes. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;

(ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;

(iii) adjoining undeveloped residential or commercial property; and

(iv) adjoining developed sites where an accessway is planned or provided.

(c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter

into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

(d) Accessways for multi-family development shall:

(i) be a paved surface that is a minimum of 8 feet in width;

(ii) be constructed of Portland Cement Concrete;

(iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and

(iv) have curb ramps wherever the accessway crosses a curb.

(e) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

### (7) Walkways

(a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and paved with asphalt, concrete or a suitable all-weather surface material.

(b) Curb ramps shall be provided wherever a walkway crosses a curb.

(8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.

[Amended by Ord. 725-87, Sec. 4, passed June 22, 1987; Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 882-92, Sec. 13, passed Dec. 14, 1992; Ord. 895-93, Sec. 6, passed May 24, 1993; Ord. 898-93, Sec. 4, passed June 14, 1993; Ord. 904-93, Sec. 46, passed Sept. 13, 1993; Ord. 947-95, Sec. 6, passed July 24, 1995; Ord. 1008-98, Sec. 1-5, passed July 13, 1998; Ord. 1025-99, Sec 35, passed July 26, 1999.]

### **Section 73.140 Site Planning - Commercial, Industrial, Public and Semi-Public Uses.**

#### Purpose.

The purpose of commercial, industrial, public and semi-public site planning design objectives is to implement the purposes and objectives of TDC 73.020(2) by focusing on the placement, design and relationship of proposed site elements such as buildings, vehicular parking and circulation areas, bikeways and bike parking, accessways, walkways, buffer areas and landscaping. [Amended by Ord. 862-

92, Sec. 51, passed March 23, 1992; Ord. 895-93, Sec. 7, passed May 24, 1993.]

### **Section 73.150 Objectives.**

All commercial, industrial, public and semi-public projects 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. Site elements shall be placed and designed, to the maximum extent practicable, to:

(1) Provide convenient walkways and crosswalks which separate pedestrians from vehicles and link primary building entries to parking areas, other on-site buildings and the public right-of-way.

(2) Avoid barriers to disabled individuals.

(3) Locate and design drive-through facilities in a manner which does not conflict with pedestrian routes or other vehicular circulation and minimizes adverse impacts on adjacent properties.

(4) Break up parking areas with landscaping (trees, shrubs and walkways) and buildings to lessen the overall impact of large paved areas.

(5) Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage.

(6) Provide vehicular connections to adjoining sites.

(7) Emphasize entry drives into commercial complexes and industrial park developments with special design features, such as landscaped medians, water features and sculptures.

(8) Locate, within parking lots, pedestrian amenities and/or landscaping in areas which are not used for vehicle maneuvering and parking.

(9) Encourage outdoor seating areas which provide shade during summer and sun during winter, trash receptacles and other features for pedestrian use. Plantings with a variety of textures and color are encouraged.

(10) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.

(11) Provide, protect and/or maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.

(12) Provide safe pathways for pedestrians to move from parking areas to building entrances.

(13) Design the location of buildings and the orientation of building entrances for commercial, public and semi-public uses such as churches, schools and hospitals to provide adequate pedestrian circulation between buildings and to provide preferential access for pedestrians to existing or planned transit stops and transit stations.

(14) Provide accessways between commercial, public and semi-public development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and/or a bike lane is provided or designated; and abutting residential, commercial and semi-public property.

(15) Provide accessways between industrial development and abutting greenways where a bikeway or pedestrian path is provided or designated.

(16) Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway, and provide continuity from property to property for pedestrians and bicyclists to use the accessway.

(17) Provide preferential parking for carpool and vanpools to encourage employees to participate in carpools and vanpools.

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(18) Screen elements such as mechanical and electrical equipment, above ground sewer or water pump stations, pressure reading stations and water reservoirs from view.

(19) Parking structure exteriors and underground parking should be designed to be harmonious with surrounding buildings and architecturally compatible with the treatment of buildings they serve. [Amended by Ord. 635-84, Sec. 36, passed June 11, 1984; Ord. 649-84, Sec. 7, passed Nov. 26, 1984; Ord. 661-85, Sec. 10, passed March 25, 1985; Ord. 827-91, Secs. 6 and 7, passed March 25, 1991; Ord. 849-91, Secs. 38 and 39, passed Nov. 25, 1991; Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 895-93, Sec. 8, passed May 24, 1993; Ord. 904-93, Sec. 47, passed Sept. 13, 1993; Ord. 920-94, Sec. 17, passed April 11, 1994; Ord. 965-96, Sec. 82, passed Dec. 9, 1996; Ord. 979-97, Sec. 52, passed July 14, 1997.] (Ord. 1097-02, Amended, 02/11/2002)

### Section 73.160 Standards.

The following standards are minimum requirements for commercial, industrial, public and semi-public development, and it is expected that development proposals shall meet or exceed these minimum requirements.

#### (1) Pedestrian and Bicycle Circulation:

(a) For commercial, public and semi-public uses:

(i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be constructed to meet the requirements for sidewalks in the Public Works Construction Code;

(ii) walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be paved with asphalt or concrete;

(iii) walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas;

(iv) accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are

provided or designated; abutting undeveloped residential or commercial areas; adjacent undeveloped sites where an agreement to provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools;

(v) fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.

(vi) bikeways shall be provided which link building entrances and bike facilities on the site with the adjoining public right-of-way and accessways.

(vii) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

#### (b) For Industrial Uses:

(i) a concrete or asphalt paved pedestrian walkway shall be provided from the main building entrance to sidewalks in the public right-of-way and other on-site buildings and accessways. The walkway shall be a minimum of 5 feet in width.

(ii) walkways through parking areas, drive aisles and loading areas shall have a different appearance than the adjacent paved vehicular areas.

(iii) accessways shall be provided as a connection between the development's walkway and bikeway circulation system and an adjacent bike lane;

(iv) accessways may be gated for security purposes;

(v) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb.

(d) Accessways shall be constructed of Portland Concrete Cement and be paved a minimum of 8 feet wide.

(e) Accessways to undeveloped parcels or undeveloped transit facilities need not be con-

structed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to an undeveloped parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

(f) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection to a bike or pedestrian path, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland.

(g) Accessways shall be constructed, owned and maintained by the property owner.

#### (2) Drive-up Uses

(a) Drive-up uses shall provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

(i) Banks--each lane shall provide a minimum capacity for five automobiles.

(ii) Restaurants--each lane shall provide a minimum capacity for eight automobiles.

(iii) Other Drive-Up Uses--each lane shall provide a minimum capacity for two to eight automobiles, as determined through the architectural review process.

(iv) For purposes of this Section, an automobile shall be considered no less than twenty feet in length. The width and turning radius of drive-up aisles shall be approved through the architectural review process.

(b) Parking maneuvers shall not occur in the stacking area. The stacking area shall not interfere with safe and efficient access to other parking areas on the property.

(c) Locate drive-up aisles and windows a minimum of 50 feet from residential planning districts to avoid adverse impacts. A wall or other visual or acoustic may be required through the architectural review process.

#### (3) Safety and Security

(a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.

(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.

(c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way.

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services.

(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.

(f) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations shall provide a minimum 6' tall security fence or wall.

#### (4) Service, Delivery and Screening

(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations shall be screened with sight-obscuring fences or walls and landscaping.

(5) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC, Chapter 73 does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly

recommended all materials submitted for Architectural Review show compliance with the OSSC.

(6) (a) All industrial, institutional, retail and office development on a transit street designated in TDC Chapter 11 (Figure 11-6) shall provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.

(b) In addition to (a) above, new retail, office and institutional uses abutting major transit stops as designated in TDC Chapter 11 (Figure 11-6) shall:

(i) locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;

(ii) provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;

(iii) provide a transit passenger landing pad accessible to disabled persons;

(iv) provide an easement or dedication for a passenger shelter as determined by the City; and

(v) provide lighting at the major transit stop. [Added by Ord. 862-92, Sec. 51, passed March 23, 1992; amended by Ord. 895-93, Sec. 9, passed May 24, 1993; Ord. 898-93, Sec. 5, passed June 14, 1993; Ord. 904-93, Secs. 48, 49 and 50, passed Sept. 13, 1993; Ord. 947-95, Secs. 8, 9, 10 and 11, passed July 24, 1995; Ord. 965-96, Secs. 83 and 84, passed Dec. 9, 1996.; Ord. 1008-98, Sec. 6, passed July 13, 1998; Ord. 1046-00 §35, passed Feb. 14, 2000] (Ord. 1103-02, Amended, 03/25/2002)

### **Section 73.170 Structure Design - Multi-family Uses.**

#### Purpose.

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. [Added by Ord. 862-92, Sec. 51, passed March 23, 1992. Amended by Ord. 1025-99, Sec 36, passed July 26, 1999.]

### **Section 73.180 Objectives.**

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:

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

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

(3) Create subclusters and stagger unit alignments.

(4) 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.

(5) 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.

(6) 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.

(7) 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).



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

[Amended by Ord. 727-87, Sec. 7, passed July 13, 1987; Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 1025-99, Sec 37, passed July 26, 1999.] (Ord. 1097-02, Amended, 02/11/2002)

### **Section 73.190 Standards.**

The following standards are minimum requirements for multi-family and townhouse development.

#### **(1) Storage**

(a) Except as provided in Subsection (1)(b), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

- (i) 24 square feet for studio and one bedroom units;
- (ii) 36 square feet for two bed-room units; and
- (iii) 48 square feet for greater than two bedroom units.

(b) For townhouses and residential and mixed use residential developments in the Central Design District, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

#### **(2) Carports and Garages**

(a) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(b) At least one garage space shall be provided for townhouses. [Amended by Ord. 705-86, Sec. 6, passed Sept. 8, 1986; Ord. 862-92, Sec. 51, passed March 23, 1992; Ord. 882-92, Sec. 14, passed Dec. 14, 1992; Ord. 1025-99, Sec 38, passed July 26, 1999.]

### **Section 73.200 Structure Design - Commercial, Industrial, Public and Semi-Public Uses.**

Purpose. The purpose of commercial, industrial, public and semi-public building design ob-

jectives and standards is to implement the purpose and objectives of TDC 73.020(2) and 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 and roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment and identification features.

### **Section 73.210 Objectives.**

All commercial, industrial, public and semi-public projects 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 case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Buildings shall be designed, to the maximum extent practicable, to:

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

(2) Provide a composition of building elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, accessibility and climatic factors. Utilize functional building elements such as arcades, awnings, entries, windows, doors, lighting, reveals, accent features and roof forms, whenever possible, to accomplish these objectives.

(3) Where possible, locate loading and service areas so that impacts upon surrounding areas are minimized. In industrial development loading docks should be oriented inward to face other buildings or other loading docks. In commercial areas loading docks should face outward towards the public right-of-way or perimeter of the site or both.

(4) Enhance energy efficiency in commercial and industrial development through the use of landscape and architectural elements such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.

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(5) Locate and design entries and loading/service areas in consideration of climatic conditions such as prevailing winds, sun and driving rains.

(6) Give consideration to organization, design and placement of windows as viewed on each elevation having windows. Surveillance over parking areas from the inside, as well as visual surveillance from the outside in, should be considered in window placement.

(7) Select building materials which contribute to the project's identity, form and function, as well as to the surrounding environment.

(8) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role (e.g., to identify and attract business, aesthetic reasons, image-building).

(9) Where possible, locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.

(10) Where practicable locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way or other public areas. [Amended by Ord. 904-93, Sec. 51,

passed Sept. 13, 1993.] (Ord. 1097-02, Amended, 02/11/2002)

### Section 73.220 Standards.

The following standards are minimum requirements for commercial, industrial, public and semi-public development and it is expected that development proposals shall meet or exceed these minimum requirements.

#### (1) Safety and Security

(a) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas.

(b) Provide an identification system which clearly identifies and locates buildings and their entries.

(c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground park-

ing where this provision shall not apply. [Amended by Ord. 904-93, Sec. 52, passed Sept. 13, 1993; Ord. 920-94, Sec. 18, passed April 11, 1994.]

### Section 73.225 Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Including Townhouses, Commercial, Industrial, Public and Semi-Public Development.

Purpose. The purpose of mixed solid waste and source separated recyclables storage areas objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to be flexible, easy and efficient to administer, and allow creativity. [Added

by Ord. 898-93, Sec. 6, passed June 14, 1993. Amended by Ord. 1025-99, Sec 39, passed July 26, 1999.] (Ord. 1097-02, Amended, 02/11/2002)

### Section 73.226 Objectives.

All new or expanded multi-family, including townhouses, commercial, industrial, public and semi-public projects 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. Mixed solid waste and source separated recyclable storage areas shall be designed to the maximum extent practicable, to:

(1) Screen elements such as garbage and recycling containers from view.

(2) Ensure storage areas are centrally located and easy to use.

(3) Meet dimensional and access requirements for haulers.

(4) Designed to mitigate the visual impacts of storage areas.

(5) Provide adequate storage for mixed solid waste and source separated recyclables.

(6) Improve the efficiency of collection of mixed solid waste and source separated recyclable-

bles. [Added by Ord. 898-93, Sec. 7, passed June 14, 1993. Amended by Ord. 1025-99, Sec. 40, passed July 26, 1999.] (Ord. 1097-02, Amended, 02/11/2002)

### Section 73.227 Standards.

The following standards are minimum requirements for mixed solid waste and source separated recyclables storage areas. To provide for flexibility in designing functional storage areas, this section provides four different methods to meet the objectives of providing adequate storage for mixed solid waste and source separated recyclables and improving the efficiency of collection. An applicant shall choose and implement one of the following four methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; 3) comprehensive recycling plan; or 4) franchised hauler review, as more fully described in subsections (2), (3), (4) and (5) of this section.

(1) The mixed solid waste and source separated recyclables storage standards shall apply to all new or expanded multi-family residential developments containing five or more units and to new or expanded commercial, industrial, public and semi-public development.

(2) Minimum Standards Method. This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

(a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process.

(i) The storage area requirement is based on the area encompassed by predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional or other) as well as the area encompassed by other distinct uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use shall be counted toward the floor area of the predomi-

nant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building shall be the sum of the area of each use.

(ii) Storage areas for multiple uses on a single site may be combined and shared.

(iii) The specific requirements are based on an assumed storage area height of 4 feet for mixed solid waste and source separated recyclables. Vertical storage higher than 4 feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans shall include drawings to illustrate the layout of the storage area and dimensions for containers.

(iv) Multi-family residential developments containing 5-10 units shall provide a minimum storage area of 50 square feet. Multi-family residential developments containing more than 10 units shall provide 50 square feet plus an additional 5 square feet per unit for each unit above 10.

(v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus: Office - 4 square feet/1000 square feet gross leasable area (GLA); Retail - 10 square feet/1000 square feet GLA; Wholesale/Warehouse/Manufacturing - 6 square feet/1000 square feet GLA; Educational and institutional - 4 square feet/1000 square feet GLA; and other - 4 square feet/1000 square feet GLA.

(3) Waste Assessment Method. This method tailors the storage area size to a waste assessment and management program for the specific user of a new or expanded building. It is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated. A pre-application conference is required if the waste assessment method is proposed. The applicant shall obtain a waste assessment form from the Planning Department. The form shall be used to estimate the volumes of both mixed solid waste

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and source separated recyclables generated. From this information, the applicant can design a specific management, storage and collection system. Techniques such as a compactor or cardboard baler may be implemented to minimize the square footage of the storage area. If this method of compliance is selected the waste assessment form shall be completed and submitted as part of the Architectural Review application. The plans must identify the size and location of interior, or exterior storage area(s) or both, specialized equipment to be used, and collection schedule required to accommodate the volumes of waste projected in the waste assessment. The application shall demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the waste assessment method requires less space, through the Architectural Review process the minimum standards method may be required. The waste assessment method shall be reviewed and approved as part of the Architectural Review process.

(4) **Comprehensive Recycling Plan Method.** The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan which addresses mixed solid waste and source separated recyclable collection and storage for the proposed use. This method can be used when a comprehensive recycling plan has been developed for a specific development. It is most suited to uses such as hospitals, schools and industrial developments. The comprehensive recycling plan shall be submitted at the time plans are submitted for Architectural Review. The applicant shall submit plans and text that show how mixed solid waste and source separated recyclables generated by the proposed development will be served under a comprehensive recycling plan. The application shall also demonstrate that the mixed solid waste and source separated recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method. If the application does not demonstrate that the comprehensive recycling

plan method requires less space, through the Architectural Review process the minimum standards method may be required. The comprehensive recycling plan method shall be reviewed and approved as part of the Architectural Review process.

(5) **Franchised Hauler Review Method.** The franchised hauler review method provides for a coordinated review of the proposed site plan by the franchised hauler serving the subject property. This method can be used when there are unique conditions associated with the site, use, or waste stream that make compliance with any of the three other methods impracticable. The objective of this method is to match a specific hauler program (types of equipment, frequency of collection, etc.) to the unique characteristic(s) of the site or development. The applicant shall coordinate with the franchised hauler to develop a plan for storage and collection of mixed solid waste and source separated recyclables to be generated. A narrative describing how the proposed site meets one or more unique conditions, plus site plan and architectural drawings showing the size and location of storage area(s) required to accommodate anticipated volumes shall be submitted for Architectural Review. Additionally, a letter from the franchised hauler shall be submitted with the application that describes the level of service to be provided by the hauler, including any special equipment and collection frequency, which will keep the storage area from exceeding its capacity. For purposes of this subsection the following constitute unique conditions:

(a) Use of either of the three other methods of compliance would interfere with the use of the proposed development by reducing the productive space of the proposed development, or make it impossible to comply with the minimum off-street parking requirements of the underlying planning district, or

(b) The site is of an irregular shape or possesses steep slopes that do not allow for access by collection vehicles typically used by the franchised hauler to serve uses similar in size and scope to the proposed use, or

(c) The proposed use will generate unique wastes that can be stacked, folded, or easily consolidated without the need for specialized equipment, such as a compactor, and can therefore be stored in less space than is required by the Minimum Standards Method.

If the application does not demonstrate that the franchised hauler method requires less space, through the Architectural Review process the minimum standards method may be required. The franchised hauler method shall be reviewed and approved as part of the Architectural Review process.

(6) Location, Design and Access Standards for Storage Areas. The following location, design and access standards are applicable for storage areas:

(a) Location Standards

(i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste.

(ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.

(iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

(iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.

(v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.

(vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to 73.227(6)(b)(iii).

(vii) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site.

(b) Design Standards

(i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval.

(ii) Storage containers shall meet Fire Code standards and be made and covered with water proof materials or situated in a covered area.

(iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments.

(iv) Exterior storage areas shall have either a concrete or asphalt floor surface.

(v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted.

(c) Access Standards

(i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

(ii) Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered.

(iii) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion. [Added by Ord. 898-93, Sec. 8, passed June 14, 1993.]

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## LANDSCAPING

### Section 73.230 Landscaping Standards.

Purpose. The purpose of this section is to establish standards for landscaping within Tualatin in order to enhance the environmental and aesthetic quality of the City:

- (1) By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;
- (2) By using trees and other landscaping materials to temper the effects of the sun, wind, noise, and air pollution.
- (3) By using trees and other landscaping materials to define spaces and the uses of specific areas; and
- (4) Through the use of trees and other landscaping materials as a unifying element within the urban environment.

### Section 73.231 Landscape Guidelines for the Central Design District

(1) Purpose. The purpose of the landscaping guidelines section is to enhance the environmental and aesthetic quality of the Central Design District.

(2) All multi-family residential, commercial, industrial, public and semi-public projects in the Central Design District should strive to meet the Design Guidelines of TDC 73.610 for landscaping to the maximum extent practicable. Landscape Architects and developers shall consider the landscaping elements of TDC 73.610 in designing new projects. In case of conflicts between guidelines and or between guidelines and objectives in TDC Chapter 73, the proposal shall provide a balance. (Ord. 1097-02, Add, 02/11/2002)

### Section 73.240 Landscaping General Provisions.

(1) The following standards are minimum requirements.

(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030(5)(j), 40.030(5)(m),

40.030(5)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted on the subject property for a greenway and/or natural area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.

(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted on the subject property for a greenway or natural area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(4) The minimum area requirement for landscaping for uses in CN, CO/MR, MC and MP Planning Districts shall be twenty-five (25) percent of the total land area to be developed. When a dedication is granted on the subject property for a greenway or natural area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.

(5) The minimum area requirement for landscaping for uses in the Industrial Business Park Overlay Planning District shall be twenty (20) percent of the total land area to be developed.

(6) The minimum area requirement for landscaping for approved Industrial Master Plans shall be 20% of the total land area to be developed.

(7) For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement", the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

(8) Developments not in a Low Density Residential (RL) or Manufacturing Park (MP) Planning District, but which abut an RL or MP Planning District shall provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses in the district and the adjacent Low

Density Residential (RL) or Manufacturing Park (MP) Planning District as approved through the Architectural Review process.

(9) Yards adjacent to public streets, except as described in TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.

(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone.

(12) In the MP District, wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

(a) The amount of wetland buffer area which may be counted as landscaping is limited to a maximum of two and one-half percent (2.5 percent) of the total land area to be developed.

(b) All portions of the required buffer area to be counted as landscape shall be within the boundaries of the subject property. No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel.

