

**TITLE 18
DEVELOPMENT CODE FOR THE CITY OF TIGARD
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18.800 STREET AND UTILITY IMPROVEMENT STANDARDS

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TABLE OF CONTENTS LEGISLATIVE NOTES

The proposed Table of Contents for the most part takes existing chapters of Title 18 and re-organizes them into the new format. This includes clustering chapters dealing with similar information into separate sections, e.g., Administrative Provisions (18.200), Land Use Decisions (18.300), Specific Development Standards (18.700), which are designed to assist users to find the information they seek more readily. In the Planning Commission Draft, the old chapter numbers are contained in parentheses, to aid in cross-referencing between old and new formats; these will be eliminated in the final draft.

With regard to specific chapters:

- New Chapters. There are four new chapters: Accessory Residential Uses (18.705), Design Compatibility Standards (18.720), Water Resources Overlay District (18.797), and Wireless Communication Facilities (18.798). The first three have been created to meet the requirements of the Metro 2040 Growth Management Functional Plan. The fourth deals with a relatively new land use, cellular towers, for which there are no existing regulations.
- Consolidated Chapters. When appropriate, chapters have been combined. These include:
 - Several administrative chapters (18.06 - 18.20) have been combined into a single chapter, General Administrative Provisions (18.210).
 - The existing “Procedures for Making Decisions” chapters, Legislative Decisions (18.30) and Quasi-Judicial Decisions (18.32), have been consolidated into a single chapter now known as Decision-Making Procedures (18.390).
 - The 17 chapters relating to zoning districts have been consolidated into just three chapters: Residential Zoning Districts (18.510), Commercial Zoning Districts (18.520) and Industrial Zoning Districts (18.530).
 - Several existing chapters, Additional Setback Requirements, Exceptions to Building Height Limitations and Zero Lot Line Setback Requirements, have been combined into one new chapter, Excepting to Development Standards (18.730).
- Eliminated Chapters. Several existing chapters have been eliminated:
 - Accessory Structures (18.144): Can be handled in definitions and zoning district development tables.
 - Established Area/Development Area Classification (18.138): Outdated concept related to residential density transition zones; its elimination will require Comprehensive Plan change.
 - Flexible Setback Standards (18.146): To be replaced by Chapter 18.370, Variances and Adjustments.
 - Fuel Tank Installations (18.104): Already addressed in Uniform Fire Code.
 - Listed Use: Authorization of Similar Use (18.43): Type of Director's Interpretation (18.340).
 - Solar Access Requirements (18.88): Dated regulations; staff has asked for repeal.

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18.100: INTRODUCTION LEGISLATIVE NOTES

The Introduction section contains three chapters: Introduction (18.110), Definitions (18.120), and Use Classifications (18.130).

Introduction (18.110) is the consolidation of three chapters in the existing code: Title (18.01), Purpose (18.02) and Effective Date (18.04). There have been no changes to these chapters other than to consolidate and re-format them.

In revising Definitions (18.120), the consulting team worked closely with the Planning staff to eliminate outdated terms, incorporate new terms, and generally clarify language to reduce confusion. Additional illustrations have also been added.

Use Classifications (18.130) is the chapter with the most extensive revisions. Currently, the development code has 53 use categories, including 30 commercial uses alone. In the new classification system, there are only 36 categories, a reduction of nearly one-third. This has been accomplished by consolidating several residential and commercial activities, respectively, which have common characteristics and, thus, similar impacts. At the same time, the industrial classifications have been significantly expanded (from two to seven categories) and an additional seven uses have been added to the "other" category, e.g., cemeteries, heliports, wireless telecommunication facilities. The latter are uses include those which do not fit neatly into the residential, institutional, commercial or industrial categories. The new classification system is used throughout the code including in the use tables for each zoning district and for vehicle and bicycle parking ratio requirements. The consulting team worked closely with the Planning staff to insure that the new system did not inadvertently create non-conforming uses in various zones.

**CHAPTER 18.110
INTRODUCTION**

Sections:

18.110.010 Title
18.110.020 Purpose
18.110.030 Effective Date

18.110.010 Title

A. Title. The ordinances codified in this title shall be known as the "Community Development Code of the City of Tigard," and shall be referred to in this title as this title.