(c) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer shall perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency.

(d) Where wetlands mitigation in the buffer has already been performed in accordance with a

Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer shall include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer shall complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site. [Amended by Ord. 882-92 §15, passed Dec. 14, 1992; Ord. 890-93 §9, passed April 12, 1993; Ord. 904-93 §53 and §54, passed Sept. 13, 1993; Ord. 993-94 §48, passed Nov. 28, 1994; Ord. 1025-99 §41, passed July 26, 1999; Ord. 1035-99 §16, passed Nov. 8, 1999; Ord. 1070-01 §11, passed Apr. 9, 2001.] (Ord. 1070-01, Amended, 04/09/2001)

### **Section 73.250 Tree Preservation.**

(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.

(2) During the construction process:

(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.

(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.

(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in 31.060 .

(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.

(f) Tree root ends shall not remain exposed.

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(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.

(4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. [Amended

by Ord. 963-96, Sec. 6, passed June 24, 1996.]

(5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees", revised 1979.

(6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development. [Amended by Ord. 904-93, Sec. 55, passed Sept. 13, 1993.]

### Section 73.260 Tree and Plant Specifications.

(1) The following specifications are minimum standards for trees and plants:

(a) Deciduous Trees: Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1 1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens.

(b) Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens. [Amended by Ord. 904-93, Sec. 56,

passed Sept. 13, 1993.]

(c) Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

(d) Groundcovers. Groundcovers shall be fully rooted and shall be well branched or leafed.

English ivy (*Hedera helix*) is considered a high maintenance material which is detrimental to other landscape materials and buildings and is therefore prohibited.

(e) Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

(2) Landscaping shall be installed in accordance with the provisions of Sunset New Western Garden Book (latest edition), Lane Publishing Company, Menlo Park, California or the American Nurserymen Association Standards (latest edition).

(3) The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

(a) Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

(b) Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

(4) All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.

(5) All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

(a) It will not interfere with designated pedestrian or vehicular access; and

(b) It will not constitute a traffic hazard because of reduced visibility. [Amended by Ord. 904-93, Sec. 57, passed Sept. 13, 1993.]

### Section 73.270 Grading.

(1) After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

(2) All planting areas shall be graded to provide positive drainage.

(3) Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.



(4) Impervious surface drainage shall be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.

### **Section 73.280 Irrigation System Required.**

Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system. [Amended by Ord. 1025-99, Sec. 42, passed July 26, 1999.]

### **Section 73.290 Revegetation in Unlandscaped Areas.**

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will reestablish themselves, and so that trees will not be lost due to uncontrolled erosion.

(1) Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, such areas shall be replanted.

(2) Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two growing seasons.

(3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.

### **Section 73.300 Landscape Standards - Multi-family Uses.**

All areas within a development, including townhouses, not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas shall be landscaped. Townhouse developments may include hard surfaces in outdoor areas such as patios and storage areas as determined in the Architectural Review PROCESS. [Amended by Ord. 1025-99, Sec. 43, passed July 26, 1999.]

### **Section 73.310 Landscape Standards - Commercial, Industrial, Public and Semi-Public Uses.**

(1) A minimum 5-foot-wide landscaped area must be located along all building perimeters which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations. Pedestrian amenities such as landscaped plazas and arcades may be substituted for this requirement. This requirement shall not apply where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet. [Amended by Ord. 882-92, Sec. 16, passed Dec. 14, 1992; Ord. 904-93, Sec. 58, passed Sept. 13, 1993.]

(2) Areas exclusively for pedestrian use that are developed with pavers, bricks, etc., and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies, etc., may be included as part of the site landscape area requirement.

(3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped.

## **OFF-STREET PARKING LOT LANDSCAPING**

### **Section 73.320 Off-Street Parking Lot Landscaping Standards.**

(1) General Provisions. In addition to the goals stated in TDC 73.110 and 73.140, goals of off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns and to enhance the visual environment. The design of the off-street parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

(2) Application. Off-street parking lot landscaping standards shall apply to any surface vehicle parking or circulation area. [Amended by Ord. 904-93, Sec. 59, passed Sept. 13, 1993.]

**Section 73.330 Parking Lot Landscaping - Multi-family Uses.**

(1) Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.

(2) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

(3) Except for townhouse lots, a minimum 10-foot landscape separation shall be provided between the property lines and parking areas. This area shall be planted with deciduous trees an average of not more than 30 feet on center and plantings at least 30 inches in height which provide screening of vehicular headlights.

(4) Except for townhouse lots, provide a landscaped transition area of at least 10 feet in width between parking and vehicle circulation areas and buildings and shared outdoor areas. Deciduous shade trees located at not less than 30 feet on center shall be located in this transition area. The trees shall meet the requirements of TDC 73.360(7). Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years.

(5) These requirements shall not apply to residential and mixed use residential developments within the Central Design District, which are subject to standards in TDC 73.340. [Added by Ord. 882-92, Sec. 17, passed Dec. 14, 1992. Amended by Ord. 1025-99, Sec. 44, passed July 26, 1999.]

**Section 73.340 Off-Street Parking Lot and Loading Area Landscaping - Commercial, Industrial, Public and Semi-Public Uses, and Residential and Mixed Use Residential Uses within the Central Design District.**

(1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and underground parking where this provision shall not apply.

(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking

and vehicular circulation areas (including loading areas). For conditional uses in multifamily residential planning districts the landscape width shall be at least 10 feet except for uses allowed by TDC 40.030(3), 40.030(5)(j), 40.030(5)(m), 40.030(5)(n) and 41.030(2).

(a) The landscape area shall contain:

(i) Deciduous trees an average of not more than 30 feet on center. The trees shall meet the requirements of 73.360(7).

(ii) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round.

(iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.

(b) Where off-street parking areas on separate lots are adjacent to one another and are connected by vehicular access, the landscaped strips as required in subsection (2) of this section are not required. [Amended by Ord. 882-92, Sec. 18, passed Dec. 14, 1992; Ord. 904-93, Sec. 61, passed Sept. 13, 1993; Ord. 920-94, Sec. 19, passed April 11, 1994.]

**Section 73.350 Off-Street Parking Lot Landscape Island Requirements - Multi-Family Uses.**

(1) Except for townhouse lots that are not required to have landscape island areas, a minimum of 25 square feet per parking stall shall be improved with landscape island areas which are protected from vehicles by curbs. These landscape areas shall be dispersed throughout the parking area (see TDC 73.380(3)).

(2) All landscape island areas with trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb) and protected with curbing from surface runoff and damage by vehicles. These landscaped areas shall contain groundcover or shrubs and deciduous shade trees.

(3) Provide a minimum of one deciduous shade tree for every four parking spaces to lessen the adverse impacts of glare from paved surfaces and to emphasize circulation patterns. Required shade trees shall be within 5 feet of the face of a perimeter parking lot curb and shall be uniformly distributed throughout the parking lot, except that

within the Central Design District the placement of landscape islands and shade trees may be designed to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of TDC 73.360(7).

(4) Required landscaped areas shall be planted so as to achieve 90 percent coverage within three years. [Amended by Ord. 882-92, Sec. 19, passed Dec. 14, 1992; Ord. 904-93, Sec. 62, passed Sept. 13, 1993; Ord. 1025-99, Sec. 45, passed July 26, 1999.]

### **Section 73.360 Off-Street Parking Lot Landscape Islands - Commercial, Industrial, Public, and Semi-Public Uses.**

(1) A minimum of 25 square feet per parking stall shall be improved with landscape island areas which are protected from vehicles by curbs. These landscape areas shall be dispersed throughout the parking area [see 73.380(3)]. Landscape square footage requirements shall not apply to parking structures and underground parking.

(2) All landscaped island areas with trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb) and protected with curbing from surface runoff and damage by vehicles. Landscaped areas shall contain groundcover or shrubs and deciduous shade trees.

(3) Provide a minimum of one deciduous shade tree for every four (4) parking spaces to lessen the adverse impacts of glare from paved surfaces and to emphasize circulation patterns. Required shade trees shall be uniformly distributed throughout the parking lot, except that within the Central Design District the placement of landscape islands and shade trees may be designed to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of 73.360(7). Parking lot shade tree requirements shall not apply to parking structures and underground parking.

(4) Landscaped islands shall be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns. Landscape island location requirements shall not apply to parking structures and underground parking.

(5) Required landscaped areas shall be planted so as to achieve 90 percent coverage within three years.

(6) (a) Except as in (b) below, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development, except for parking structures and underground parking which shall be determined through the Architectural Review process.

(b) In the Central Design District where driveway access is on local streets, not collectors or arterials, and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 5 feet back from the property line, except for parking structures and underground parking which shall be determined through the Architectural Review process.

(7) Deciduous shade trees shall meet the following criteria:

- (a) Reach a mature height of 30 feet or more
- (b) Cast moderate to dense shade in summer
- (c) Long lived, i.e., over 60 years
- (d) Do well in an urban environment
  - (i) Pollution tolerant
  - (ii) Tolerant of direct and reflected heat
- (e) Require little maintenance
  - (i) Mechanically strong
  - (ii) Insect- and disease-resistant
  - (iii) Require little pruning
- (f) Be resistant to drought conditions
- (g) Be barren of fruit production. [Amended by

Ord. 882-92, Sec. 20, passed Dec. 14, 1992; Ord. 904-93, Sec. 64, passed Sept. 13, 1993; Ord. 920-94, Sec. 20, passed April 11, 1994; Ord. 945-95, Sec. 1, passed May 8, 1995.]

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### Section 73.370 Off-Street Parking and Loading.

#### (1) General Provisions.

(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.

(b) At the time of enlargement of an existing structure or use, TDC 73.370 shall apply to the existing and enlarged structure or use.

(c) Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

(d) Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.

(e) Calculations to determine the number of required parking spaces and loading berths shall be rounded to the nearest whole number.

(f) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

(g) Parking and loading requirements for structures not specifically listed herein shall be determined by the Planning Director, based upon requirements of comparable uses listed.

(h) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking.

(i) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.

(j) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

(k) Institution of on-street parking, where none is previously provided, shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

(l) Parking facilities may be shared by users on adjacent parcels if the following standards are met:

(i) One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces.

(ii) The total number of parking spaces meets the standards for the sum of the number of spaces which would be separately required for each use.

(iii) Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.

(iv) Physical access between adjoining lots shall be such that functional and reasonable access is actually provided to uses on the parcel deficient in parking spaces.

(v) Adequate directional signs shall be installed specifying the joint parking arrangement.

(m) Joint Use Parking. Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times. Joint use of parking spaces may be allowed if the following standards are met:

(i) There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future change of use, such as expansion of a building or establishment of hours of operation which conflict with or affect a joint use parking agreement are prohibited, unless approval is obtained through the Architectural Review process;

(ii) The joint use parking spaces shall be located no more than 500 feet from a building or use to be served by the joint use parking;

(iii) The number and location of parking spaces, hours of use and changes in operating hours of uses subject to joint use shall be approved through the Architectural Review process;

(iv) Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying the joint use parking between the separate developments. Joint use parking agreements may include provisions covering maintenance, liability, hours of use and cross easements; and

(v) The City Attorney approved legal documentation shall be recorded by the applicant at the Washington or Clackamas County Records Office and a copy of the recorded document submitted to the Planning Department prior to issuance of a building permit.

(n) Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate a bicyclist's lock securing the frame and both wheels.

(o) Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process.

(p) A paved 5-foot-wide bicycle maneuvering area shall be provided and maintained beside or between each row of bicycle parking.

(q) Access to bicycle parking shall be provided by an impervious surface at least 3 feet in width.

(r) Required bicycle parking shall be located in convenient, secure, and well-lighted locations approved through the Architectural Review process.

(s) Bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.

(t) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking.

(u) Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities.

(v) Required bicycle parking spaces shall be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This shall not preclude the operation of private for-profit bicycle parking businesses.

(w) Parking on existing residential, commercial and industrial development may be redeveloped as a transit facility as a way to encourage the development of transit supportive facilities such as bus stops and pullouts, bus shelters and park and ride stations. Parking spaces converted to such uses in conjunction with the transit

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agency and approved through the Architectural Review process will not be required to be replaced.

(x) Required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

(2) Off-Street Parking Provisions.

(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a)(Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial

Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2)(a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC, 73.370(2)(b). The maximum requirements are divided into Zone A and Zone B, as shown on the Tualatin Parking Zone Map, Figure 73-3. The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/van pool parking; dedicated valet parking; and user-paid parking.

USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<u>Residential Uses:</u>				
(i) One-family dwelling, Residential home, Residential facilities (located in low density (RL) planning districts  Townhouse	1.00 space per unit, in addition to garage	None	none required	n/a
(ii) Multi-family dwellings in subdivisions	1.50 spaces per unit, in addition to garage	None	Developments with four or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100

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(iii) Multi-family dwellings in complexes with private internal driveways	1.0 space/studio, 1.25 space/1 bedr., 1.50 space/2 bedr., 1.75 space/3+bedr. in addition to garage	None	Developments with four or more units; none required if a garage is provided as an integral element of a unit; otherwise, 1.00 space per unit	100
(iv) Retirement housing facility	1.00 space per dwelling unit	None	0.50 space per unit	50
(v) Boarding house, lodging house	1.00 space per guest house accommodation	None	0.25 space per guest house accommodation	50
(vi) Congregate care, assisted living and residential care facilities	0.50 space per dwelling unit	None	2, or 0.20 spaces per dwelling unit, whichever is greater	50
(vii) Residential facilities (located in other than low density residential planning districts)	1.00 space per 3 beds, plus 1.00 space per employee	None	2, or 1.00 space for every 6 beds, whichever is greater	50
(viii) Dwelling units within the Central Design District except as specified in (d), (e), and (f) above	1.50 space per dwelling unit, including garage	None	Developments with four or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100
<u>Institutions:</u>				
(i) Convalescent home, nursing home or sanitarium	1.00 space per 2 beds for patients or residents	None	2, or 1.00 space for every 6 beds, whichever is greater	50

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(ii) Hospital	1.00 space per 500 sq. ft. of gross floor area	None	1 space per 1000 gross sq. ft.	First 10 spaces or 40%, whichever is greater
<u>Places of Public Assembly:</u>				
(i) Library, reading room	1.00 space per 400 sq. ft. of public area	None	2, or 1.5 spaces per 1000 gross sq. ft., whichever is greater	10
(ii) Nursery, primary, elementary or middle school, child day care center	2.00 spaces per employee	None	4, or 1.00 space per 5 students based on the design capacity of the facility, whichever is greater	75
(iii) Senior high school	0.2 spaces per student plus 1.00 space per staff	Zone A and Zone B: 0.3 spaces per student plus 1.00 space per staff	4, or 1.00 space per 5 students based on the design capacity of the facility, whichever is greater	25
(iv) Other places of public assembly, including churches	1.00 space per 4 seats or 8 feet of bench length	Zone A: 0.6 spaces per seat Zone B: 0.8 spaces per seat	1 space per 40 seats or 80 feet of bench length	25
<u>Commercial Amusements:</u>				
(i) Theater	1.00 space per 4 seats	Zone A: 0.4 spaces per seat Zone B: 0.5 spaces per seat	1 space per 30 seats	10
(ii) Bowling alley	5.00 spaces per lane	None	4, or 0.50 spaces per lane, whichever is greater	40



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(iii) Dance hall, skating rink	4.3 spaces per 1000 sq. ft. gross floor area	Zone A: 5.4 spaces per 1000 sq. ft. gross floor area  Zone B: 6.5 spaces per 1000 sq. ft. gross floor area	2 spaces per 1000 sq. ft. of floor area	50
(iv) Racquet courts, health club	1.00 space per 1000 sq. ft. gross floor area	Zone A: 1.3 spaces per 1000 sq. ft. gross floor area  Zone B: 1.5 spaces per 1000 sq. ft. gross floor area	2 spaces per 1000 sq. ft. of exercise area	50
<u>Commercial:</u>				
(i) Retail shops (under 100,000 sq. ft. gross floor area)	4.00 spaces per 1000 sq. ft. of gross floor area	Zone A: 5.1 spaces per 1000 sq. ft. gross floor area  Zone B: 6.2 spaces per 1000 sq. ft. gross floor area	0.50 space per 1000 sq. ft. of gross floor area	50

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USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(ii) Retail store handling exclusively bulky merchandise such as furniture or automobiles and service or repair shops	1.00 space per 400 sq. ft. of sales floor area	Zone A: 5.1 spaces per 1000 sq. ft. gross floor area  Zone B: 6.2 spaces per 1000 sq. ft. gross floor area	2, or 0.20 space per 1000 sq. ft. of sales floor area, whichever is greater	50
(iii) Shopping center (over 100,000 sq. ft. of gross floor area)	4.1 spaces per 1000 sq. ft. of gross floor area	Zone A: 5.1 spaces per 1000 sq. ft. gross floor area  Zone B: 6.2 spaces per 1000 sq. ft. gross floor area	0.50 space per 1000 sq. ft. of gross floor area	50
(iv) Banks/savings and loans	4.30 spaces per 1000 sq. ft. of gross floor area	Zone A: 5.4 spaces per 1000 sq. ft. gross floor area  Zone B: 6.5 spaces per 1000 sq. ft. gross floor area	2, or 0.33 spaces per 1000 sq. ft., whichever is greater	10
(v) Medical & dental offices	3.90 spaces per 1000 sq. ft. of gross floor area	Zone A: 4.9 spaces per 1000 sq. ft. gross floor area  Zone B: 5.9 spaces per 1000 sq. ft. gross floor area	2, or 0.33 spaces per 1000 gross sq. ft., whichever is greater	First 10 spaces or 40%, whichever is greater

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(vi) General office	2.70 spaces per 1000 sq. ft. of gross floor area	Zone A: 3.4 spaces per 1000 sq. ft. gross floor area  Zone B: 4.1 spaces per 1000 sq. ft. gross floor area	2, or 0.50 space per 1000 gross sq. ft., whichever is greater	First 10 spaces or 40%, whichever is greater
(vii) Government office	2.70 spaces per 1000 sq. ft. of gross floor area	Zone A: 3.4 spaces per 1000 sq. ft. gross floor area  Zone B: 4.1 spaces per 1000 sq. ft. gross floor area	2, or 0.50 spaces per 1000 gross sq. ft., whichever is greater	First 10 spaces or 40%, whichever is greater
(viii) Restaurant	10.00 spaces per 1000 sq. ft. of gross floor area	Zone A: 19.1 spaces per 1000 sq. ft. gross floor area  Zone B: 23.0 spaces per 1000 sq. ft. gross floor area	1.00 space per 1000 gross sq. ft.	25
(ix) Drive-up restaurant	9.90 spaces per 1000 sq. ft. of gross floor area	Zone A: 12.4 spaces per 1000 sq. ft. gross floor area  Zone B: 14.9 spaces per 1000 sq. ft. gross floor area	2.00 spaces per 1000 gross sq. ft.	25
(x) Motel	1.00 space per room	None	0.20 space per room	10

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USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(xi) Mortuary	1.00 space per 4 seats or 8 feet of bench length in chapels	None	1 space per 40 seats or 80 feet of bench length	10
(xii) Office furniture and office furniture sales	1.00 space per 550 gross sq. ft.	None	2, or 0.20 space per 1000 sq. ft. of sales floor area, whichever is greater	10
(xiii) Park and Ride lots	None	None	5% of auto spaces	100
(xiv) Wireless communication facility	1 space	None	n/a	n/a
<b>Industrial:</b>				
(i) Manufacturing	1.60 spaces per 1000 sq. ft. of gross floor area	None	2, or 0.10 spaces per 1000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
(ii) Warehousing	0.30 spaces per 1000 sq. ft. of gross floor area	Zone A: 0.4 spaces per 1000 sq. ft. gross floor area Zone B: 0.5 spaces per 1000 sq. ft. gross floor area	2, or 0.10 spaces per 1000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
(iii) Wholesale establishment	3.00 spaces per 1000 sq. ft. of gross floor area	None	2, or 0.50 spaces per 1000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater

(b) The following are the minimum requirements for off-street motor vehicle parking in the Core Area Parking District (CAPD) for the uses in TDC 73.370(2)(a)(Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: i, ii, iv; (Revised 09/05)

Commercial Amusements: i, ii; and Commercial: i, ii, xi, xii, xiv).

(i) Core Area Parking District (CAPD) off-street motor vehicle parking standards are required at 75% of the applicable off-

street motor vehicle parking requirements identified in TDC 73.370(1)(h), 73.370(1)(m) and 73.370(2)(a).

(ii) Off-street motor vehicle parking requirements: (Refer to Core Area Parking District Ordinance TMC Chapter 1-24 for fee schedules and regulations regarding the Core Area Parking District.)

(A) Commercial, semi-public, and public uses except as outlined under TDC 73.370(2)(b)(ii)(B). A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of gross leasable area for commercial, semi-public, and public uses above grade, except as outlined under TDC 73.370(2)(b)(ii)(B). A maximum of 25% of required CAPD off-street motor vehicle parking for the first two floors of gross leasable area for commercial, semi-public, and public uses above grade, except as outlined under TDC 73.370(2)(b)(iii)(B), may be provided through an impact fee as outlined in the Core Area Parking District ordinance.

(B) Development of a publicly-owned community center on Tract 8 of the Tualatin Commons shall be exempt from providing off-street motor vehicle parking and the impact fee within the CAPD.

(C) Residential Uses:

(1) Common-wall Dwellings including townhouses and condominiums. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided. A maximum of 25% of required CAPD off-street motor vehicle parking per living unit may be provided through an impact fee as outlined in the Core Area Parking District ordinance.

(2) Multi-Family Dwellings. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of living units, above grade. A maximum of 25% of required CAPD off-street motor vehicle parking for the first two floors of dwelling units may be provided through an impact fee as outlined in the Core Area Parking District ordinance.

(3) Retirement Housing, Residential Homes and Residential Facilities. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of dwelling units, above grade. A maximum of 25% of required CAPD off-street motor vehicle parking for the first two floors of living space may be provided through an impact fee as outlined in the Core Area Parking District ordinance.

(iii) CAPD off-street motor vehicle parking required under TDC 73.370(2)(b)(i) shall be provided for residential uses and gross leasable area of commercial, semi-public, and public uses below grade and above the second floor, except as outlined under TDC 73.370(2)(b)(ii)(B).

(iv) At the time of enlargement of an existing structure or use there shall be no net loss of existing off-street motor vehicle parking in addition to providing new off-street motor vehicle parking required under TDC 73.370(2)(b).

(v) Outdoor dining facilities are exempt from providing off-street motor vehicle parking within the CAPD.

(3) Off-Street Vanpool and Carpool Parking Provisions. The minimum number of off-street Vanpool and Carpool parking for commercial, institutional and industrial uses is as follows:

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces.

[Amended by Ord. 882-92 §1, passed Dec. 14, 1992; Ord. 895-93 §10, §11 and §12, passed May 24, 1993; Ord. 904-93 §66 and §67, passed Sept. 13, 1993; Ord. 920-94 §21, passed April 11, 1994; Ord. 930-94 §2, passed Aug. 8, 1994; Ord. 956-96 §37, passed Jan. 8, 1996; Ord. 965-96 §85, passed Dec. 9, 1996; Ord. 1025-99 §96, passed July 26, 1999; Ord. 1026-99, passed Aug. 9, 1999; Ord. 1046-00 §36, passed Feb. 14, 2000.](Ord. 1097-02, Amended, 02/11/2002)

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## Section 73.380 Off-Street Parking Lots.

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section, except for parking structures and underground parking where stall length and width requirements for a standard size stall shall be reduced by .5 feet and vehicular access at the entrance if gated shall be a minimum of 18 feet in width.

(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by TDC 73.370(2).

(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation, except for parking structures and underground parking. For parking lots within the Central Design District that are designed to frame views of the central water feature or identified architectural focal elements as provided in TDC 73.350(3), this requirement shall not apply and the location of parking lot landscape islands shall be determined through the Architectural Review process.

(4) Areas used for standing or maneuvering of vehicles shall have paved asphalt or concrete surfaces maintained adequately for all-weather use and so drained as to avoid the flow of water across sidewalks.

(5) Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents.

(6) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

(7) Groups of more than 4 parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(8) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety or pedestrians and vehicular traffic on the site.

(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

(10) Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.

(11) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic. [Amended by Ord. 882-92, Sec. 22,

passed Dec. 14, 1992; Ord. 904-93, Secs. 68, 69 and 70, passed Sept. 13, 1993; Ord. 920-94, Sec. 22, passed April 11, 1994; Ord. 956-96, Sec. 38, passed Jan. 8, 1996.]

## Section 73.390 Off-Street Loading Facilities.

(1) The minimum number of off-street loading berths for commercial, industrial, public and semi-public uses is as follows:

Square Feet of Floor Area	Number of Berths
Less than 5,000	0
5,000 - 25,000	1
25,000 - 60,000	2
60,000 and over	3

(2) Loading berths shall conform to the following minimum size specifications.

(a) Commercial, public and semi-public uses of 5,000 to 25,000 square feet shall be 12' x 25' and uses greater than 25,000 shall be 12' x 35'

(b) Industrial uses - 12' x 60'

(c) Berths shall have an unobstructed height of 14'

(d) Loading berths shall not use the public right-of-way as part of the required off-street loading area.

(3) Required loading areas shall be screened from public view from public streets and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.

(4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

(5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or child day care center having a capacity greater than 25 students.

(6) The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.

(7) Subject to Architectural Review approval, the Planning Director may allow the standards in this Section to be relaxed within the Central Design District, where a dense mix of uses is desirable in close proximity, pedestrian circulation is strongly emphasized, and the orientation of structures around a central water feature virtually eliminates the possibility of reserving any side of a building solely for truck access. Adjustments may include, but are not limited to, reduction in the number of loading berths required, adjustment of loading berth size specifications and right-of-way restrictions, shared loading berths and maneuvering areas for use by more than one building, alteration or elimination of screening requirements, and requirements for maintenance of berths in a clean and visually appealing condition.

[Added by Ord. 882-92, Sec. 23, passed Dec. 14, 1992; Ord. 956-96, Sec. 39, passed Jan. 8, 1996.]

### **Section 73.400 Access.**

(1) The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress requirement is to be

fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.

#### **(3) Joint and Cross Access**

(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.

(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:

(i) a continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

(ii) a design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive;

(iv) a unified access and circulation system plan for coordinated or shared parking areas.

(c) Pursuant to this section, property owners may be required to:

(i) Record an easement with the deed allowing cross access to and from other

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properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners;

(iv) If (i-iii) above involve access to the state highway system or county road system, ODOT or the county shall be contacted and shall approve changes to (i-iii) above prior to any changes.

(4) Requirements for Development on Less than the Entire Site

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as one unit in relation to the access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area shall comply with the access requirements.

(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Engineer.

(6) Except as provided in TDC 53.100, all ingress and egress shall connect directly with public streets. [Amended by Ord. 882-92, Sec. 24, passed Dec. 14, 1992.]

(7) Vehicular access for residential uses shall be brought to within 50 feet of the ground floor

entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

(8) To afford safe pedestrian access and egress for properties within the City, a sidewalk shall be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design and in a manner approved by the City Engineer. Sidewalks approved by the City Engineer may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grades and alignment established by the City Engineer.

(9) The standards set forth in this Code are minimum standards for access and egress, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

(10) Minimum access requirements for residential uses:

(a) Ingress and egress for single-family residential uses, including townhouses, shall be paved to a minimum width of 10 feet. Maximum driveway widths shall not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths shall be measured at the property line.

(b) Ingress and egress for multi-family residential uses shall not be less than the following:



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73.400T

DWELLING UNITS	MINIMUM NUMBER REQUIRED	MINIMUM WIDTH	WALKWAYS, ETC.
2	1	16 feet	No walkways or curbs required.
3-19	1	24 feet	No walkways or curbs required.
20-49	1 Or	24 feet	6-foot walkway, 1 side only; curbs required.
	2	16 feet (one way)	
50-499	1 Or	32 feet	6-foot walkway, 1 side only; curbs required.
	2	24 feet	
Over 500	As required by City Engineer	As required by City Engineer	As required by City Engineer

(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses. In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet. In all other cases, ingress and egress for commercial uses shall not be less than the following:

REQUIRED PARKING SPACES	MINIMUM NUMBER REQUIRED	MINIMUM PAVEMENT WIDTH	MINIMUM PAVEMENT WALKWAYS, ETC.
1-99	1	32 feet for first 50 feet from ROW, 24' thereafter.	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter.	Curbs required; walkway 1 side only.
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

(12) Minimum Access Requirements for Industrial Uses. Ingress and egress for industrial uses shall not be less than the following:

REQUIRED PARKING SPACES	MINIMUM NUMBER REQUIRED	MINIMUM PAVEMENT WIDTH	MINIMUM PAVEMENT WALKWAYS, ETC.
1-250	1	36 feet for first 50' from ROW, 24' thereafter	No curbs or walkway required.
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

(13) One-way Ingress or Egress. When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy

the requirements of Subsections (7), (8), and (9). However, the hard surfaced pavement of one-way

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drives shall not be less than 16 feet for multi-family residential, commercial, or industrial uses.

### (14) Maximum Driveway Widths and Other Requirements.

(a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet.

(b) Except for townhouse lots, no driveways shall be constructed within 5 feet of an adjacent property line, except when two adjacent property owners elect to provide joint access to their respective properties, as provided by Subsection (2).

(c) There shall be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Engineer.

(15) Distance between Driveways and Intersections. Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.

(b) At the intersection of two local streets, driveways shall be located a minimum of 30 feet from the intersection.

(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).

(d) When considering a public facilities plan that has been submitted as part of an Architectural Review plan in accordance with TDC 31.071(6), the City Engineer may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. The written approval shall be incorporated into the decision of the City Engineer for the utility facilities portion of the Architectural Review

plan under the process set forth in TDC 31.071 through 31.077.

### (16) Vision Clearance Area.

(a) Local Streets - A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections shall be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 10 feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) Collector Streets - A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections shall be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area shall be 10 feet (see Figure 73-2 for illustration).

(c) Vertical Height Restriction - Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration). [Amended by Ord. 895-93 §3, passed May 24, 1993;

Ord. 945-95 §, passed May 8, 1995; Ord. 1025-99 §7, passed July 26, 1999; Ord. 1026-99 §97, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002; Ord. 1096-02, Amended, 01/28/2002)

### **Section 73.410 Streets. [Reserved for Street Tree Plan.]**

### **Section 73.450 Wireless Communication Facility and Wireless Communication Facility Attached Site Design.**

Purpose. The purpose of wireless communication facility and attached facility design objectives

and standards is to implement the purpose and objectives of TDC 73.020(2) by focusing on the placement, design and relationship of proposed site elements such as support structure location, lighting, screening, fencing and landscaping. [Added by Ord. 965-96, Sec. 86, passed Dec. 9, 1996.]

## Section 73.460 Objectives.

All wireless communication facilities and attached facilities 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 case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Site elements shall be placed and designed, to the maximum extent practicable, to:

- (1) Be aesthetically located to be compatible with the surrounding environment and analyze co-location before seeking new sites.
- (2) Minimize disruption of natural site features such as topography, trees, and water features.
- (3) Take into consideration the existing topography of the site and surrounding vicinity.
- (4) Locate a wireless communications facility within stands of existing vegetation and trees to reduce the visual impact of the support structure.
- (5) Screen elements such as mechanical and electrical equipment from view.
- (6) Locate a wireless communication facility attached to existing rooftop mechanical equipment before placement on the exterior wall of a building.
- (7) Co-locate wireless communication facility or attached facility.
- (8) Construct wireless communication support structures at the minimum height necessary to serve the operational requirements of the system.
- (9) Separate wireless communication support structures from each other. [Added by Ord. 965-96, Sec. 87, passed

Dec. 9, 1996.] (Ord. 1116-02, Amended, 08/26/2002; Ord. 1098-02, Amended, 02/11/2002)

## Section 73.470 Standards.

The following standards are minimum requirements for a wireless communication facility or wireless communication facility attached de-

velopment. Development proposals shall meet or exceed these minimum requirements.

(1) A wireless communication facility attached shall not be attached to buildings which are designed solely for single family residential use.

(2) Attempt to locate wireless communication facility attached antennas to existing rooftop mechanical equipment before placement on the exterior wall of a building.

(3) A wireless communication facility shall be located to take full advantage of existing site conditions such as surrounding vegetation and trees.

(4) Mechanical and electrical equipment and the bottom 6' of the support structure for a wireless communication facility shall be screened from the public right-of-way and abutting property by the use of a minimum 6' tall security fence or wall consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick.

(5) A wireless communication facility support structure shall be constructed to the minimum height necessary to serve the operational requirements of the facility.

(6) Obsolete or unused wireless communication support structures and associated equipment and antennas shall be removed within 12 months of cessation of operations at a site.

(7) No new wireless communication support structure shall be permitted unless the applicant submits a co-location report showing whether or not any existing tower or support structure within one-half mile of the proposed site can accommodate the applicant's proposed antennae. The report shall address the following:

(a) Do existing towers or support structures, or approved but not yet constructed towers or support structures located within the geographic area meet the applicant engineering requirements;

(b) Are existing towers or support structures of sufficient height to meet the applicant's engineering requirements;

(c) Do existing towers or support structures have sufficient structural strength to support the applicants proposed antennae and related equipment;

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(d) Would the applicant's proposed antennae cause electromagnetic interference with the antennae on the existing tower or support structure, or would existing antennae cause interference with the applicant's proposed antennae; and

(e) Are there other limiting factors that render existing towers and support structures unsuitable or unavailable.

(8) No new wireless communication support structure shall be permitted unless the applicant submits a coverage report inclusive of an overall system plan for the City, showing facilities presently constructed or approved and future expansion plans.

(9) The minimum distance between WCF monopoles shall be 1500 feet. Separation shall be measured by following a straight line from one monopole to the next. For purposes of this section, a wireless communication facility monopole shall include wireless communication facility monopole for which the City has issued a development permit, or for which an application has been filed and not denied. [Added by Ord. 965-96, Sec. 88, passed Dec. 9, 1996.] (Ord. 1116-02, Amended, 08/26/2002; Ord. 1098-02, Amended, 02/11/2002)

### **Section 73.480 Wireless Communication Facility and Wireless Communication Facility Attached Structure Design.**

**Purpose.** The purpose of wireless communication facility design objectives and standards is to implement the purpose and objectives of TDC 73.020(2) and are intended to promote functional, safe, innovative and attractive designs which are compatible with the surrounding environment. This concerns the support structure form, materials, colors, antenna design and screening. [Added by Ord. 965-96, Sec. 89, passed Dec. 9, 1996.]

### **Section 73.490 Objectives.**

All wireless communication facilities 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 case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. To the

maximum extent practicable, support structures and antennas shall be designed to:

(1) Be aesthetically and architecturally designed to be compatible with the surrounding environment while recognizing that wireless communication facilities are unique designs due to their function.

(2) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role, e.g., aesthetic reasons.

(3) Select platform and antenna designs which minimize their size and visual appearance to surrounding development.

(4) Provide a composition of structural material elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, and climatic factors.

(5) Select materials which contribute to the project's form and function, as well as to the surrounding environment. [Added by Ord. 965-96, Sec. 90, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

### **Section 73.500 Standards.**

The following standards are minimum requirements for a wireless communication facility or wireless communication facility attached development. Development proposals shall meet or exceed these minimum requirements.

(1) Monopoles shall be used in all residential and commercial planning districts.

(2) Monopoles shall be used in all industrial planning districts.

(3) Equipment shelters, buildings or cabinets to house radio electronics equipment shall be concealed, camouflaged, vegetatively screened, or placed underground.

(4) A wireless communication facility shall be designed to allow co-location of facilities.

(5) Wireless communication facility attached antennas shall be painted to match the color of the mechanical screen wall or building to which it is attached.

(6) Antennas and platforms shall be designed to minimize their size and appearance to sur-

rounding development. [Added by Ord. 965-96, Sec. 91, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

## Section 73.510 Setbacks.

The Planning Director shall, in making the determination of compliance for setbacks for Wireless Communication Facilities and Wireless Communication Support Structures, consider the following factors:

(1) If the abutting property is in the Low Density Residential (RL) Planning District or in the Medium-Low Density Residential (RML) Planning District with an approved small lot subdivision, and if natural vegetation, such as evergreen trees, does not exist to act as a screen, then a greater setback than the minimum required may be appropriate. If such natural vegetation exists, then the minimum required setback may be appropriate.

(2) If the abutting property is in the Low Density Residential (RL) Planning District or in the Medium-Low Density Residential (RML) Planning District with an approved small lot subdivision, and it is vacant or its use is a single family dwelling, then a greater setback than the minimum required may be appropriate. If the use is not a single family dwelling, then the minimum required setback may be appropriate.

(3) If the abutting property is in the Low Residential Density (RL) Planning District or in the Medium-Low Density Residential (RML) Planning District with an approved small lot subdivision, and it is vacant or its use is a single family dwelling and it is at a lower elevation than the subject property, then a greater setback than the minimum required may be appropriate. [Added by Ord.

965-96, Sec. 92, passed Dec. 9, 1996.]

## Section 73.600 Central Design District Design Guidelines

### Purpose and Applicability.

(1) The “Central Tualatin Concept Plan and Design Guidelines, October 2001” were developed for the Tualatin Commons Enhancement Strategy Work Plan and are intended to enhance the identity of the Tualatin Commons area. The purpose of the Guidelines is to: Provide prospective developers and designers with a check-

list of issues that must be addressed in Central Design District proposals; Provide the City of Tualatin with an overall conceptual approach that will enable determinations on proposals that are in concert with and add to the Central Tualatin Concept Plan; Provide the City of Tualatin with a method of evaluating public and private development or redevelopment on a consistent basis.

(2) The Design Guidelines apply to the Central Design District as shown on TDC Figure 73-4. The Design Guidelines are structured into four topic areas: Central Tualatin Concept; City Connections; Spaces and Landscapes; and Buildings. (Ord. 1097-02, Add, 02/11/2002)

## Section 73.610 Design Guidelines

All development in the Central Design District should strive to meet the following guidelines to the maximum extent practicable. Architects and developers shall consider these guidelines and the provisions of TDC 73.050(1) in designing new projects in Central Design District and shall include in the Architectural Review application a narrative explaining how the development considered each of the Design Guidelines and how the guidelines are balanced. Consideration of the guidelines includes an evaluation of how the proposal is or is not consistent with each guideline. In case of conflicts between guidelines or between guidelines and other objectives in TDC Chapter 73, the proposal should provide a balance. To the maximum extent practicable, development in the Central Design District should be designed to:

### CENTRAL TUALATIN CONCEPT

(1) Draw People and Activity Into Central Tualatin.

Central Tualatin is strategically situated to be both a local and regional focal point. Developments should lend themselves to attracting a variety of pedestrian activities at the core of Central Tualatin. Entry points into Central Tualatin should establish a sense of arrival.

(2) Encourage Further Development.

Buildings and spaces should reflect an analysis of historic and existing design principles, as well

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as create design opportunities for new adjunct development.

### (3) All Seasons City.

Building uses and exterior spaces should lend themselves to use throughout all four seasons. Designs should include protected spaces and pathways to enable year-round use by visitors and inhabitants.

### (4) 24 Hour / 7 Day City.

Developments should foster the idea of extended hours of use throughout the week. Where uses are subject to “business hour” operation, the development should include amenities that provide for external enjoyment of buildings at all times of day.

### (5) Heart of a Great City.

Buildings and spaces between them should be carefully designed and crafted to reinforce each other. This reinforcing design should be of high importance for buildings which front public improvements and major circulation systems.

### (6) Sustainable Design.

New development should embody current “green” building techniques wherever possible. Energy efficient design options should be explored as well as alternative building products which have less impact on the local as well as world environment.

### (7) Buildings As Good Neighbors.

Each building should be designed to fit into the evolving context of Central Tualatin and should contribute and enhance the public experience, not only of itself, but of the buildings that provide its context. Undesirable elements of buildings should either be screened or hidden from view.

### (8) A Place of Multiple Activities.

When practicable, include multiple uses in building structures, as well as flexibility in the use of exterior spaces.

### (9) Scale of the Street.

Building heights adjacent to a street edge should be at least as tall as half the width of the right-of-way. Street trees can also be used in meeting the height goal. A combination of buildings and trees are generally the best solution to create the framework of the street.

### (10) Pedestrian Interaction.

Buildings and exterior space should foster activity and interaction of citizens at a pedestrian scale. Encourage a variety of uses within walking distance for residents, employees, and visitors.

### (11) Building Setbacks.

Buildings within Central Tualatin must meet zoning regulations but should be encouraged to front the street edge. In addition, buildings placed close to side and rear property lines should be designed with sensitivity to future development on adjacent properties.

### CITY CONNECTIONS

### (12) Visual Linkages.

Design interior and exterior spaces that recognize and promote visual linkages to other defining elements, such as monuments, civic spaces, and other natural and urban landmarks that orient the user.

### (13) Clustering of Attractors.

Connections between major downtown attractors should be strengthened in order to create an easily walkable and friendly atmosphere. Reinforcement of connections could include new signage, landscaping and visual cues.

### (14) Axial Relationships and Monuments.

Recognize existing and potential axial relationships of places and buildings and incorporate, in building form or in monuments, extensions or terminations of these relationships.

### (15) Places and Connections.

Provide a safe, inviting series of interconnected “places,” both interior and exterior to the building structures. Provide linkages to adjacent neighborhoods for pedestrians, bicycles, and automobiles.

### (16) Transit Dynamics.

Public transit is fundamental to the future of Central Tualatin and its connection to the region. Both existing and future public transit expansion should be considered in any new development plans.

### (17) Driving and Parking.

In the design of streets and parking areas, functional requirements of vehicular activity should not compromise, but should enhance, the pedestrian environment.

## (18) Pedestrian Opportunities.

Integrate pedestrian circulation systems with existing and planned systems, both indoor and outdoor, that connect public rights-of-way and spaces, activities and uses, utilizing furniture and landscaping that are convenient to use and in character with the public improvements.

## (19) Connection to the River.

The Tualatin River and Hedges Creek are valuable and unique community resources. Development should be sensitive to the natural character of the river and creekfront. Provide linkages from Central Tualatin to these resources for pedestrian and bicycle access.