18.110.020 Purpose

A. Purpose. As a means of promoting the general health, safety and welfare of the public, this title is designed to set forth the standards and procedures governing the development and use of land in Tigard and to implement the Tigard Comprehensive Plan. To these ends, it is the purpose of this title to:

1. Ensure that the development of property within the City is commensurate with the physical characteristics of the land, and in general, to promote and protect the public health, safety, convenience and welfare;
2. Promote and diversify the economy of the City;
3. Ensure the continued provision of an adequate type and supply of land for various uses sufficient to accommodate future growth;
4. Encourage the provision of affordable housing in quantities adequate to allow all persons some reasonable choice in the selection of a place to live;
5. Conserve all forms of energy through sound economical use of land and land uses developed on the land;
6. Provide for the orderly and efficient transition from rural to urban land use;
7. Afford an efficient and orderly development and arrangement of public services and facilities within the City;
8. Provide for and encourage a safe, convenient and economic transportation system within the City;
9. Protect the quality of air and water resources of the City;
10. Protect life and property in areas subject to floods, landslides and other natural disasters and hazards;
11. Provide for the recreational needs of residents of and visitors to the City;

12. Provide the means for citizens to be involved in all aspects of the planning process;
13. Conserve needed open space and protect historic, cultural, natural and scenic resources;
14. Ensure that the City is in compliance with all state and regional land use regulations; and
15. Provide for the review of those uses which may have a detrimental impact on the community.

18.110.030 Effective Date

- A. Effective Date. An ordinance becomes effective immediately under an emergency clause or as otherwise provided by the charter or ordinance.■

CHAPTER 18.120
DEFINITIONS

Sections:

- 18.120.010** **Meaning of Words Generally**
- 18.120.020** **Meaning of Common Words**
- 18.120.030** **Meaning of Specific Words and Terms**

18.120.010 **Meaning of Words Generally**

- A. In general. All of the terms in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary.

18.120.020 **Meaning of Common Words**

- A. Tense. All words used in the present tense include the future tense.
- B. Singular/plural. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.
- C. Gender. All words used in the masculine gender include the feminine gender.
- D. Use of “shall,” “will” and “may.” The words “shall” and “will” are mandatory and the word “may” is permissive.
- E. Use of “building” and “structure.” The word “building” includes the word “structure.”
- F. Use of “used for.” The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
- G. Use of “land” and “property.” The words “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.

18.120.030 **Meaning of Specific Words and Terms**

- A. For additional words and terms, also see Use Classifications (Chapter 18.130); Mixed Solid Waste and Recyclable Storage (Chapter 18.755); Sensitive Lands (Chapter 18.775); Signs (Chapter 18.780); Tree Removal (Chapter 18.790); and Wireless Communication Facilities (Chapter 18.798). As used in this title, the following words and phrases mean:
 - 1. “Abut/abutting lots,” “adjacent/adjoining lots” or “contiguous lots” - Two or more lots joined by a common boundary line or point.
 - 2. “Accept” - To receive as complete and in compliance with all submittal requirements.
 - 3. “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.

4. "Accessory building or structure" - A freestanding structure incidental and subordinate to the main use of property and located on the same lot as the main use.
5. "Acre" - A measure of land area containing 43,560 square feet.
6. "Addition" - A modification to an existing building or structure which increases the site coverage.
7. "Administrative action" - A quasi-judicial action, including: an action conducted pursuant to a portion of the Tigard community development code in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review there from; or any other proceedings as provided by ordinance, rule or resolution adopted by the Council.
8. Adult entertainment-related definitions:
 - a. "Adult bookstore - An establishment having at least fifty percent of its merchandise, items, books, magazines, other publications, films or videotapes which are for sale, rent or viewing on the premises and which are distinguished or characterized by their emphasis on matters depicting the specified sexual activities or specified anatomical areas defined in this section.
 - b. "Adult motion picture theater" - An establishment used primarily for the presentation of motion pictures or videotapes having as dominant theme material distinguished or characterized by an emphasis on matter depicting specified sexual activities or specified anatomical areas defined in this section.
 - c. "Specified anatomical areas" - Uncovered or less than opaquely covered, postpubertal human genitals, pubertal human genitals, pubic areas, post-pubertal human female breasts below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state.
 - d. "Specified sexual activities" - Human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, flagellation, torture or bondage either real or simulated.
9. "Aisle" - The corridor by which cars enter and depart parking spaces.
10. "Alley" - A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
11. "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.
12. "Alternative access" - 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.
13. "Amendment" - A change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.

14. "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.
15. "Americans With Disabilities Act" - A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.
16. "Annexation" - The incorporation of a land area into the City of Tigard with a resulting change in the boundaries of the City.
17. "Antenna" - A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures.
18. "Appeal" - A request that a final decision be considered by a higher authority.
19. "Applicant" - A person submitting an application for development.
20. "Application" - Materials submitted or to be submitted.
21. "Approval authority" - Either the Director, the initial hearing body or the Council, depending on the context in which the term is used.
22. "Approved plan" - A plan that has been granted final approval by the appropriate approval authority.
23. "Archaeological site" - Land or water areas that show evidence of artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.
24. "Assessed valuation" - The value at which property is appraised for tax purposes.
25. "Basement" - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as first story as defined in this section.
26. "Berm" - A mound of earth.
27. "Bike lane" - Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.
28. "Bikeway" - A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.
29. "Buildable area" - The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
30. "Building" - 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 definite manner.
31. "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.

32. "Building, primary" - A building in which the primary use of the property is conducted.
33. "Building height" - 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 (See Figure 18.120.1). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
 - a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade;
 - b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subdivision (A) of this subsection is more than 10 feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
34. "Building Official" - A person charged by a municipality with responsibility for the administration and enforcement of the state building code in the municipality, or his duly authorized representative. [Oregon Revised Statutes 456.806 (1)]
35. "Building permit" - Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
36. "Caliper" - The diameter of a tree trunk measured at a prescribed height.
37. "Change of use" - Any use that differs from the previous use as defined in the Section 18.120, Use Categories.
38. "City" - The area within the territorial limits of the City of Tigard.
39. "City Engineer" - The person assigned the title of City Engineer for the City of Tigard, Oregon, or designee.
40. "City of Tigard" - The governing structure for the municipality of Tigard, Oregon.
41. "City Recorder" - The person assigned the title of City Recorder for the City of Tigard, Oregon, or designee.
42. "Commission" - The Planning Commission of Tigard, Oregon.
43. "Complete and entire" - Every item of the thing spoken of without omissions or deficiencies.
44. "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.
45. "Comprehensive plan" - The generalized, coordinated land use map and policy statement of the governing body of the City of Tigard that interrelates all functional and natural systems and activities relating to the use of land, including, but not limited to: sewer and water systems, transportation systems, educational facilities, natural resources, and air and water quality management systems.

- a. “Comprehensive” - All-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.
 - b. “Generalized” - A summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use.
 - c. “Plan coordination” - When the needs of all levels of government, semipublic and private agencies and the citizens of Tigard have been considered and accommodated as much as possible.
 - d. “Land”- includes water, both surface and subsurface, and the air.
- 46. “Conditional use” - A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.
 - 47. “Contiguous” - See “Abutting.”
 - 48. “Council” - The City Council of Tigard, Oregon.
 - 49. “Cul-de-sac” - The circular turnaround at the end of a dead-end street.
 - 50. “Dedication” - The limited grant by a property owner allowing the use of property by the public for specified purposes.
 - 51. “Dedication, fee in lieu of” - Payments in cash as an alternative to dedication of land or construction of improvements.
 - 52. “Deed “ - A legal document conveying ownership of real property.
 - 53. “Demolish” - To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource in an historic overlay district.
 - 54. “Density” - The intensity of residential land uses, usually stated as the number of housing units per acre and defined in Chapter 18.720.
 - 55. “Density bonus” – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.
 - 56. “Density transfer” - The transfer of all or part of the permitted density from one part of a development site to another part.
 - 57. “Development” - 1) A building or mining operation; 2) a material change in the use or appearance of a structure or land; or 3) division of land into two or more parcels, including partitions and subdivisions as provided in Oregon Revised Statutes 92.