## (20) Green Streets.

Promote creation of “green” streets and surface parking areas utilizing features like permeable paving, solar powered lighting, and native landscaping. City design standards should be flexible to allow designs that have a minimal impact on non-renewable natural resources.

## (21) Connections Through Buildings.

Promote design that allows for public interaction with buildings. Encourage pedestrian walkways through, and elevated connections between, sections of the building.

## SPACES AND LANDSCAPES

### (22) Civic Rooms.

Development of public spaces within and around Central Tualatin should contribute to the formation of “civic rooms.” Within these rooms, specific commercial and public uses, circulation patterns, public art, and architectural character will be encouraged to reinforce the “room” and its linkage to the overall Central Tualatin area.

### (23) Areas Of Many Functions.

Create pathways, open spaces and enclosed or sheltered public spaces to be flexible and to accommodate a number of functions, whether organized or casual.

### (24) The Street.

Define the street through delineation of right-of-way with the building edge, landscaping, lighting and signing appropriate to the function of the street and the area of Central Tualatin it serves. Street trees spaced at no more than 30’ on center is critical to establishing the character of a street.

### (25) The Intersections.

Consider intersections as a “room” within the City. Maintain vehicular flow requirements while providing safe and convenient pedestrian access. When possible, focus the location of building entries, building details, street lighting, and signage at intersections.

### (26) Courtyards and Plazas.

In private development, design courtyards and plazas that provide a continuity of experience between the inside and outside of the building and between the public and private realm.

### (27) Open Space Defined By Buildings.

The spaces between buildings should enhance the public experience through building design, form and organization.

### (28) Inside and Outside.

Ground floor activities in buildings within Central Tualatin should present an interesting and enticing addition to the pedestrian experience. Exterior walls abutting public rights-of-way shall have more than 50% of the surface in windows, showcases, displays, art or pedestrian access elements.

### (29) Roofscaping.

The rooftops of buildings within Central Tualatin present an opportunity for “green” design and upper level activities. New development should be encouraged to create eco-roofs and/or opportunities for places where activity could enhance the street.

### (30) Street Trees.

Selection of trees along street edges should create a unifying canopy for the street. Trees with strong vertical shapes should be used sparingly to avoid a discontinuous or “lollipop” appearance.

### (31) Signage.

Business identity signs, while conforming to other requirements of the sign ordinance, should add to the quality and character of the street. Signs should also relate to the building’s character and provide identity and focus for the use.

## BUILDINGS

### (32) Building Form.

Single-purpose buildings should be treated as “stand-alone” structures with style and size appropriate to use. Mixed-use buildings should be designed to relate contextually to the surrounding

## Tualatin Development Code

buildings. In general, all new development should compliment adjacent buildings.

### (33) Adaptable Design.

As Central Tualatin evolves over time, the market will dictate changes in uses and densities. Design of buildings should consider flexibility in use and density over the life of the building.

### (34) Active Buildings Along Linkage Streets.

Where linkage streets are identified within Central Tualatin, active uses should be developed to support them. A retail corridor along the major street edges would help to reinforce the pedestrian link between focal points or attractors.

### (35) Solar Access.

New development in Central Tualatin should be designed to provide solar access and to minimize the impact of shadows on neighboring buildings and spaces. The use of upper floor setbacks and sloping roofs is encouraged.

### (36) The Outside Wall.

The “outside wall,” the building’s presentation both to passers-by and to users, should invite participation. Upper levels of buildings facing the street should incorporate decks, balconies or other devices that activate the wall enclosing the street.

### (37) Craft of Building.

In designing buildings, recognize the “craft of building” as fundamental in creating appropriate building detail. Lasting materials are strongly encouraged and the way buildings are assembled is important to the final product and its relationship to Central Tualatin.

### (38) Building Entrances.

Building entrances should support and enhance the pedestrian oriented quality of Central Tualatin. Design entrances to give identity to buildings and uses therein.

### (39) Parking Relationship To Building.

Parking areas are to be integrated into the building design. Surface parking should be limited to one-half block areas. Delineate surface parking from pedestrian ways by low vertical elements, such as masonry walls, fences or landscaping.

### (40) Service Areas.

Since service access and trash holding areas are expected to be adjacent to roadways and open

spaces, care must be taken to avoid a back-door appearance to the building faces adjacent to pedestrian areas and other buildings. Employ screening and landscaping to reduce the visual impact of service areas.

### (41) Interior Working Environment.

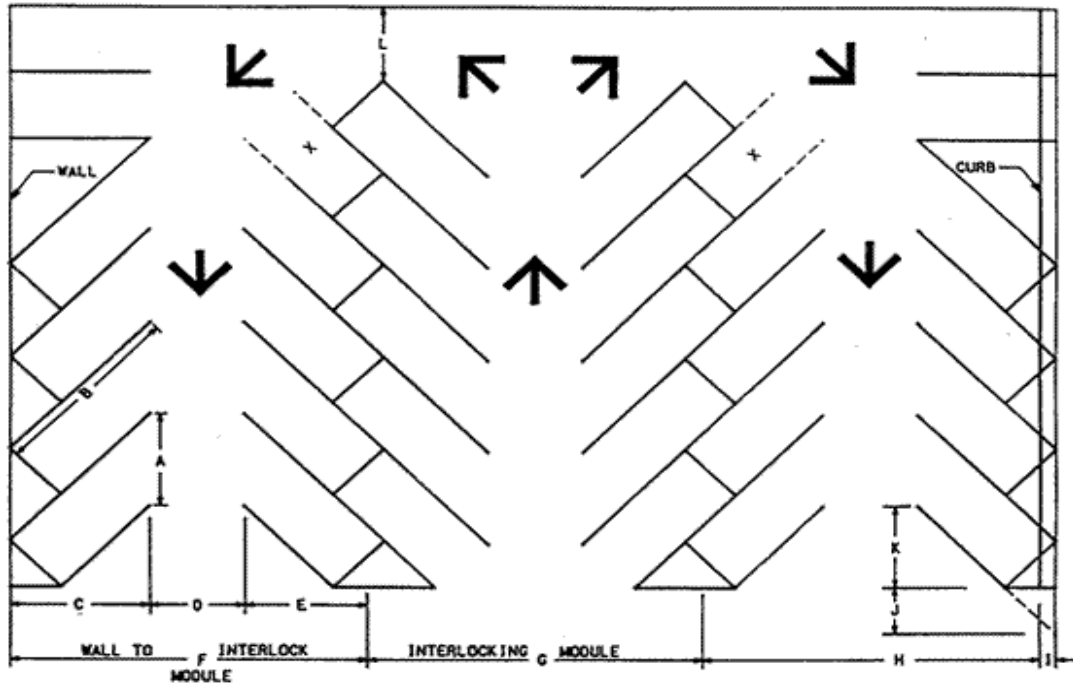
Interior design of buildings in Central Tualatin should recognize the need for quality work environments for all its users. Natural lighting and ventilation should be utilized to the maximum extent possible. (Ord. 1097-02, Add, 02/11/2002)

**Continued next page.**



Section 73.900 Figures 73-1 and 73-2

Tualatin Development Code - Figure 73-1  
 Parking Space Design Standards for 9-Foot Stalls



<u>Dimension</u>	<u>On Diagram</u>	<u>45°</u>	<u>60°</u>	<u>75°</u>	<u>90°</u>
Stall width parallel to aisle	A	12.7	10.4	9.3	9.0
Stall Length of line	B	25.0	22.0	20.0	18.5
Stall depth to wall	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	21.0	24.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, wall to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlocking to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Setback	K	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	12.0	12.0	12.0	12.0
Cross aisle, two way	-	22.0	22.0	22.0	22.0

X = Stall not accessible in some cases.

Parking Dimensions for Subcompact Parking

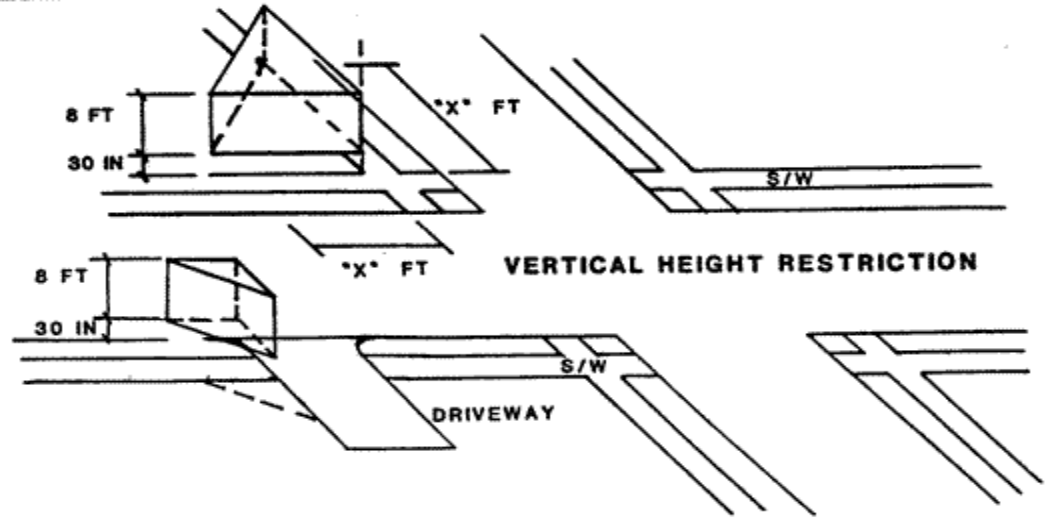
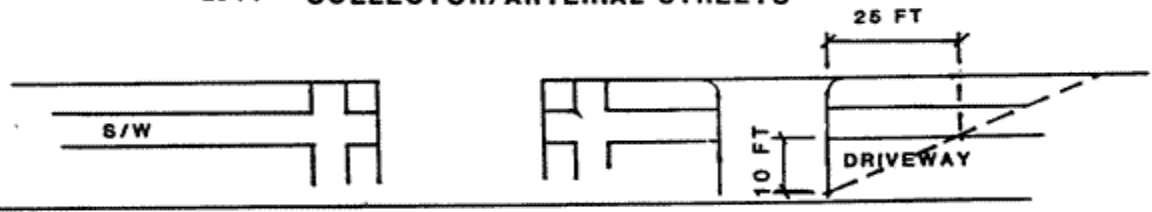
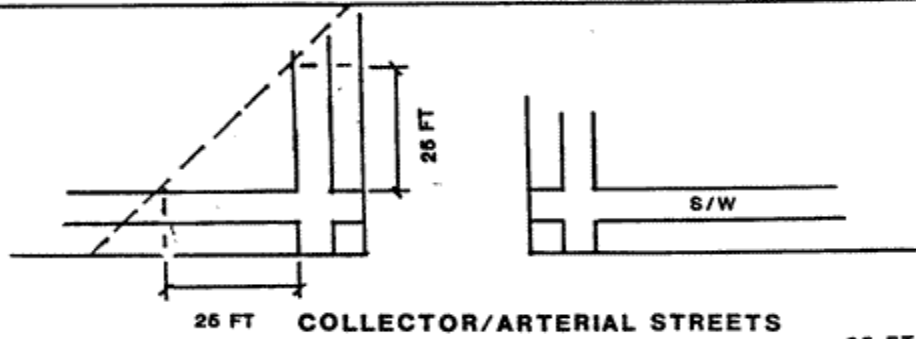
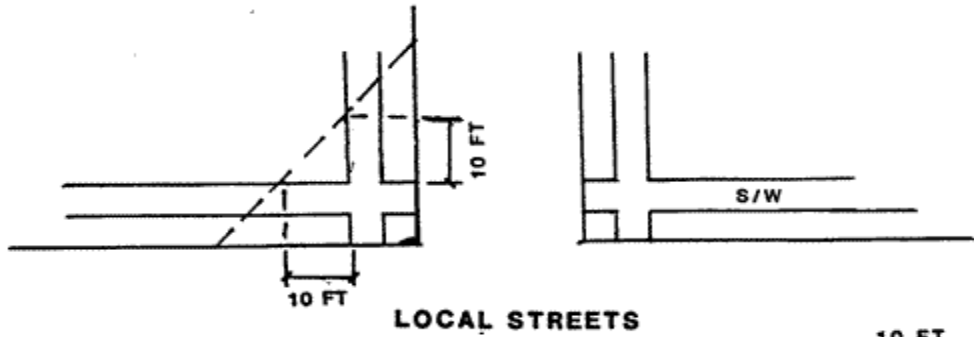
	<u>45°</u>	<u>60°</u>	<u>75°</u>	<u>90°</u>
Stall Width	7.5	7.5	7.5	7.7
Aisle Width per Stall	10.5	8.7	7.8	7.5
Depth of Stalls at right angle to aisle	16.0	16.7	16.3	15.0
Aisle Width	11.0	14.0	17.4	20.0
Wall-to-Wall module	43.0	47.4	50.0	50.0

Note: These measurements are inadequate for average compacts. Each stall depth should be increased about 1 foot (2 feet total for the module) to accommodate for the usual range of compact sizes.

# Tualatin Development Code

Figure 73-2

## VISION CLEARANCE AREA



**Chapter 74****Public Improvement Requirements****Sections:**

- 74.010** Purpose.  
**74.020** Authority.

**IMPROVEMENTS.**

- 74.110** Phasing of Improvements.  
**74.120** Public Improvements.  
**74.130** Private Improvements.  
**74.140** Construction Timing.

**RIGHT-OF-WAY**

- 74.210** Minimum Street Right-of-Way Widths.  
**74.220** Parcels Excluded from Development.

**EASEMENTS AND TRACTS.**

- 74.310** Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.  
**74.320** Slope Easements.  
**74.330** Utility Easements.  
**74.340** Watercourse Easements.  
**74.350** Tracts.

**TRANSPORTATION.**

- 74.410** Future Street Extensions.  
**74.420** Street Improvements.  
**74.430** Streets, Modifications of Requirements in Cases of Unusual Conditions.  
**74.440** Streets, Traffic Study Required.  
**74.450** Bikeways and Pedestrian Paths.  
**74.460** Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.  
**74.470** Street Lights.  
**74.475** Street Names.  
**74.480** Street Signs.  
**74.485** Street Trees.

**UTILITIES.**

- 74.610** Water Service.  
**74.620** Sanitary Sewer Service.  
**74.630** Storm Drainage System.  
**74.640** Grading.  
**74.650** Water Quality, Storm Water Detention and Erosion Control.

- 74.660** Underground.  
**74.670** Existing Structures.  
**74.700** Removal, Destruction or Injury of Trees.  
**74.705** Permit to Remove or Destroy Trees.  
**74.710** Open Ground.  
**74.715** Attachments to Trees.  
**74.720** Protection of Trees During Construction.  
**74.725** Maintenance Responsibilities.  
**74.730** Notice of Violation.  
**74.735** Trimming by City.  
**74.740** Prohibited Trees.  
**74.745** Cutting and Planting Specifications.  
**74.750** Removal or Treatment by City.  
**74.755** Appeal of Permit Denial.  
**74.760** Penalties.  
**74.765** Species and Locations of Plantings.

**Section 74.010 Purpose.**

The City's Community Plan sets forth the requirements for providing adequate transportation and utility systems to serve the community's present and future needs. Land development without adequate transportation and utility systems will adversely affect the overall economic growth of the City and cause undue damage to the public health and welfare of its citizens. Consequently, the City finds that it is in the public interest to require land development to meet the following improvement requirements. [Amended by Ord. 895-93, Sec. 14, passed May 24, 1993.]

**Section 74.020 Authority.**

(1) The City Engineer may develop standard forms, including but not limited to deeds, easements, interim access agreements, escrow agreements, street improvement agreements, subdivision compliance agreements and agreements to dedicate right-of-way, to include the contents and warranties when they are submitted, and the procedure for implementation necessary to carry out the purpose of this chapter.

# Tualatin Development Code

(2) Easements submitted on a final plat or on a separate easement form shall be subject to this chapter.

(3) Supervision of Planting. The Parks & Recreation Director has jurisdiction over all trees, plants and shrubs planted or growing in or upon the public rights-of-way of the City and their planting, removal, care, maintenance and protection. The Parks & Recreation Director shall enforce these provisions. [Amended by Ord. 635-84,

Sec. 40, passed June 11, 1984 and Ord. 895-93, Sec. 14, passed May 24, 1993;

Ord. 963-96, Sec. 7, passed June 24, 1996.]

## IMPROVEMENTS.

### Section 74.110 Phasing of Improvements.

The applicant may build the development in phases. If the development is to be phased the applicant shall submit a phasing plan to the City Engineer for approval with the development application. The timing and extent or scope of public improvements and the conditions of development shall be determined by the City Council on subdivision applications and by the City Engineer on other development applications.

### Section 74.120 Public Improvements.

Except as specially provided, all public improvements shall be installed at the expense of the applicant. All public improvements installed by the applicant shall be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.

### Section 74.130 Private Improvements.

All private improvements shall be installed at the expense of the applicant. The property owner shall retain maintenance responsibilities over all private improvements.

### Section 74.140 Construction Timing.

(1) All the public improvements required under this chapter shall be completed and accepted by the City prior to the issuance of a Certificate of Occupancy; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

(2) All private improvements required under this chapter shall be approved by the City prior to the issuance of a Certificate of Occupancy; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

## RIGHT-OF-WAY

### Section 74.210 Minimum Street Right-of-Way Widths.

The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way shall not be less than the minimums indicated in TDC Chapter 11, Transportation Plan.

(1) For subdivision and partition applications, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width the additional right-of-way necessary to comply with the Transportation Element of the Tualatin Community Plan shall be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication shall be for the full width of the property abutting the roadway and, if required by the City Engineer, additional dedications shall be provided for slope and utility easements if deemed necessary.

(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with the Transportation Element of the Tualatin Community Plan shall be dedicated to the City for use by the public prior to issuance

of any building permit for the proposed development. This right-of-way dedication shall be for the full width of the property abutting the roadway and, if required by the City Engineer, additional dedications shall be provided for slope and utility easements if deemed necessary.

(3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant shall be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form shall be obtained from the City Engineer and upon completion returned to the City Engineer for acceptance by the City. On subdivision and partition plats the right-of-way dedication shall be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication shall be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council shall determine when condemnation proceedings are to be used.

(4) If the City Engineer deems that it is impractical to acquire the additional right-of-way as required in subsections (1)-(3) of this section from both sides of the centerline in equal amounts, the City Engineer may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Engineer's recommendation shall be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.

(5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 11, Transportation Plan, additional right-of-way shall be dedicated from both

sides or from one side only as determined by the City Engineer to bring the road right-of-way in compliance with this section.

(6) When a proposed development is adjacent to or bisected by a street proposed in TDC Chapter 11, Transportation Plan and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 11 shall be dedicated by the applicant. The dedication of right-of-way required in this subsection shall be along the route of the road as determined by the City.

### **Section 74.220 Parcels Excluded from Development.**

On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant shall be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant shall submit a completed right-of-way dedication deed to the City Engineer for acceptance. The right-of-way dedication shall be accepted by the City prior to the City approving the final subdivision plat. [Amended

by Ord. 933-94, Sec. 49, passed Nov. 28, 1994.]

## **EASEMENTS AND TRACTS.**

### **Section 74.310 Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.**

(1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process shall be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.

(2) For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or

## Tualatin Development Code

(3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements shall be submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the dedication or easement by the City. [Amended by

Ord. 933-94 §50, passed Nov. 28, 1994; Ord 979-97 §52, passed July 14, 1997; Ord. 1026-99 §98, passed Aug. 9, 1999.]

### Section 74.320 Slope Easements.

(1) The applicant shall obtain and convey to the City any slope easements determined by the City Engineer to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or access-way or utility improvements required to be constructed by the applicant.

(2) For subdivision and partition applications, the slope easement dedication area shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or

(3) For all other development applications, a slope easement dedication shall be submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the easement by the City. [Amended by Ord. 933-94, Sec. 51, passed Nov. 28, 1994.]

### Section 74.330 Utility Easements.

(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities shall be granted to the City.

(2) For subdivision and partition applications, the on-site public utility easement dedication area shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and

(3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement shall be granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council shall de-

termine when condemnation proceedings are to be used.

(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement shall be granted to the City; building permits shall not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council shall determine when condemnation proceedings are to be used.

(5) The width of the public utility easement shall meet the requirements of the Public Works Construction Code. All subdivisions and partitions shall have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines.

[Amended by Ord. 933-94, Sec. 52, passed Nov. 28, 1994.]

### Section 74.340 Watercourse Easements.

(1) Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant shall provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Engineer, conforming substantially with the lines of the watercourse. The City Engineer shall determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.

(2) For subdivision and partition applications, any watercourse easement dedication area shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or

(3) For all other development applications, any watercourse easement shall be executed on a dedication form submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the easement by the City.

(4) The storm water easement shall be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District, and the Surface Water Management Ordinance. Water quality facilities may require additional easements as described in the Surface Water Management Ordinance. [Amended by

Ord. 933-94, Sec. 53, passed Nov. 28, 1994.]

### Section 74.350 Tracts.

A dedicated tract or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Engineer. Access for maintenance vehicles shall be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the tract or easement shall be 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the tract shall be dedicated to the City on the final plat. In any other development, an access easement shall be granted to the City and recorded prior to issuance of a building permit. [Amended by Ord.

933-94, Sec. 54, passed Nov. 28, 1994.]

## TRANSPORTATION.

### Section 74.410 Future Street Extensions.

(1) Streets shall be extended to the proposed development site boundary where necessary to:

- (a) give access to, or permit future development of adjoining land;
- (b) provide additional access for emergency vehicles;
- (c) provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;
- (d) eliminate the use of cul-de-sacs except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension.

(e) eliminate circuitous routes. The resulting dead end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.

(2) Proposed streets shall comply with the general location, orientation and spacing identified in the Local Streets Plan, TDC 11.630, Figure 11-1 and Figure 11-3.

(a) Streets proposed as part of new residential or mixed residential/commercial developments shall comply with the following standards:

- (i) full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers;
- (ii) bicycle and pedestrian access-way easements where full street connections are not possible, with spacing of no more than 330 feet, except where prevented by barriers;
- (iii) limiting cul-de-sacs and other closed-end street systems to situations where barriers prevent full street extensions; and
- (iv) allowing cul-de-sacs and closed-end streets to be no longer than 200 feet or with more than 25 dwelling units, except for streets stubbed to future developable areas.

(b) Streets proposed as part of new industrial or commercial development shall comply with TDC 11.630(2) and Figure 11-1.

(3) During the development application process, the location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision shall either:

- (a) provide for the continuation or appropriate projection of existing streets into surrounding areas; or
- (b) conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical

(4) The City Engineer may require the applicant to submit a street plan showing all existing, proposed, and future streets in the area of the proposed development.

(5) The City Engineer may require the applicant to participate in the funding of future off-site street extensions when the traffic impacts of the applicant's development warrant such a condition.

[Amended by Ord. 933-94 §55, passed Nov. 28, 1994; Ord. 1026-99 §99, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### **Section 74.420 Street Improvements.**

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan, and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 shall be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) Where development abuts an existing street, the improvement required shall apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Engineer to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement shall connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

(5) If additional improvements are required as part of the Access Management Plan of the City,

TDC Chapter 75, the improvements shall be required in the same manner as the half-street improvement requirements.

(6) All required street improvements shall include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

(7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 shall be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.

(8) For development applications other than subdivisions and partitions, all street improvements required by this section shall be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

(9) In addition to land adjacent to an existing or proposed street, the requirements of this section shall apply to land separated from such a street only by a railroad right-of-way.

(10) Streets within, or partially within, a proposed development site shall be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

(11) Existing streets which abut the proposed development site shall be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan.

(12) Concrete sidewalks with appropriate buffering shall be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

(13) The applicant shall comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.



(14) The applicant shall construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant shall be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

(16) The City Engineer may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant shall sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement shall be subject to the City's approval.

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively. [Amended by Ord. 933-94 §56, passed Nov. 28, 1994; Ord. 1026-99 §100, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

### **Section 74.430 Streets, Modifications of Requirements in Cases of Unusual Conditions.**

(1) When, in the opinion of the City Engineer, the construction of street improvements in accor-

dance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Engineer may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Engineer may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.

(2) When the City Engineer determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Engineer shall prepare written findings of modification. The City Engineer shall forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC 31.072. The decision of the City Engineer may be appealed to the City Council in accordance with TDC 31.076 and 31.077.

(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to 10 feet [the minimum specified in AASHTO's A Policy on Geometric Design of Highways and Streets (1990)], a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-stripped separation 2 to 4 feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When

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width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

(4) The Local Commercial-Industrial Street Section, B-CI, may have an interim reduced cross-section as determined by the City Engineer. The interim reduced standard would include 24-28 feet of pavement, 3-foot gravel shoulders, 2:1 side slopes to a drainage ditch and a 5-foot asphalt sidewalk on one side. Development to the full B-CI Standard will be determined subject to required traffic study analysis. See Figure 75-2F for the Interim B-CI Street Standard. (Ord. 1124-02,

Amended, 12/09/2002)

### **Section 74.440 Streets, Traffic Study Required.**

(1) The City Engineer may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Engineer determines that such a study is necessary in connection with a proposed development project in order to:

(a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or

(b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.

(2) The required traffic study shall be completed prior to the approval of the development application.

(3) The traffic study shall include, at a minimum:

(a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities

(b) an analysis of any existing safety deficiencies

(c) proposed trip generation and distribution for the proposed development

(d) projected levels of service on adjacent and impacted facilities

(e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.

(f) The City Engineer will determine which facilities are impacted and need to be included in the study.

(g) The study shall be conducted by a registered engineer.

(4) The applicant shall implement all or a portion of the improvements called for in the traffic study as determined by the City Engineer. (Ord. 1103-

02, Amended, 03/25/2002)

### **Section 74.450 Bikeways and Pedestrian Paths.**

(1) Where proposed development abuts or contains an existing or proposed bikeway or pedestrian path, as set forth in TDC Chapter 11, Transportation Plan, the City may require that a bikeway or pedestrian path be constructed, and an easement or dedication provided to the City.

(2) Where required, bikeways and pedestrian paths shall be provided as follows:

(a) Bike and pedestrian paths shall be constructed and surfaced in accordance with the Public Works Construction Code.

(b) The applicant shall install the striping and signing of the bike lanes and shared roadway facilities, where designated. [Amended by Ord. 933-94, Sec. 57, passed Nov. 28, 1994.]

### **Section 74.460 Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.**

(1) Accessways shall be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.

(2) Accessways shall be located between the proposed subdivision or partition and all of the following locations that apply:

(a) adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;

(b) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;

(c) adjoining undeveloped residential, commercial or industrial properties;

(d) adjoining developed sites where an accessway is planned or provided.

(3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant shall connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.

(4) Accessways shall be as short as possible, but in no case more than 600 feet in length.

(5) Accessways shall be as straight as possible to provide visibility from one end to the other.

(6) Accessways shall be located and improved within a right-of-way or tract of no less than 8 feet.

(7) Where possible, accessways shall be combined with utility easements.

(8) Accessways shall be constructed in accordance with the Public Works Construction Code.

(9) Curb ramps shall be provided wherever the accessway crosses a curb and shall be constructed in accordance with the Public Works Construction Code.

(10) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Accessways shall comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.

(11) Fences and gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.

(12) Final design and location of accessways shall be approved by the City.

(13) Outdoor Recreation Access Routes shall be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated. [Amended by Ord. 933-94, Sec. 58, passed Nov. 28, 1994; Ord. 947-95, Secs. 12 & 13, passed July 24, 1995; Ord. 1008-98, Sec. 7, passed July 13, 1998] (Ord. 1103-02, Amended, 03/25/2002)

#### **Section 74.470 Street Lights.**

(1) Street light poles and luminaries shall be installed in accordance with the Public Works Construction Code.

(2) The applicant shall submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

#### **Section 74.475 Street Names.**

(1) No street name shall be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

(2) The City Engineer shall maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name shall be approved by the City Engineer.

#### **Section 74.480 Street Signs.**

(1) Street name signs shall be installed at all street intersections in accordance with standards adopted by the City.

(2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.

(3) Prior to approval of the final subdivision or partition plat, the applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs shall be determined by the City. [Amended by Ord. 1192-05, passed 7/25/05].

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## Section 74.485 Street Trees.

(1) Prior to approval of a residential subdivision or partition final plat, the applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees shall be determined by the City. This sum shall be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.

(2) In nonresidential subdivisions and partitions street trees shall be planted by the owners of the individual lots as development occurs.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees. [Amended by Ord. 1192-05, passed 7/25/05]

## UTILITIES.

### Section 74.610 Water Service.

(1) Water lines shall be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans shall be submitted to the City Engineer for review and approval prior to construction.

(2) If there are undeveloped properties adjacent to the subject site, public water lines shall be extended by the applicant to the common boundary line of these properties. The lines shall be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

(3) As set forth is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants shall be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant shall be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site. [Amended by Ord. 933-94, Sec. 59, passed Nov. 28, 1994.]

1994.]

### Section 74.620 Sanitary Sewer Service.

(1) Sanitary sewer lines shall be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.

(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant shall extend public sanitary sewer lines to the common boundary line with these properties. The lines shall be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13. [Amended by Ord. 933-94, Sec.

60, passed Nov. 28, 1994.]

### Section 74.630 Storm Drainage System.

(1) Storm drainage lines shall be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.

(2) The storm drainage calculations shall confirm that adequate capacity exists to serve the site. The discharge from the development shall be analyzed in accordance with the City's Storm and Surface Water Regulations.

(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant shall extend storm drainage lines to the common boundary line with these properties. The lines shall be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14. [Amended by Ord. 933-94, Sec. 61, passed Nov. 28, 1994; Ord.

952-95, Sec. 2, passed Oct. 23, 1995.]

### Section 74.640 Grading.

(1) Development sites shall be graded to minimize the impact of storm water runoff onto

adjacent properties and to allow adjacent properties to drain as they did before the new development.

(2) A development applicant shall submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Engineer may require the applicant to remove all excess material from the development site.

### **Section 74.650 Water Quality, Storm Water Detention and Erosion Control.**

The applicant shall comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:

(1) On subdivision and partition development applications, prior to approval of the final plat, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be satisfied and obtain a Stormwater Connection Permit from the Unified Sewerage Agency; or

(2) On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from the Unified Sewerage Agency.

(3) The applicant shall submit a maintenance plan for the water quality facility for the City's review and approval. The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City. [Amended by Ord.

952-95, Sec. 3, passed Oct. 23, 1995; Ord 1070-01 §12, passed Apr. 9, 2001.] (Ord. 1070-01, Amended, 04/09/2001)

### **Section 74.660 Underground.**

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities shall be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant shall make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

(2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant shall, at their own expense, provide an underground system. The applicant shall be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements shall be submitted to the City Engineer for acceptance by the City prior to issuance of the Public Works Permit.

### **Section 74.670 Existing Structures.**

(1) Any existing structures requested to be retained by the applicant on a proposed development site shall be connected to all available City utilities at the expense of the applicant.

(2) The applicant shall convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.

(3) The applicant shall be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

### **Section 74.700 Removal, Destruction or Injury of Trees.**

It is unlawful for a person, without a written permit from the Operations Director, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-

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way within the City, or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996.

Amended by Ord 1079-01, Sec. 1, passed July 23, 2001.] (Ord. 1079-01, Amended, 07/23/2001)

### **Section 74.705 Permit to Remove or Destroy Trees.**

A person who desires to remove or destroy a tree in or upon any public right-of-way shall make application to the Operations Director on forms furnished by the City. The application must state the number and kind of trees to be removed, the name of permittee and contractor, if applicable, the time the proposed work is to be done, and such other information as the Operations Director deems pertinent. Work done under the written permit must be performed in strict accordance with the permit terms and this chapter, and with the approval of the Operations Director.

[Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 2, passed July 23, 2001] (Ord. 1079-01, Amended, 07/23/2001)

### **Section 74.710 Open Ground.**

When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least nine square feet of open ground for a tree up to three inches in diameter shall be provided about the base of the trunk of each tree. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]

### **Section 74.715 Attachments to Trees.**

It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree, plant or shrub in or upon a public right-of-way or to the guard or stake intended for the protection of such tree, except as a support for a tree, plant or shrub. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]

### **Section 74.720 Protection of Trees During Construction.**

(1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair,

alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.

(2) Excavations and driveways shall not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Engineer. During excavation or construction, the person shall guard the tree within six feet and all building material or other debris shall be kept at least four feet from any tree. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]

### **Section 74.725 Maintenance Responsibilities.**

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk shall be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

(1) The lowest branches are not less than 12 feet above the surface of the street, and are not be less than 14 feet above the surface of streets designated as state highways.

(2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.

(3) No plant, tree, bush or shrub shall be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured 10 feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.

(4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.

(5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Main-

tenance Ordinance. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]

### **Section 74.730 Notice of Violation.**

When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub or plant as provided in TDC 74.725, the Operations Director shall cause a written notice to trim such tree or trees, shrubs or plants to be served upon such owner, lessee, occupant or person in charge, within 10 days after the giving the notice; and if the owner, lessee or occupant or person in charge fails to do so, the person shall be guilty of violating this ordinance and subject to the penalties in TDC 74.760. The notice shall be served upon the owner, lessee, occupant or person in charge either by "Certified Mail-Return Receipt Requested", or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 3, passed July 23, 2001.] (Ord. 1079-01, Amended, 07/23/2001)

### **Section 74.735 Trimming by City.**

If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs or plants within 10 days after service of the notice in TDC 74.730, the Operations Director shall trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.

[Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 4, passed July 23, 2001] (Ord. 1079-01, Amended, 07/23/2001)

### **Section 74.740 Prohibited Trees.**

It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with Schedule A. Any tree planted subsequent to adoption of this Chapter not in compliance with Schedule A shall be removed at the expense of the property owner. [Added

by Ord. 963-96, Sec. 9, passed June 24, 1996]

### **Section 74.745 Cutting and Planting Specifications.**

The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.

(1) When trees are cut down, the stump shall be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.

(2) Trees shall be planted in accordance with Schedule A, except when a greater density is allowed under a special permit from the Operations Director. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 5, passed July 23, 2001] (Ord. 1079-01, Amended, 07/23/2001)

### **Section 74.750 Removal or Treatment by City.**

The Operations Director may remove or cause or order to be removed a tree, plant or shrub, planted or growing in or upon a public right-of-way which by its nature causes an unsafe condition or is injurious to sewers or public improvements, or is affected with an injurious fungus disease, insect or other pest. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]

When, in the opinion of the Operations Director, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the Operations Director may trim or treat such a branch or branches, or cause or order branches to be trimmed or treated. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 6, passed July 23, 2001] (Ord. 1079-01, Amended, 07/23/2001)

### **Section 74.755 Appeal of Permit Denial.**

When application for a permit under this Chapter is denied by the Operations Director, an order is issued by the Operations Director directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the Operations Director containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within 10 City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the

application, rescind or modify the order from which the appeal was taken. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 7, passed July 23, 2001] (Ord. 1079-01, Amended, 07/23/2001)

**Section 74.760 Penalties.**

A person who violates this ordinance or fails to trim a tree or shrub for which notice to do so was provided, shall, upon conviction, be fined not more than \$100.00. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]

**Section 74.765 Species and Locations of Plantings.**

All trees, plants or shrubs planted in the right-of-way of the City shall conform in species and location and in accordance with the street tree plan in Schedule A. [Added by Ord. 963-96, Sec. 9, passed June 24, 1996]



## Schedule A

### TREE PLANTINGS IN THE CITY OF TUALATIN

The following street trees are authorized for planting in the City of Tualatin. Please refer to Map 74-1 to reference locations of the following types of trees:

#### Zone 1

##### 4-Foot Planter Strips:

Armstrong Maple  
 \*European Hornbeam  
 Scanlon/Bowhall Maple  
 Chanticlear Pear  
 Columnar Maple  
 Zelkova  
 Planted 30-Foot on Center

##### 5 to 6-Foot Planter Strips:

Any of the listing above, plus  
 Shademaster Honey Locust  
 Autumn Applause Ash  
 Planted 30-Foot on Center

##### 6-Foot or More Planter Strips:

Any of the listings above  
 Planted 30-Foot on Center

#### Zone 2

##### 4-Foot Planter Strips:

\*Golden Desert Ash  
 \*Amur Maple  
 \*Crimson Sentry Maple  
 \*Ivory Japanese Lilac  
 \*European Hornbeam  
 \*Maackia  
 \*Trident Maple  
 Yellowwood  
 Goldenrain  
 Zelkova  
 Planted 30-Foot on Center

##### 5 to 6-Foot Planter Strips

Any of the listing above, plus  
 Crimson King Maple  
 Ginko  
 \*Raywood Ash  
 Greenspire Linden  
 Urbanite Ash  
 Planted 30-Foot on Center

##### 6-Foot or More Planter Strips:

Any of the listing above, plus  
 Red Sunset Maple  
 Scarlet Oak  
 Tri-Color Beech  
 Globe Sugar Maple  
 Red Oak  
 Frontier Elm  
 Planted 60-Foot on Center

\*Powerline Compatible

[Added by Ord. 963-96, Sec. 9, passed June 24, 1996. Amended by Ord 1079-01, Sec. 8 passed July 23, 2001.] (Ord. 1079-01, Amended, 07/23/2001)

**Chapter 75**

**Access Management On Arterial Streets**

**Sections:**

- 75.010 Purpose.**
- 75.030 Freeways, Expressways and Arterials Defined.**
- 75.050 Approval Process For Access Onto Arterials, and Appeal Provisions.**
- 75.060 Existing Driveways and Street Intersections**
- 75.070 New Intersections.**
- 75.080 Alternate Access.**
- 75.090 Interim Access.**
- 75.100 Exceptions.**
- 75.110 New Streets.**
- 75.120 Existing Streets.**
- 75.130 Joint Accesses Required.**
- 75.140 Access Management for Collectors**
- 75.200 Street Design Standards**

- (d) Pacific Highway 99W;
- (e) Tualatin-Sherwood Road at all points located within the City of Tualatin Planning Area;
- (f) Nyberg Street, from its intersection with Tualatin-Sherwood Road east to 65th Avenue, including the I-5 Interchange;
- (g) 124th Avenue from Highway 99 south to Tualatin-Sherwood Road;
- (h) Lower Boones Ferry Road, from Boones Ferry Road to the Bridgeport/72nd intersection and from the Bridgeport/72nd intersection to the east City limits;
- (i) Boones Ferry Road at all points located within the City of Tualatin Planning Area;
- (j) SW 65th Avenue from its intersection with Nyberg Street south to Sagert Street;
- (k) Borland Road from SW 65th Avenue east to Saum Creek;
- (l) Bridgeport Road from Lower Boones Ferry Road to the west City limits;
- (m) Martinazzi Avenue from Boones Ferry Road south to Sagert Street;
- (n) Tualatin Road from Boones Ferry Road to Herman Road;
- (o) Sagert Street from Martinazzi Avenue to 65th Avenue;
- (p) Hall Boulevard extension from Tualatin Road to the north City limits;
- (q) Leveton Drive from 118th Avenue to 108th Avenue;
- (r) 108th Avenue from Leveton Drive to Herman Road;
- (s) Herman Road from 108th Avenue to Teton Avenue;
- (t) Lower Boones Ferry Road extension west to Tualatin Road.

**Section 75.010 Purpose.**

The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street intersections, and turning movements while providing for appropriate access for all properties. [Added by Ord. 635-84, Sec. 43, passed June 11, 1984; amended by Ord. 982-97, Sec. 2, passed August 4, 1997.] (Ord. 1103-02, Amended, 03/25/2002)

**Section 75.030 Freeways, Expressways and Arterials Defined.**

This section shall apply to all City, County and State public streets, roads and highways within the City and to all properties that abut these streets, roads and highways.

(1) Access shall be in conformance with TDC Chapter 73 unless otherwise noted below.

(2) Freeways, Expressways and Arterials Designated.

For the purposes of this chapter the following are freeways, expressways and arterials:

- (a) Interstate 5 Freeway;
- (b) Interstate 205 Freeway;
- (c) I-5/99W Connector;

If the Council finds that any other road or street is in need of access control for any reason, it may direct that the street or road be added to this section through a Plan Text Amendment.

**(3) Applicability**

(a) This chapter applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions

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taken by the City Council or any administrative officer of the City pertaining to property abutting any road or street listed in TDC 75.030. In addition, any parcel not abutted by a road or street listed in TDC 75.030, but having access to an arterial by any easement or prescriptive right, shall be treated as if it did abut the arterial and this chapter applies. This chapter shall take precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.

(b) With the approval of the City Council, the City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City's Road Authority. [Added by Ord. 635-84, Sec. 45, passed June 11, 1984; amended by Ord. 982-97, Sec. 4, passed August 4, 1997.] (Ord. 1103-02, Amended, 03/25/2002)

### **Section 75.050 Approval Process For Access Onto Arterials, and Appeal Provisions.**

(1) All requests for access onto arterials shall be reviewed by the City Engineer and follow the process described in TDC 31.074 through TDC 31.078 unless it is processed in conjunction with an application requiring a public hearing by the City Council. Based on provisions of this chapter and of the procedure described in TDC 31.074 through TDC 31.078, the City Engineer shall approve, approve with conditions, or reject the request for access in writing, stating the reasons for his or her decision.

(2) Notice of the City Engineer's decision shall be distributed in accordance with TDC 31.074. The applicant shall be responsible for preparing the list of property owners within the notification area in the manner provided by TDC 31.071. The City Engineer's decision shall be final 14 calendar days after the date the notice of the decision is distributed unless within the 14 calendar the City Engineer receives a request for review of the decision. Requests for review shall be submitted in accordance with

TDC 31.076 and a hearing conducted in accordance with TDC 31.077.

(3) [Repealed by Ord. 743-88, Sec. 34, passed March 28, 1988.] [Amended by Ord. 743-88, Sec. 29, passed March 28, 1988; Ord. 982-97, Sec. 6, passed August 4, 1997; Ord. 96-07, passed May 12, 1997; Ord 1096-02 §38, Jan 28, 2002.] (Ord. 1096-02, Amended, 01/28/2002)

### **Section 75.060 Existing Driveways and Street Intersections**

(1) Existing driveways with access onto arterials on the date this chapter was originally adopted shall be allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this chapter applies and the entire site shall be made to conform with the requirements of this chapter.