58. "Development site" - A lot or combination of lots upon which one or more buildings and/or other improvements are constructed.
59. "Director" - The Director of Community Development for the City of Tigard, Oregon, or designee.
60. "Drainage way" - Undeveloped land inundated during a 25-year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Tualatin River directly or after flowing through other drainage ways, channels, creeks or floodplain.
61. "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.
62. "Driveway" - A private way providing ingress and egress from one or two lots, parcels or tracts to a public or private street.
63. Dwelling-related definitions:
 - a. "Dwelling" - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - b. "Accessory dwelling unit" - One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling.
 - c. "Apartment" or "multiple-family dwelling" - A structure containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two or more contiguous lots.
 - d. "Duplex" - Two dwelling units placed so that some structural parts are in common and are located on a single lot.
 - e. "Single-family dwelling":
 - (1) "Attached dwelling": Two or more dwelling units attached side by side on two or more contiguous, separate lots with some structural parts in common at a common property line.
 - (2) "Detached dwelling" - One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - (3) "Manufactured home" - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
64. "Easement" - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

65. "Egress" - An exit.
66. "Enlargement" - An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.
67. "Exception" - Permission to depart from a specific design standards in the Development Code.
68. "Face" - To front upon.
69. "Fence, sight-obscuring" - A barrier consisting of wood, metal, masonry or similar materials, which obstructs vision.
70. "Final action," "final decision" or "final order" - A determination reduced to writing, signed and filed by the appropriate approval authority.
71. "Findings" - A written statement of the facts determined to be relevant by the approval authority as the basis for making its decision. The approval authority applies the relevant facts to the approval criteria or standards in order to reach its decision.
72. Flood-related definitions:
 - a. "Base flood" - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood."
 - b. "Floodplain" - The zone along a watercourse enclosed by the outer limits of land which is subject to inundation in its natural or lower revised contours by the base flood.
 - c. "Floodway" - The normal stream or drainage channel and that adjoining area of the natural floodplain needed to convey the waters, including the zero-foot rise floodway area defined by the U.S. Corps of Engineers Flood Insurance Study, February, 1984. Floodways must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
 - d. "Floodway fringe" - The area of the floodplain lying outside of the floodway.
73. "Floor area" - The gross horizontal area, under a roof, of all floors of a building, measured from the exterior walls, excluding vents, shafts, courts and space devoted to off-street parking. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.
74. "Floor area ratio" - The gross floor area of all buildings or structures on a lot divided by the total lot area.
75. "Frontage" - That portion of a development site which abuts a public or private street.
76. "Garage" - A building or portion thereof in which a motor vehicle is stored, repaired or kept.
77. "Glare" - The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
78. "Habitable floor area" - The total floor area of all the habitable rooms in a dwelling unit.

79. "Home occupation" - When a dwelling unit in a residential, commercial or industrial zone is used for a for-profit business purpose.
80. "Homeowners association" - An association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.
81. "Household" - A group of related or unrelated individuals living together in a single dwelling unit.
82. "Impact analysis" - A study to determine the potential direct or indirect effects of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment, and other factors.
83. "Impervious surface" - Any material that prevents absorption of storm water into the ground.
84. "Implementing ordinance" - An ordinance adopted to carry out the comprehensive plan, including, but not limited, to the provisions of this title.
85. "Improvement" - Any permanent structure that becomes part of, placed upon, or is affixed to property.
86. "Ingress" - Access or entry.
86. "Land form alteration" - Any man-made change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations located within the area of special flood hazard.
87. "Landscaping" - Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.
88. "Legislative" - A land use decision that applies to a large number of individuals or properties.
89. "Loading space" or "loading area" - An off-street space or berth on the same lot or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.
90. Lot-related definitions:
 - a. Lot - A unit of land that is created by a subdivision or partition of land and is owned by or under the lawful control and in the lawful possession of one ownership.
 - b. "Corner lot" - A lot situated at the intersection of two streets where the interior angle of such intersection does not exceed 135°.

- c. “Flag lot” - A lot located behind a frontage lot, plus a strip of land out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provides access from a street to the flag lot. The flag pole can either be part of the rear lot or granted as an easement from the front lot.
- d. “Front lot line” - In the case of an interior lot, a property line which abuts the street; in the case of a corner lot, the shortest of the two property lines which abut the street; except where the narrowest side of a lot is a minimum of 75 feet there may be a choice of frontage.
- e. “Improved lot” - (1) A lot upon which a building can be constructed and occupied; (2) a lot with buildings or structures.
- f. “Interior lot” - A lot other than a corner lot and having frontage on only one street.
- g. “Lot area” - The total horizontal area within the lot lines of a lot exclusive of public and private roads, and access easements to other property or the private driveway area of a flag lot.
- h. “Lot averaging” - A design technique permitting one or more lots in a subdivision to be undersized, providing that the average lot size is no less than that required in the underlying zone.
- i. “Lot coverage” - The percent of a lot area covered by the horizontal projection of any structures or buildings.
- j. “Lot depth” - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.
- k. “Lot line” - The property line bounding a lot.
- l. “Lot line adjustment” - The relocation of recorded lot lines which does not result in the creation of an additional lot.
- m. “Lot of record” - A lawfully created lot which existed prior to the effective date of the code codified in this title.
- n. “Lot width” - The average horizontal distance between the side lot lines measured within the building envelope.
- o. “Rear lot line” - The recorded lot line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular lot or lot with more than four sides, it shall mean a straight line ten feet in length which is parallel to the front lot line or its chord and intersects the other lot lines at points most distant from the lot line.
- p. “Side lot line” - Any lot boundary not a front or rear lot line.