(2) The City Engineer may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means. [Added by Ord. 635-84, Sec. 48, passed June 11, 1984; amended by Ord. 982-97, Sec. 7, passed August 4, 1997.]

### **Section 75.070 New Intersections.**

Except as shown on Map 75-1, all new intersections with arterials shall have a minimum spacing of ½ mile between intersections. [Added by Ord. 635-84, Sec. 49, passed June 11, 1984.]

### **Section 75.080 Alternate Access.**

Except as provided in 75.090 all properties which abut an arterial and another road or street shall not have access on the arterial. [Added by Ord. 635-84, Sec. 50, passed June 11, 1984.]

### **Section 75.090 Interim Access.**

When a property abuts a freeway, expressway or arterial and a future street shown on Map 75-1, or abuts or bisects the property, the City Engineer may approve an interim access on the arterial subject to the following conditions:

(1) The City Engineer finds that at the current time the construction of the new street shown on Map 75-1 is impractical due to costs of right-of-way acquisition.

(2) The property owner receiving interim access dedicates the right-of-way for the new

street as shown on Map 75-1 if it would be on the property.

(3) At such time as the City Engineer finds that it is practical to construct a new street as shown on Map 75-1, the property owner agrees to pay for or construct its fair share of the new street when it is practical.

(4) At such time as the new street as shown on Map 75-1 is constructed, the interim access shall be closed and no longer used. The cost of this closure shall be borne by the property owner.

(5) In granting the interim access the property owner may be required to share said interim access with adjacent properties.

(6) The interim access shall be constructed in a manner to make it as efficient as possible. Improvements required as part of the interim access may include:

- (a) A left turn lane.
- (b) A right turn lane.
- (c) Driveways constructed at street intersections to provide for truck turning movement.
- (d) Dedication of additional right-of-way on the arterial.
- (e) Installation of traffic control signals.
- (f) Limitation of new driveways to right turn in, right turn out movements by construction of raised median barriers or other means.

(7) Any interim access approved in accordance with this chapter shall be set forth in the form of a written agreement, approved by the City Attorney. The agreement shall be verified by the owner in the manner provided for deeds and restrictions on real property. The agreement shall bind the parties thereto as well as their heirs, successors in interest and assigns and shall not be modified without the express written approval of the City. [Added by Ord. 635-84, Sec. 51, passed

June 11, 1984, Sec. 75.090(7); amended by Ord. 743-88, Sec. 30, passed March 28, 1988.] (Ord. 1103-02, Amended, 03/25/2002)

### **Section 75.100 Exceptions.**

If the City Engineer finds that it is physically impossible for a property to receive access from any other street or road than an arterial as defined in 75.030 and that the property cannot physically be served by any new street as shown

on Map 75-1 or any logical extension of or addition thereto, the City Engineer may grant a permanent access directly to an arterial. In doing so the City Engineer may impose conditions on the construction of said access including, but not limited to:

- (1) Dedication of additional right-of-way on the arterial.
- (2) Creation of a joint access.
- (3) Construction of left turn lanes.
- (4) Construction of right turn lanes.
- (5) Installation of traffic signals.
- (6) Limitation of access to right turn in, right turn out by construction of raised median barriers or other means. [Added by Ord. 635-84, Sec. 52, passed June 11, 1984.]

### **Section 75.110 New Streets.**

(1) New streets designed to serve as alternatives to direct, parcel by parcel, access onto arterials are shown on Map 75-1. These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process. Unless modified by the City Council by the procedure set out below, these streets will be the only new intersections with arterials in the City. *See map for changes*

(2) Specific alignment of a new street may be altered by the City Engineer upon finding that the street, in the proposed alignment, will carry out the objectives of this chapter to the same, or a greater degree as the described alignment, that access to adjacent and nearby properties is as adequately maintained and that the revised alignment will result in a segment of the Tualatin road system which is reasonable and logical.

(3) The City Council may include additional streets on Map 75-1 through the plan amendment procedure. In addition to other required findings, the City Council must find that the addition is necessary to implement the objectives of this chapter. [Added by Ord. 635-84, Sec. 53, passed June 11, 1984; amended by Ord. 743-88, Sec. 31, passed March 28, 1988; Ord. 975-97, Sec. 3, passed May 12, 1997; Ord. 1023-99, Sec 11, passed June 28, 1999.]

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### Section 75.120 Existing Streets.

The following list describes in detail the free-ways, expressways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

#### INTERSTATE 5

I-5 is a State facility and access is controlled by the State.

#### INTERSTATE 205

I-205 is a State facility and access is controlled by the State.

#### I-5/99W CONNECTOR

If a Goal exception is granted for the Regional Transportation Plan, the I-5/99W Connector may run from a new interchange near Norwood Road westerly and then northwesterly to Tualatin-Sherwood Road or it may run westerly to Highway 99W south of Sherwood. This roadway is a controlled access highway with possible intersections proposed at the following locations:

- (1) The intersection of Boones Ferry Road and I-5/99W Connector.
- (2) The intersection of Grahams Ferry Road and I-5/99W Connector.
- (3) The intersection of the southern extension of SW 124th Avenue and I-5/99W Connector.
- (4) The intersection of Tualatin-Sherwood Road and I-5/99W Connector.

If the I-5/99W Connector is constructed in phases, some interim accesses may be provided in accordance with TDC Chapter 75 when the road is a two-lane road. When the road is completed to its design width, it may be necessary to construct sections of a frontage road to provide access to properties along the I-5/99W Connector. This would be mainly in the area between Graham Ferry Road and the Portland and Western (old Burlington Northern) railroad track.

#### PACIFIC HIGHWAY 99W

On the southeasterly side of Pacific Highway 99W access will be provided by Cipole Road, a future street 130th Avenue, 124<sup>th</sup> Avenue and Hazelbrook Road. Prior to construction of 130th Avenue, interim access in accordance with TDC Chapter 75 may be approved by the City Engineer. In addition to 130th Avenue, shared driveway accesses will be allowed between Tax Lots 1800 (Grimm's Fuel, 18850 99W) and 1801 (Construction Equipment Company, 18550 99W), and Lots 2000 (SW Readymix, 18610 99W) and 2101 (Anderson Forge and Machine, 18500 99W), Tax Map 2S121A. A shared driveway access will also be allowed between 130th Avenue and 124<sup>th</sup> Avenue. 130th Avenue should match-up with a re-aligned Pacific Drive on the northwesterly side of 99W. West of Cipole Road and south of Pacific Highway access will be provided by a new street or private drive extending west of Cipole Road across from the proposed Cummins Drive/Cipole Road intersection.

East of 124<sup>th</sup> Avenue on the southeasterly side of Pacific Highway 99W, property will access onto Tualatin Road or onto Hazelbrook Road. In this area a central access from Pacific Highway consisting of one right-in and one right-out driveway may be allowed. The access point shall be located within the middle one-third of the frontage between 124th Avenue and Hazelbrook Road. The final location shall be determined by the City Engineer at the time any portion of either site is developed.

On the northwesterly side of Pacific Highway 99W access will be provided by Cipole Road and Pacific Drive. West of Cipole Road and north of Pacific Highway access will be provided by SW Pacific Drive. Pacific Drive will be extended as a frontage road toward the 124<sup>th</sup> Avenue intersection as far as is practicable as determined by the City Engineer. Past that point shared driveways shall be used as determined by the City Engineer. Pacific Drive will be reconfigured to align with 130th Avenue to form a new intersection. From the reconfigured intersection with Pacific Drive

and 99W to 124<sup>th</sup> Avenue, interim accesses may be approved in accordance with TDC Chapter 75. Between 124<sup>th</sup> Avenue and the Tualatin River on the northwesterly side of Pacific Highway 99W existing accesses will remain except as noted below for development or redevelopment due to the median of Highway 99W these will be limited to right-turn in, right-turn out . Any redevelopment in this area will require that the driveway accesses be consolidated to a minimum number as determined by the City Engineer.

## **TUALATIN-SHERWOOD ROAD**

Nyberg Street to Boones Ferry Road: Access to this section was purchased at the time of right-of-way acquisition. Access will be provided by Martinazzi Avenue and Boones Ferry Road. Notwithstanding other provisions of this Code, a single access onto Tualatin-Sherwood Road shall be allowed along the north side of this section in the block between Martinazzi Avenue and Boones Ferry Road; its exact location and configuration shall be determined by the City Engineer.

Boones Ferry Road to S.W. 89th Avenue: All access to this property was purchased as part of the right-of-way acquisition. Access shall be limited to right-in, right-out access on the south side at Mohave Court and on the north side opposite Mohave Court. Full access shall be prohibited at these locations by means of a median barrier. A new four-way intersection serving SW 89th and Old Tualatin-Sherwood Road shall be located approximately 800 feet west of Boones Ferry Road. This intersection shall be designed in cooperation with Washington County.

89th Avenue to Teton Avenue: Tualatin-Sherwood Road access shall be limited as follows: On the north side of the road the Emery Zidell Subdivision (2S1-23A) shall have two street accesses located at 90th Avenue across from 90th Court and at 95th Place at the west property line. The intersection of 90th Avenue with Tualatin-Sherwood Road shall be a four-way intersection. The four-way intersection at the west line of the Emery Zidell Subdivision shall be lo-

cated across from 95<sup>th</sup> Place on the south side of Tualatin-Sherwood Road.

Between 95th Place and 97th Avenue on the north side of Tualatin-Sherwood Road, the two existing driveways may remain, but limited to right-in, right-out. A cross access will be developed to serve tax lots 200, 500, 501, 600, 700, 800, 801 and 900, Tax Map 2S1 23CA for access to 95th Place.

At a point 850 feet east of Teton a cul-de-sac street system (97th Avenue) will extend north with a stub to the west to pick up the property behind Premier Industrial Park. On the south side Evergreen Business Park (2S1 23DA, 1400) shall access onto Old Tualatin-Sherwood Road. Tax Lot 600, Tax Map 2S1 23DB (9360 Tualatin-Sherwood Road) shall access onto 95th Place. Between 97th Avenue and Teton Road, Tax Lots 200 and 300 of Tax Map 2S123CC shall have a joint driveway access. Tax Lot 400 of Tax Map 2S123CC shall have a cross access to either the joint driveway on Tax Lots 200 and 300 or a cross access over Tax Lot 500 to Teton Avenue.

A driveway or a cul-de-sac street will extend south of Tualatin-Sherwood Road at 97th Avenue. The driveway or cul-de-sac will provide access for the two Tualatin Business West (old Pardue) properties (2S1 23 CD/200, 300) located between 95<sup>th</sup> Place and the properties to the west fronting SW Teton (2S1 23CC/1100, 1200, 1300). The properties fronting on Teton Avenue will take access from Teton Avenue. The Washington County water quality facility (2S123CC/1000) is permitted one service driveway adjacent to its east property line.

Teton Avenue to Avery Street/112th Avenue: On the north side of Tualatin-Sherwood Road no new streets or driveways will be constructed and existing driveways will be removed at the time of development or redevelopment. All of the properties will be served by either Manhasset Drive or 112th Avenue. 112th Avenue will connect to Myslony Street. Western Industrial Ceramics (2S1 22D/200) shall take access to Manhasset Street.

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An eastern extension off of the 112th Avenue/Myslony Street connection will terminate at and provide access to the Pascuzzi (2S1 22D/600) and UPS (2S1 22D/301) properties. The actual alignments of the 112th Avenue/Myslony Street connection and the eastern extension to the Pascuzzi and UPS properties will be determined at the time the surrounding properties are developed. 112th Avenue may be constructed over some period of time and will require interim access agreements per TDC 75.090.

On the south side of Tualatin-Sherwood Road there will be no new driveways or streets. Development of property east of Oregon Culvert (2S1 27A/101, 102) on Tualatin-Sherwood Road may be accomplished only with a joint access agreement with Air Liquid through the Air Liquid driveways. The Oregon Culvert property (2S1 27AA/100 and 200) shall have one access onto Tualatin-Sherwood Road. Properties between Oregon Culvert and Avery Street on the south side shall be served from SW Avery Street and no driveway or street access will be constructed with Tualatin-Sherwood Road.

Avery Street/112th to Cipole Road: On the north side of Tualatin-Sherwood Road between 112th Avenue and Cipole Road the area will be served by the following streets or driveways: 1) An intersection with 115th Avenue approximately 1100 feet west of the intersection of Tualatin-Sherwood Road and 112th Avenue which will extend north and east to an intersection at 112th Avenue a minimum of 150 feet north of Tualatin-Sherwood Road. 2) An intersection approximately 1300 feet east of the intersection of Tualatin-Sherwood Road and 124<sup>th</sup> Avenue which will extend north and west to an intersection at 124<sup>th</sup> Avenue approximately 800 feet north of Tualatin-Sherwood Road. 3) 124th Avenue. 4) Cipole Road. The exact location and configuration of the streets or driveways shall be determined by the City Engineer.

On the south side of Tualatin-Sherwood Road between Avery Street and 120th Avenue the area

will be served by the following street system: 1) An intersection with 115th Avenue approximately 1100 feet west of Avery Street. 2) A street intersection at 120<sup>th</sup> Avenue. The exact location and configuration of the streets shall be determined by the City Engineer. No driveways will be constructed in this area and existing driveways will be removed. Select Sales (2S1 27B/800) shall have a cross access to 115th Avenue.

### **S.W. NYBERG STREET**

Tualatin-Sherwood Road to 65th Avenue: On the south side between Fred Meyer and I-5 Freeway any development shall be served by the Fred Meyer driveway aligned with the K-Mart driveway on the north side and shall not be granted any access to Nyberg Street.

On the east side of I-5 Freeway on the north side of the road between the Sweetbrier Inn and the Trailer Park of Portland, any additional development or redevelopment shall remove existing driveways and be limited to two street accesses, the driveway for Forest Rim and a driveway on the west side of 7035 SW Nyberg Street (2S124A/2505).

On the south side of Nyberg Street the accesses to Texaco and Lazyboy will be relocated to align with the access on the north side of Nyberg Street. The westside Nyberg Retail access may be limited to right-in, right-out. The Meridian Veterinary Hospital and 7-11 driveways may remain, or be closed or combined if redevelopment occurs, or be changed as needed when the 65th/Nyberg Street intersection is reconfigured. There will be no new additional driveways created in this section of roadway.

### **124TH AVENUE**

Pacific Highway to Tualatin Road: Tualatin Road shall intersect with 124th Avenue as a T-intersection approximately 450 feet south of Pacific Highway. No street or driveway accesses on the west side of this intersection will be permitted. No driveway accesses shall be allowed between Pacific Highway and Tualatin Road.

Tualatin Road to Herman Road: Between Tualatin Road and Herman Road, access to 124th Avenue shall be limited to a street intersection at Leveton Drive. The area west of the 124<sup>th</sup> Avenue/Tualatin Road intersection and south of Pacific Highway will be served by a cul-de-sac connecting to the westward extension of Leveton Drive. Access to 124th in this section may require the execution of interim agreements per TDC 75.090 to serve properties on the west side of 124th Avenue until the new street system can be constructed to adequately serve all the properties.

Herman Road to Tualatin-Sherwood Road: On the east side of 124<sup>th</sup> Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways: 1) A street intersection at Myslony Street. 2) A street or driveway intersection approximately 800 feet south of the Myslony Street/124<sup>th</sup> Avenue intersection extending east with an alternative to extend north to connect with Myslony Street a minimum of 150 feet east of 124<sup>th</sup> Avenue. Access may be limited to right in/right out as determined by the City Engineer. 3) A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124<sup>th</sup> Avenue extending east and south to an intersection at Tualatin-Sherwood Road across from 120<sup>th</sup> Avenue. The exact location and configuration of the streets and driveways shall be determined by the City Engineer.

On the west side of 124<sup>th</sup> Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways: 1) A driveway across from Myslony Street. 2) A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124<sup>th</sup> Avenue. The exact location and configuration of the streets or driveways shall be determined by the City Engineer.

## **LOWER BOONES FERRY ROAD**

Boones Ferry Road to Childs Road: On the south side of the road the Club Sport property (old

Costco site) (2S124AB, 800)(18120 SW Boones Ferry Road) shall have its access located at its east property line. This access shall be combined with the access of the Mt. Hood Chemical Building (the old Chadwick building) (2S124AB, 700) at its west property line into one joint access .

On the north side of the road is a small lot (Leageld Development)(2S1 13DC/2000) whose driveway shall line up with the intersection of Childs Road and Lower Boones Ferry Road.

Childs Road to I-5 Freeway: On the south side of the road the existing driveways may be allowed to remain. If the properties change to another Planning District, the number and location of the accesses may need to be changed. The property at the northeast corner of Lower Boones Ferry Road and Childs Road, (Foursquare Church) shall take its access off of Childs Road. The Biillygan's Roadhouse (2S113DC/700 & 800) shall share an access with 2S113DC/1100.

On the north side of the road, the existing driveways may be allowed to remain. The Robertson/Bioremediation lots (2S113DC/1800 & 1900) shall share a driveway. The Robinson Property (old Directors Furniture site) east of the Schneider Truck Terminal (the old Ryder Truck rental facility)(2S1 13DC/1000) shall align its driveway with the driveway immediately across Lower Boones Ferry Road on the south side. The Barbara Johnson property (2S1 13DC/501) shall share an access and may be limited to right-in, right-out. The CarQuest site (2S113DC/501) shall take access off of Hazelfern Road.

I-5 Freeway northerly to Bridgeport Road: On the west side, Hazelfern Road shall intersect with Lower Boones Ferry Road. The Village Inn's (2S113DB/1200 & 1300) access may remain. If the site is redeveloped, access shall be determined by the City Engineer. .Shilo Inn (2S1 13DB 1400) shall access off of Hazelfern Road. On the east side, the Tri-Met park and ride shall be permitted two driveway accesses as determined by the City Engineer.



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72nd to the east City limits: On the north side access shall be permitted only by 65th Avenue and 63rd Avenue and a right-in, right-out driveway between 65th and 63rd. Between 63rd Avenue and the east City limits the properties fronting Lower Boones Ferry Road shall take access from 63rd Avenue. On the south side access shall be permitted at 65th Avenue. Between 65th Avenue and the east City limits no new accesses shall be permitted. A median may be constructed to limit access to right-in, right-out.

### **BOONES FERRY ROAD**

North City Limits to Tualatin River: All existing driveways will remain. No new driveways will be permitted.

Tualatin River to Tualatin Road: Between the River and Martinazzi Avenue on the south side, the access for the apartments (2S1 24B/1500) will be closed and converted over to the Loop Road. The Loop Road may have a right-in, right-out connection to Boones Ferry Road between the river and Martinazzi Avenue. On the south side of Boones Ferry Road between Martinazzi Avenue and the driveway for the White Lot (old Lot C), any development or redevelopment shall take access over the White Lot or from Martinazzi Avenue. Between the White lot and 84th Avenue, all properties shall have combined accesses resulting in only one access on Boones Ferry Road. Between 84th Avenue and Tualatin Road on the south side, any redevelopment shall result in no driveways onto Boones Ferry Road and access shall be taken from 84th Avenue or Seneca Street.

On the north side the Baranzano (2S1 24BC/1301, 1400) and Bray (2S1 24B/1300) properties shall combine their driveways at a location to be determined by the design of the Martinazzi Avenue-Boones Ferry Road intersection. The Baranzano and Kaplan (formerly Greulich) (2S1 24BC/1300) properties shall combine their access into one across from the White lot's driveway. Between the Green (old G lot) and Blue (old H lot) lots, any redevelopment of these properties shall remove the existing driveways and

take access from the public parking lots from a cross access between the two public lots. Between the Blue lot and Tualatin Road any development or redevelopment shall have access off of Tualatin Road at the north edge of the property or over the Blue lot.

Tualatin Road to Tualatin-Sherwood Road: On the west side of this road is the Portland and Western (old Burlington-Northern) railroad tracks. There will be no access to Boones Ferry Road across the Portland and Western tracks except an access for a public street to the west side of the railroad tracks, centered on the centerline of Nyberg Street. The existing two driveways to the Pratt-Broome (2S123/200) property shall be closed and access taken over the Hedges Greene Retail development to Nyberg Street. On the east side of this road, all redevelopment shall lead to elimination of all driveways onto Boones Ferry Road. Vehicular access to Boones Ferry Road in this section shall be limited to the Seneca Street intersection and Nyberg Street intersection. This will require interim access agreements per TDC 75.090.

Tualatin-Sherwood Road to Sagert Street: On the west side, all existing driveways will be allowed to remain. The Tualatin Center property (the old Galloway site)(2S1 23DA/100)(19401-19417 Boones Ferry Road) will have one access aligned with Warm Springs. On the east side, the old McDonald's driveway was closed and shall remain closed (2S1 24CB/1201). Any additional development on the Brock property (2S1 24CB/2100) shall result in closure of this driveway to Boones Ferry Road. Any additional development on the Ziedman property (2S1 24CB/2200) shall result in closure of this driveway to Boones Ferry Road. Between Warm Springs Street and Tualatin-Sherwood Road, as an option to closing the driveways at Brocks, and Ziedmans, it may be permissible to construct a raised median barrier or other improvements in Boones Ferry Road in this section to physically eliminate left turning movements, thus limiting all these driveways to right turn in, right turn out.

Any redevelopment of the residential property between Mohawk and Sagert on the east side of Boones Ferry Road shall be accomplished in such a manner that the ultimate access to this area is from a street off of Sagert Street at its intersection with 86th Avenue. This may require interim agreements in accordance with TDC 75.090. All existing driveways in this area will be allowed to remain so long as the use of the property does not change.

Boones Ferry Road south of Sagert Street to Avery: The existing driveways will be allowed to remain. Any redevelopment of any residential property between Sagert and Avery shall result in no additional driveways being constructed in this area.

Avery to Ibach: South of Avery Street, the Sundae Meadows Subdivision and Tualatin Presbyterian Church (2S1 26AC, 301)(9230 Siletz Drive) shall access Boones Ferry Road via Siletz Drive. One additional street or private drive (Cherry Lane) will be provided for the Boones Ferry Condos (2S1 26AC Supplemental).

Ibach Street to Norwood: Development of these residential properties shall result in no more than two driveway accesses for Tualatin High School, one emergency access with no curb cut for Grahams Landing Condos (SW Corner of Boones Ferry and Ibach) and only street intersections for other properties. All street intersections on Boones Ferry Road between Ibach and Norwood shall be spaced a minimum of 500 feet apart.

## **65TH AVENUE**

Nyberg to Borland: There will be no new additional driveways.

### Borland Road to Sagert Street

There will be no new driveways. A street connection will be constructed across from Sagert Street to serve property to the east of 65th Avenue.

## **BORLAND ROAD**

Between 65th and the Entrance to Bridgeport School: In this section of roadway, as the residential properties develop, all accesses to Borland shall be limited to street intersections. These street intersections shall be spaced a minimum of 500 feet apart. All development in this area shall be interconnected so there are no dead-end entrances from Borland Road.

### Bridgeport School Entrance to Saum Creek

As the residential properties develop, all accesses to Borland shall be limited to street intersections. These street intersections shall be spaced a minimum of 500 feet apart. All development in this area shall be interconnected so there are no dead-end entrances from Borland Road. Access to Prosperity Park Road is allowed.

## **BRIDGEPORT ROAD**

### 72nd Avenue to the West City Limits

On the north side, the Durham Quarry (2S113DB/100) access will be limited to three driveways. Two driveways shall align across from Hazelfern Road and the REI driveway and the final driveway location at the southwest corner of the site shall be determined by the City Engineer. As part of the Durham Quarry development Finday Street in the City of Durham at the northwest corner of the site may be an access to the site.

On the south side between Lower Boones Ferry Road and Hazelfern Road no driveway access shall be permitted. From Hazelfern to the City limits, A-1 Coupling (2S113DB/701) shall take access from Hazelfern Road. The undeveloped property (2S113DB/600) shall have a joint access with REI (2S113DB/500). Bridgeport Office (2S113DB/400) and the driveway easement for 2S113DB/401 shall combine driveways.

## **72ND AVENUE**

### Bridgeport Road to North City Limits

On the east side no street or driveway access shall be permitted. Access to the Tri-Met Park and Ride shall be provided from a new driveway access serving the Borders Book development in the

## Tualatin Development Code

City of Tigard. On the west side no street or driveway access shall be permitted. Access to 72nd from the Durham Quarry development will be in the City of Tigard.

### **MARTINAZZI AVENUE**

Boones Ferry Road to Seneca Street: On the west side, any redevelopment on the Doyle (old Silvey) property (2S1 24BC/1500, 1503) or the Halstin (old post office property) (2S1 24BC/1502) shall result in combining these two driveways into one driveway on Martinazzi Avenue, or the Halstin property shall take access from the White public parking lot (old Lot C) to Boones Ferry Road. On the east side the existing driveway shall be removed and access shall be taken off of the Loop Road.

Seneca Street to Nyberg Street: No driveways shall be permitted. The raised center median prohibiting left turns in this area shall remain until driveways are removed. On the west side the Wells Fargo driveway shall be removed and access taken from Seneca Street or Nyberg Street. On the east side the driveway for 2S114B/2000 shall be removed and access taken from the Loop Road or Nyberg Street.

Nyberg Street to Tualatin-Sherwood Road: There shall be no access to Martinazzi Avenue.

Tualatin-Sherwood Road to Warm Springs Street: The only access shall be the existing Fred Meyer/Martinazzi Square driveway intersection.

Warm Springs Street to Sagert Street: There shall be no additional access granted. The only street intersection will be Mohawk Street.

### **TUALATIN ROAD**

Boones Ferry Road to Hall Boulevard Extension  
On the west side is the Portland and Western railroad tracks (the old Burlington Northern tracks). There will be no access to Tualatin Road across the tracks. On the east side a driveway access may be permitted for 2S124BC/300. The existing driveways for 2S124BC/100 & 200 may remain.

### Hall Boulevard Extension to Chinook Street

On the north and east side no new driveway access shall be permitted. Redevelopment shall require access to be taken from 84th Avenue or Cherokee Street. On the south and west side, no new driveway accesses shall be permitted. Access related to redevelopment of 2S123/100 shall be determined by the City Engineer.

### Chinook Street to Herman Road

No new driveway accesses shall be permitted. On the north side any development or redevelopment of the Tualatin Country Club (2S114D/500) shall require a street or driveway connection aligning with 90th Avenue. Redevelopment of 2S123BA/2403 or 2S123BA/4800 shall require access to Cheyenne Way connecting to Tualatin Road.

On the south side of this road is the Portland and Western railroad tracks (old SP tracks). There will be no access to Tualatin Road across the tracks except for 90th Avenue and the Durametel (2S123BD/800) driveway.

### **SAGERT STREET**

No new driveways or streets shall be allowed, except the City Engineer may allow one driveway from the SE corner lot of Sagert and Martinazzi. This driveway may be restricted to right-in, right-out.

### **HALL BOULEVARD**

#### Tualatin Road to North City Limits

No driveway access shall be allowed to the Hall Boulevard extension. A street connection shall be made for the Lower Boones Ferry Road/Tualatin Road extension.

### **LEVETON DRIVE**

#### 118th Avenue to 108th Avenue

On the north side of Leveton Drive, JAE (2S122B/200) shall align a driveway across from 118th Avenue and be permitted a second driveway approximately 50 feet from their east property line. Novellus (2S122AA/500 and 2S122AB/100) shall be permitted three driveways

located approximately 25 feet and 950 feet from the west property line for Tax Lot 100 and 600 feet west of 108th Avenue for Tax Lot 500.

On the south side, Fujimi (2S122/300) shall align their driveways with the east JAE driveway or the west Novellus (2S122AB/100) driveway. Fujimi (2S122/400) shall be allowed a driveway adjacent to their west property line and east property line. Tofle (2S122AD/400) shall be allowed a driveway aligning across from the Novellus (2S122AA/500) driveway and a second driveway approximately 260 feet west of 108th Avenue.

## **108TH AVENUE**

### Leveton Drive to Herman Road

On the west side, Tofle (2S122AD/400) shall take access from Leveton Drive. The undeveloped property (2S122AD/500) shall be allowed one driveway onto 108th Avenue. The old Shults Clearwater site (2S122AD/800) and then North-west Pipe and Metal Fab (2S122AD/600 & 700) shall provide a joint driveway access. The Wahco Inc. property (2S122AD/900) shall take access from Herman Road.

On the east side, the DOT Inc.. site shall have a driveway that aligns with Leveton Drive. The City Operations Center (2S122AD/200 & 300) will be permitted two driveways at locations to be determined by the City Engineer.

## **HERMAN ROAD**

### 108th Avenue to Teton Avenue

On the north side, the City Operations Center (2S122AD/200 & 2300) will be permitted one driveway approximately midpoint along their Herman Road frontage. Airifco (2S123B/600) will be permitted one driveway adjacent to their west property line.

On the south side is the Portland and Western railroad tracks (the old SP tracks). There will be no access to Herman Road across the tracks except for a shared driveway between the Kem Equipment (2S122AD/800) and Marshall Property (2S122AD/1000) located on the common property line. The Marshall Property

(2S123BC/1000) shall take access from Teton Avenue.

## **LOWER BOONES FERRY ROAD EXTENSION WEST TO TUALATIN ROAD** Boones Ferry Road to Tualatin Road

Driveway or street locations during redevelopment of the properties west of Boones Ferry Road and east of the river shall be determined by the City Engineer. A street connection shall be at the Hall Boulevard extension. Driveway or street access for properties along Chinook Street will be determined by the City Engineer at the time of development or redevelopment. [Added by Ord. 635-84, Sec. 54, passed June 11, 1984; amended by Ord. 786-89, passed Nov. 14, 1989; Ord. 859-92, Sec. 1, passed Feb. 24, 1992; Ord. 800-90, Secs. 2, 3 and 4, passed March 26, 1990; Ord. 849-91, Sec. 41, passed Nov. 25, 1991; Ord. 879-92, Sec. 1, passed October 12, 1992; Ord. 882-92, Secs. 26 and 27, passed Dec. 14, 1992; Ord. 975-97, Sec. 4, passed May 12, 1997; Ord. 982-97, Sec. 9, passed Aug. 4, 1997; Ord. 1023-99, Sec 12, passed June 28, 1999; Ord 1080-01 Sec. 1, passed July 23, 2001.] (Ord. 1103-02, Amended, 03/25/2002; Ord. 1080-01, Amended, 07/23/2001; Ord. 1191-05, Amended, 06/27/05)

### **Section 75.130 Joint Accesses Required.**

When the City Engineer determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Engineer and all properties shall adhere to this. Interim accesses may be allowed in accordance with 75.090 of this chapter to provide for the eventual implementation of the overall access plan. [Added by Ord. 635-84, Sec. 55, passed June 11, 1984.]

### **Section 75.140 Access Management for Collectors**

(a) Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes shall not be permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.

(b) Minor Collectors. Except for collectors designated Cs&p and Cs&2p, direct access from newly constructed single family homes, duplexes or triplexes shall not be permitted. Except for collectors designated Cs&p and Cs&2p,

as minor collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible. (Ord. 1124-02, Add, 12/09/2002)

### **Section 75.200 Street Design Standards**

(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

(2) The proposed street design standards are shown in Figures 75-2A through 75-2G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. The B-skinny typical street section shows a 46-foot right-of-way with a 4-foot plant strip, but it also could be a 50-foot right-of-way with a 6-foot plant strip. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets. Table 75-1 presents the standards in tabular form. As more than one standard may exist for a given functional class, TDC Chapter 11, Figure 11-1 indicates the standard assigned to each roadway segment.

(3) Where a variable sidewalk width is shown for a particular facility, the greater width is used for sidewalks within the pedestrian district shown on TDC Chapter 11, Figure 11-4, and for sidewalks along streets with potential transit service shown on TDC Chapter 11, Figure 11-6. The greater width may also be appropriate for sidewalks adjacent to significant pedestrian generators such as schools.

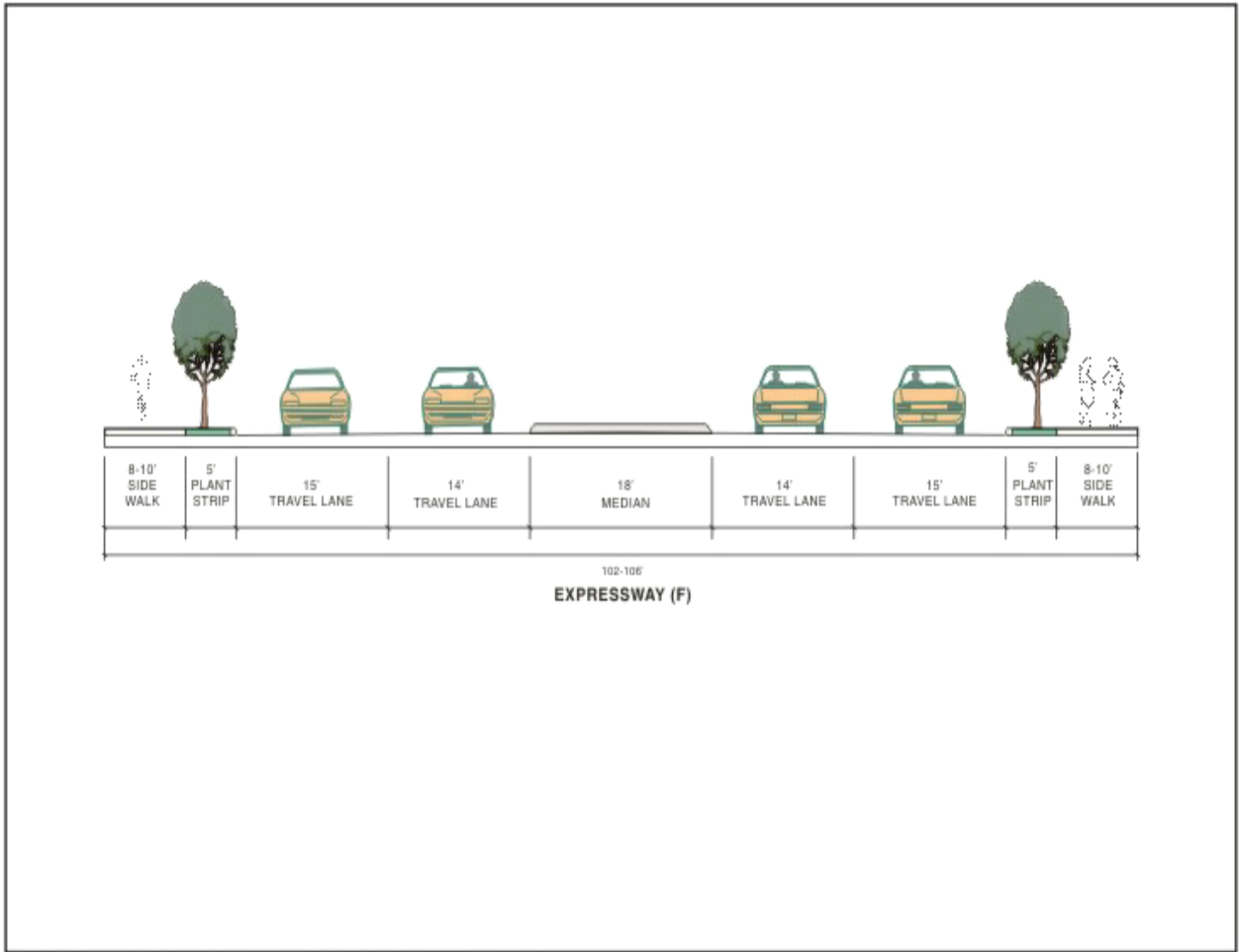
Table 75-1  
Functional Classification Design Standards Summary

Classification	Right-of-way (ft)*	Median Type	Travel Lanes	Bike Lanes?	Side-walks?	On-Street Parking?	Plant Strip?	Could Include a Bus Pull-out?**
Expressway (F)	102 – 106	Median	4	No	Yes	No	Yes	Yes
Major Arterial (Ei)	110 - 114	CTL or Median	4 +right-turn lane	Yes	Yes	No	Yes	Yes
Major Arterial (Eb&t)	98 - 102	CTL or Median	4	Yes	Yes	No	Yes	Yes
Minor Arterial (Db&t)	78 - 82	CTL or Median	2	Yes	Yes	No	Yes	Yes
Minor Arterial (Db&t – Downtown)	72	CTL or Median	2	Yes	Yes	No	No, 6'x6' tree well	Yes
Major Collector (Cb&t)	74 - 78	CTL	2	Yes	Yes	No	Yes	Yes
Minor Collector (Cb&p)	68 - 72	No median	2	Usually	Yes	Yes, one side	Yes	Yes
Minor Collector (Cs&2p)	64 - 68	No median	2	No	Yes	Yes, both sides	Yes	Yes
Minor Collector (Cs&p)	60 - 64	No median	2	No	Yes	Yes, one side	Yes	Yes
Minor Collector (Cb)	60 - 64	No median	2	Yes	Yes	No	Yes	Yes
Residential Collector (Cr)	60	No median	2	No	Yes	Yes, both sides	Yes	Yes

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Classification	Right-of-way (ft)*	Median Type	Travel Lanes	Bike Lanes?	Side-walks?	On-Street Parking?	Plant Strip?	Could Include a Bus Pull-out?**
Local Commercial Industrial (B-CI)	60	CTL	2	No	Yes	No	Yes	Yes
Interim Local Commercial Industrial (B-CI)	60	No Median	2	No	No	No	No	No
Local Street (Downtown) (B-D)	60	No median	2	No	Yes	Yes, both sides	No, 4'x4' tree well	Yes
Local Street (B)	50	No median	2	No	Yes	No	Yes	Yes
Local Street (B - Skinny Option)	46	No median	2	No	Yes	No	Yes	Yes
<p>. Additional right-of-way may be required due to topographical constraints or to accommodate additional left- or right-turn lanes at intersections.</p> <p>** Depending on approval from Tri-Met. Tri-Met currently discourages the use of pullouts.</p> <p>CTL = center turn lane, Xx&amp;x = street design standard—see Figures 75-2A through 75-2G</p>								

(Ord. 1151-03, Amended, 11/10/2003; Ord. 1124-02, Amended, 12/09/2002; Ord. 1103-02, Add, 03/25/2002)



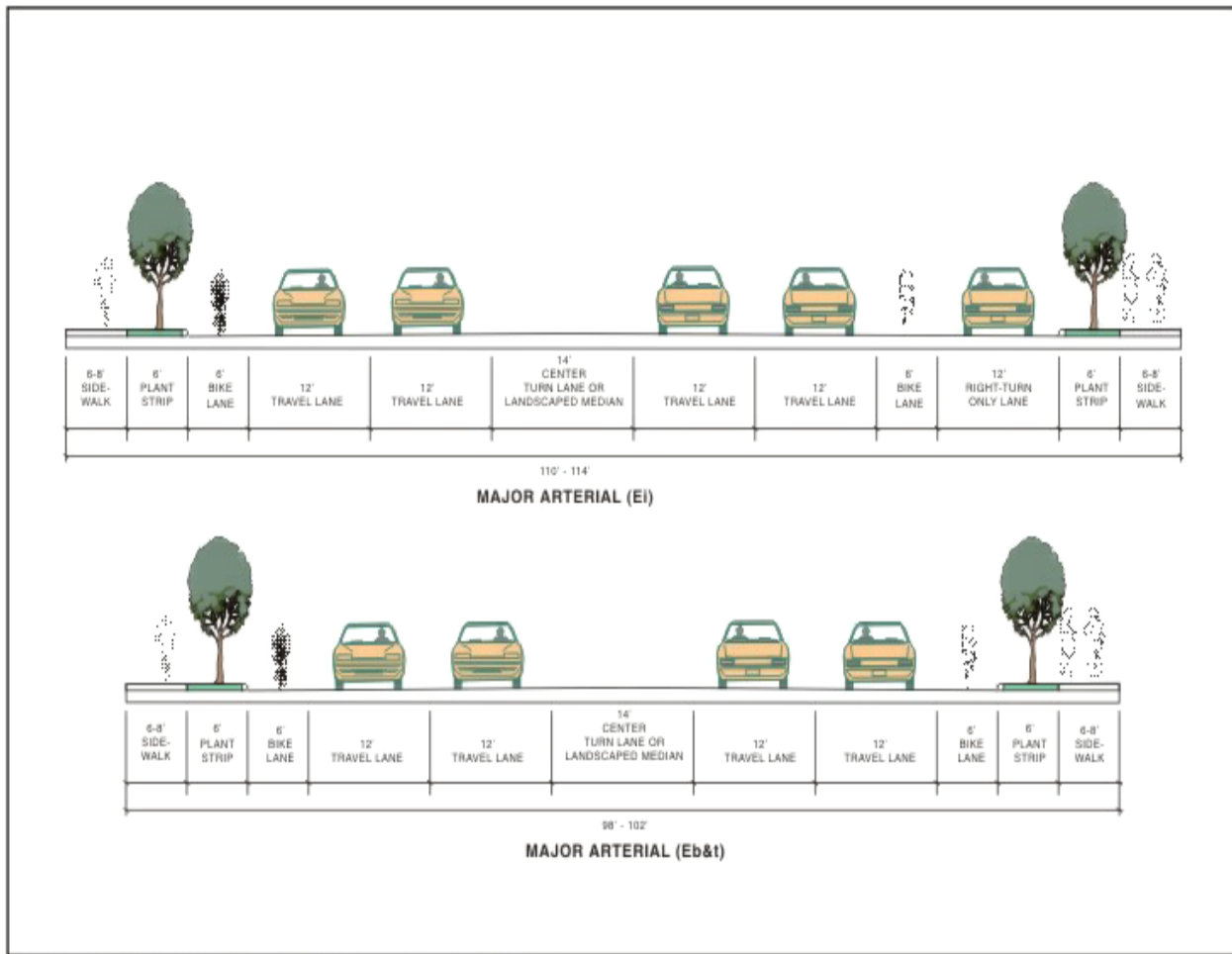
**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6' CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITY ENGINEER.

**RECOMMENDED EXPRESSWAY STREET DESIGN STANDARDS**

	TRANSPORTATION SYSTEM PLAN CITY OF TUALATIN, OREGON	FIGURE <b>75-2A</b>	
	JUNE 2001	4157QW05T912.CDR	



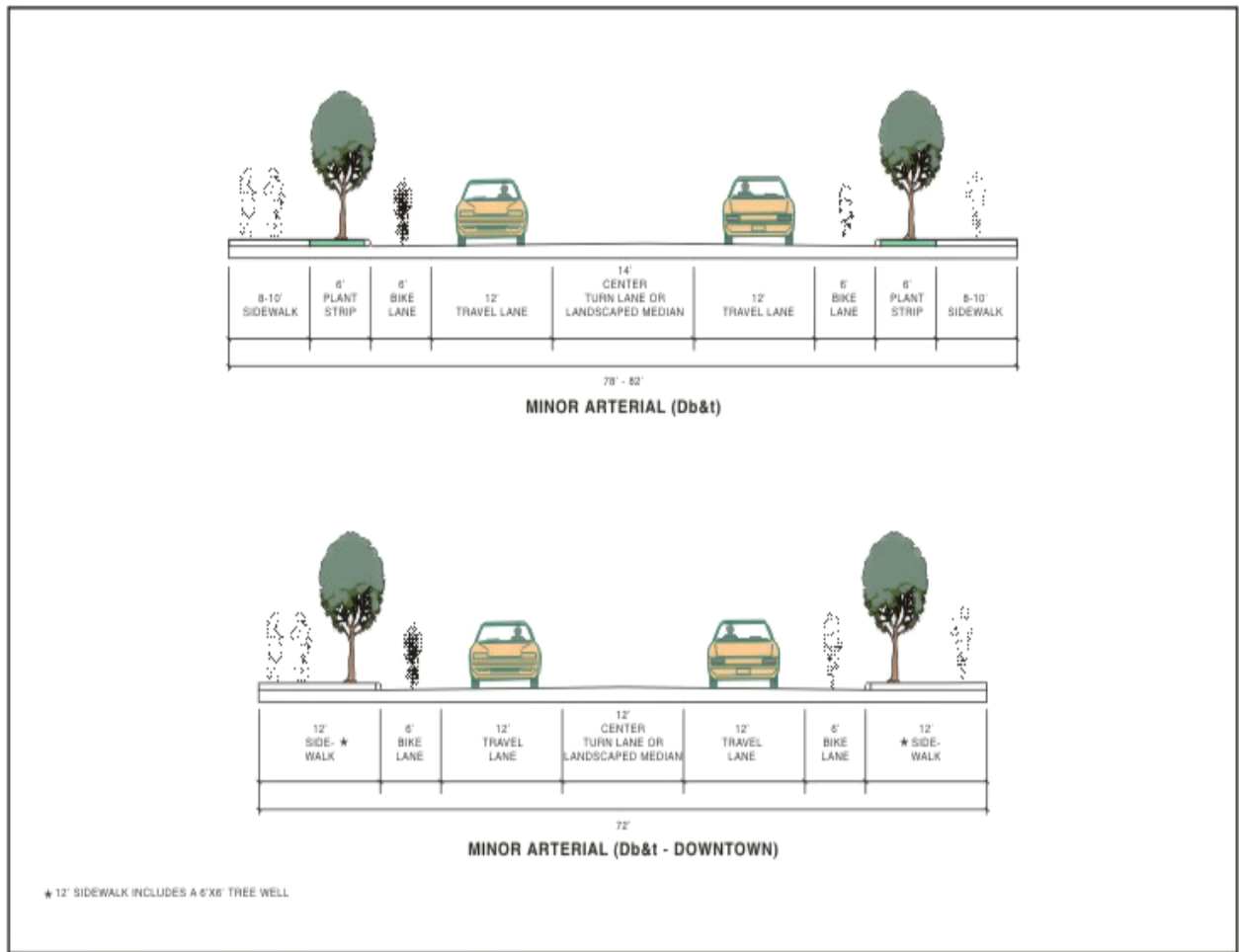
# Tualatin Development Code



**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6" CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITY ENGINEER.



## RECOMMENDED ARTERIAL STREET DESIGN STANDARDS (1)

	TRANSPORTATION SYSTEM PLAN CITY OF TUALATIN, OREGON JUNE 2001	FIGURE <b>75-2B</b>	
	41570W05:T912.CDR		



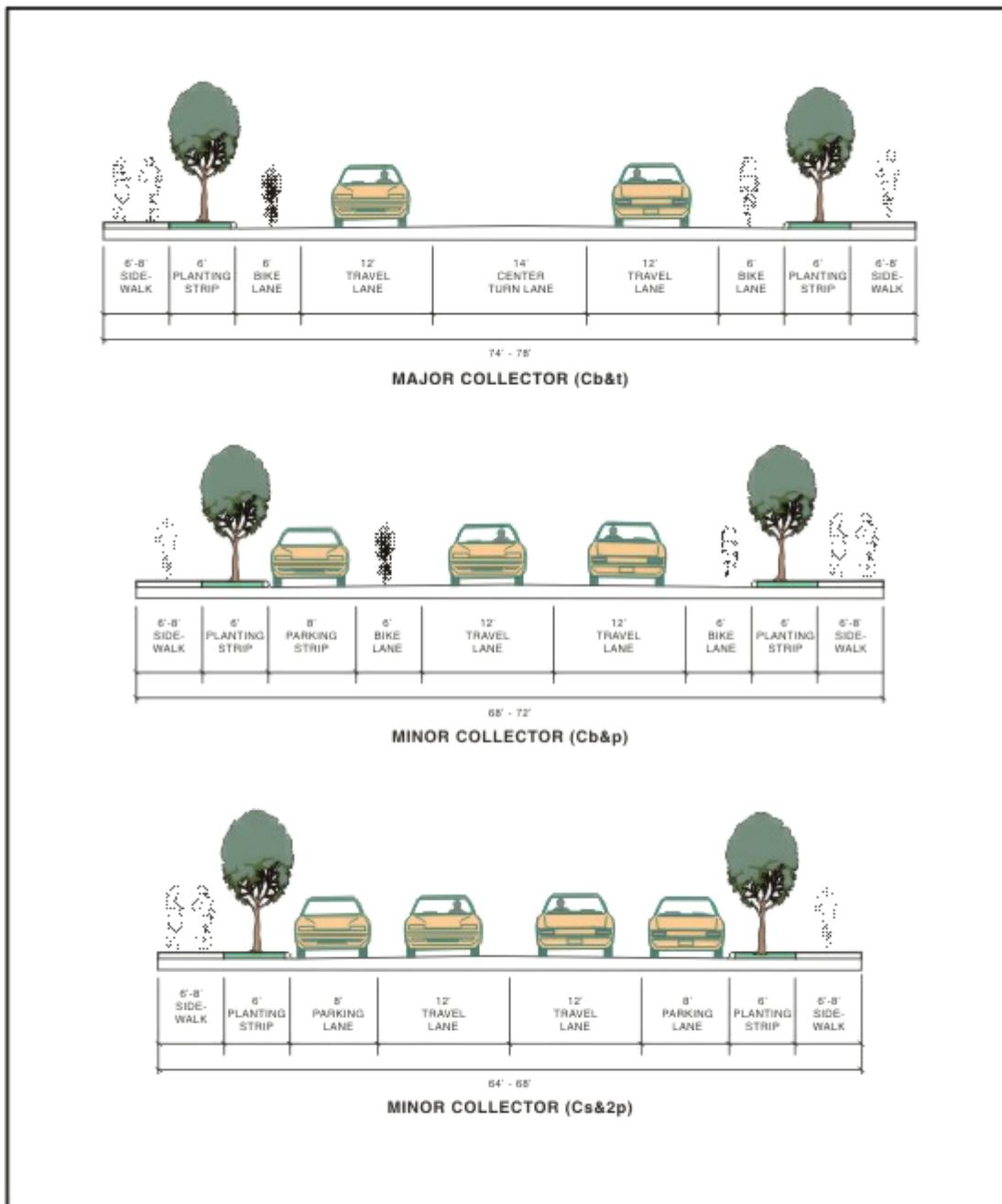
**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6' CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITY ENGINEER.

**RECOMMENDED ARTERIAL STREET DESIGN STANDARDS (2)**

	TRANSPORTATION SYSTEM PLAN CITY OF TUALATIN, OREGON	FIGURE <b>75-2C</b>	
	JUNE 2001		

41570WGS/T912.CDR

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**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6' CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITYENGINEER.

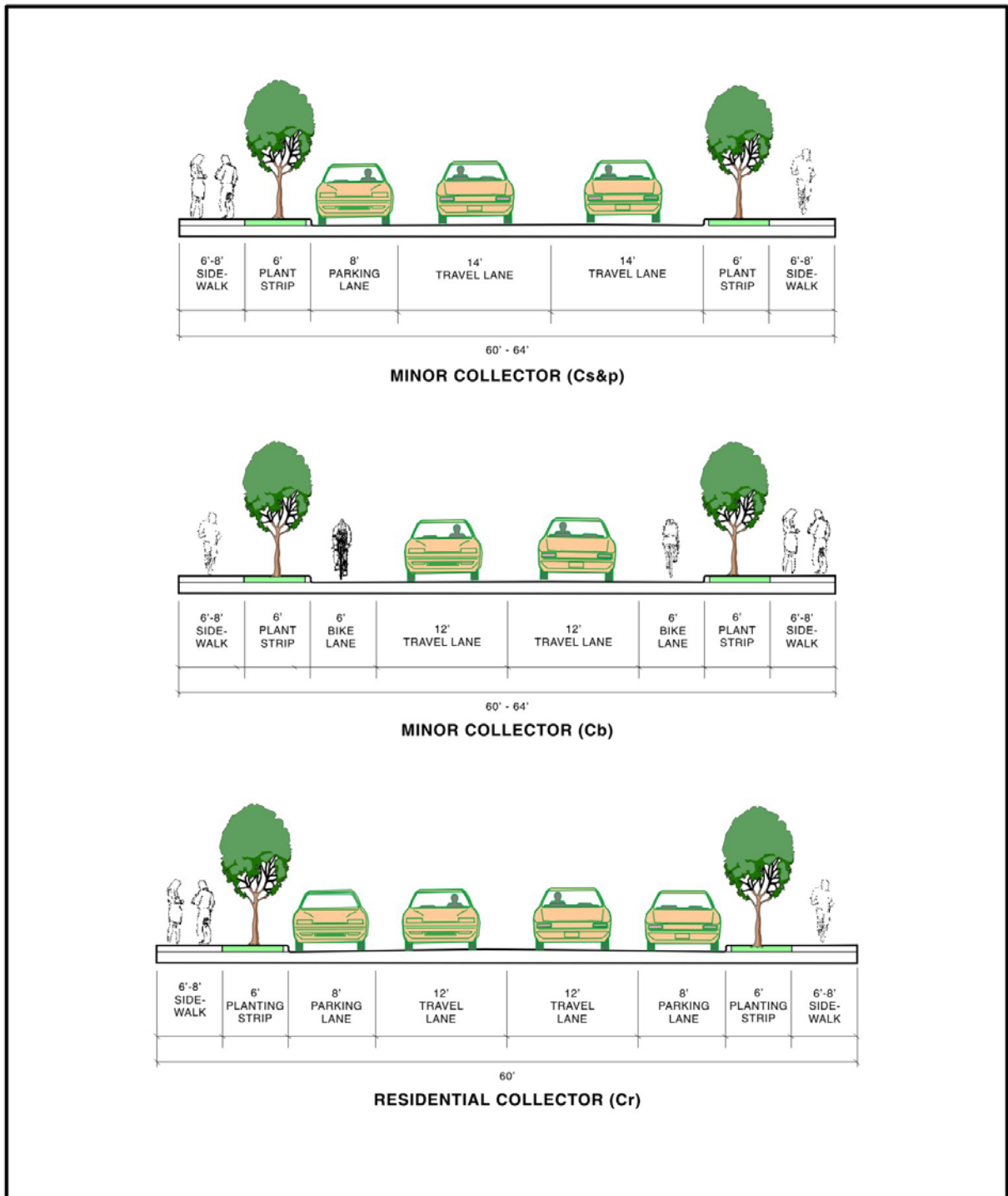
## RECOMMENDED COLLECTOR STREET DESIGN STANDARDS (1)



TRANSPORTATION SYSTEM PLAN  
CITY OF TUALATIN, OREGON  
JUNE 2001

FIGURE  
**75-2D** **K**



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**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6' CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITY ENGINEER.

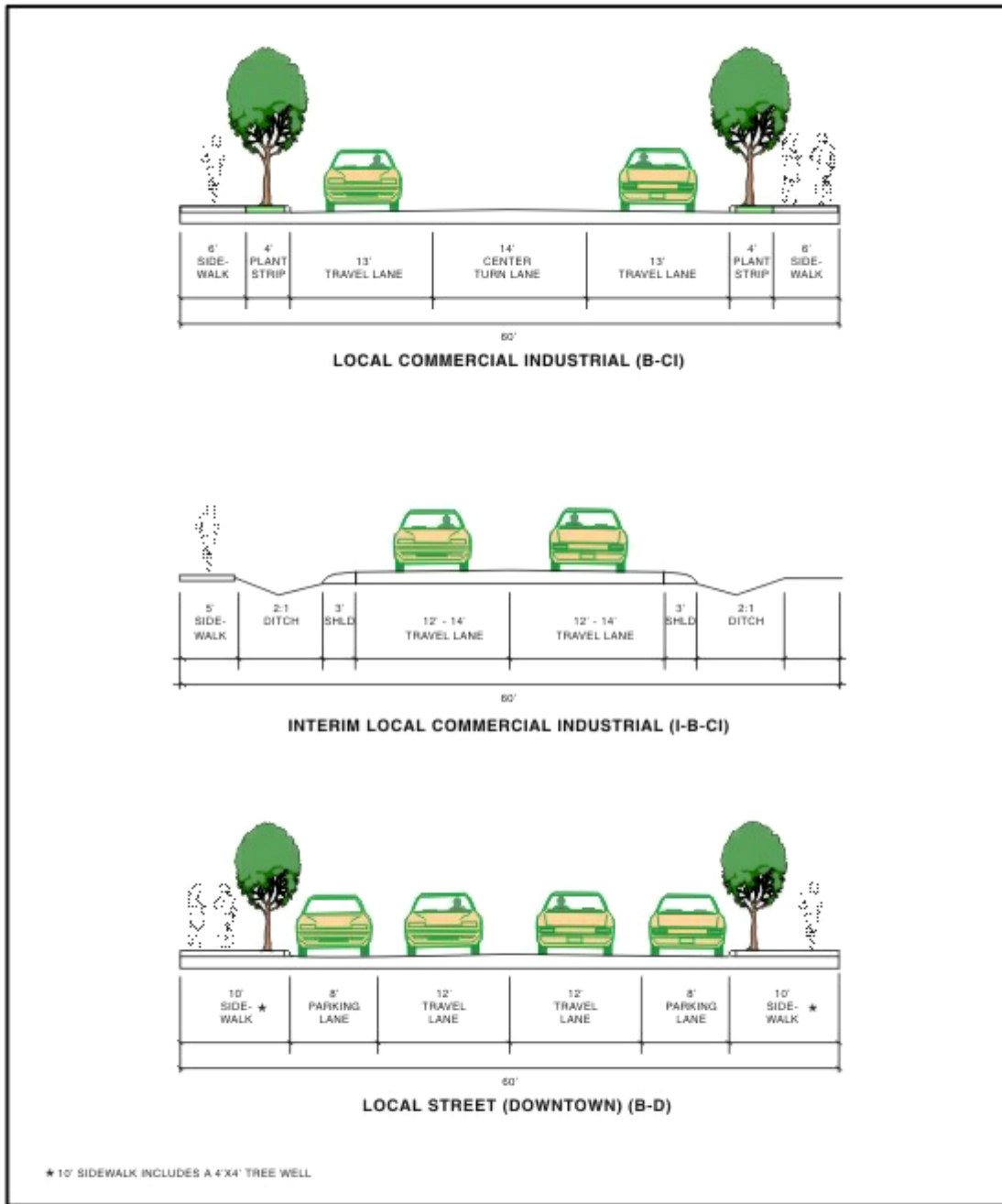
(updated Nov 2003)

**RECOMMENDED COLLECTOR STREET DESIGN STANDARDS (2)**

	TRANSPORTATION SYSTEM PLAN CITY OF TUALATIN, OREGON	<b>FIGURE</b> <b>75-2E</b> 
	JUNE 2001	

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# Tualatin Development Code

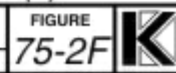


**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6' CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITYENGINEER.

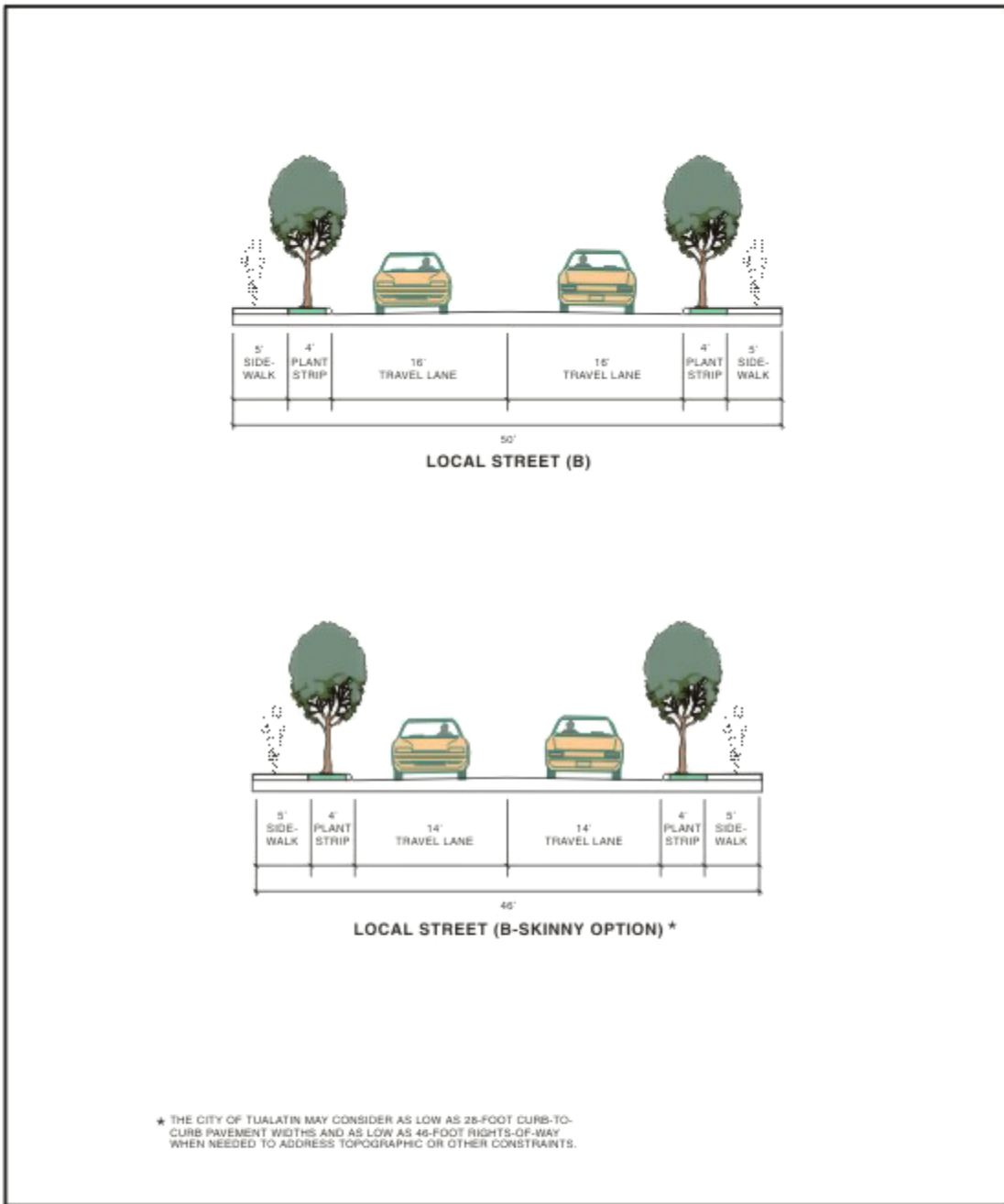
## RECOMMENDED LOCAL STREET DESIGN STANDARDS (1)



TRANSPORTATION SYSTEM PLAN  
CITY OF TUALATIN, OREGON  
JUNE 2001





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**NOTE:** TYPICAL RIGHTS-OF WAY AND ULTIMATE CROSS-SECTIONS SHOWN. ADDITIONAL WIDTH MAY BE NEEDED DUE TO TOPOGRAPHICAL CONSTRAINTS OR ADDITIONAL TURN LANES AT INTERSECTIONS. THE PLANTING STRIP DIMENSION INCLUDES A 6" CURB AND GUTTER. INTERIM REDUCED SECTIONS MAY BE CONSTRUCTED WHEN APPROVED BY THE CITY ENGINEER.

**RECOMMENDED LOCAL STREET DESIGN STANDARDS (2)**

	TRANSPORTATION SYSTEM PLAN CITY OF TUALATIN, OREGON JUNE 2001	<b>FIGURE</b> <b>75-2G</b>	
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(Ord. 1124-02, Amended, 12/09/2002; Ord. 1103-02, Add, 03/25/2002)