- q. “Substandard lot” - A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located unless part of a project in which lot averaging has been approved.
 - r. “Tax lot” - Lot designation created by the County Assessor for the purpose of levying property taxes.
 - s. “Through lot” - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
 - t. “Zero lot line” - The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.
91. “Mitigation” - Methods used to alleviate or lessen the impact of development.
 92. “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, manufacturing, retail, public or entertainment, in a compact urban form.
 93. “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.
 94. “Mobile home park” - Any place where four or more mobile homes 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 use of facilities or to offer space free in connection with securing the trade or patronage of such person.
 95. “Mobile home subdivision” - A subdivision designed and approved for sale of lots for residential occupancy in mobile homes only.
 96. “Neighborhood Activity Center” – A use such as schools, parks, libraries, shopping areas, employment centers or pools which provide recreational or social services for groups of people.
 97. “Noise” - Any undesired audible sound.
 98. “Nonconforming situation” - A use, activity, lot or development that was lawful prior to the adoption, revision or amendment of the Tigard Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.
 99. “Occupancy permit” - A required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.
 100. “Off-site impact” - A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities.

101. “Off-site improvement” - Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic improvements.
102. “Open Space Facility” related definitions. Open Space Facilities may be privately or publicly owned:
- a. “Minimal Use Facilities.” No other improvements (apart from underground utilities and natural and ecological enhancements) are allowed.
 - b. “Passive Use Facilities.” Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks, informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.
 - c. “Active Use Facilities.” Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.
103. “Oregon Administrative Rules” - The Oregon State administrative rules.
104. “Oregon Revised Statutes” - The Oregon State law references.
105. “Outdoor storage” - The keeping, not within a building area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.
106. “Owner” - Any person, agent, firm or corporation having legal or equitable interest in the property.
107. “Park” - Any tract of land set apart and devoted to the purposes of pleasure, recreation, ornament, light, and air for the general public
108. “Parking space” - An area within a private or public parking area, building, or structure for the parking of one vehicle.
109. “Partition” - Division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioning land does not include:
- a. Divisions of land resulting from lien foreclosures, foreclosures of recorded contracts for the sale of real property, or creation of cemetery lots;
 - b. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel, reduced in size by the adjustment, is not reduced below the minimum lot size established by an applicable zoning ordinance; or
 - c. The sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by single owner.

110. "Party" - A person who makes an appearance in a proceeding through the submission of either written or verbal evidence.
111. "Perimeter" - The boundaries or borders of a lot, tract, or parcel of land.
112. "Permitted use" - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the development code.
113. "Person" - An individual, corporation, governmental agency, official advisory committee of the City, business trust, estate, trust, partnership, association, or two or more people having a joint or common interest or any other legal entity.
114. "Plat" - A final map, diagram or other writing containing all the descriptions, specifications and provisions concerning a subdivision.
115. "Projection" - Part of a building or structure that is exempt from the bulk requirements of the Development Code.
116. "Public business day" - The regular hours of business of the Tigard City hall as designated and posted by the City.
117. "Quasi-judicial" - Action which involves the application of adopted policy to a specific development application or amendments.
118. "Receipt" - A mere acknowledgment of submittal.
119. "Recreational vehicles" - A vacation trailer or other unit, with or without motor power, which is designed for human occupancy and to be used temporarily for recreation or emergency purposes. The unit shall be identified as a recreational vehicle by the manufacturer.
120. "Remodel" - An internal or external modification to an existing building or structure which does not increase the site coverage.
121. "Reserve strip" - A strip of property usually one foot in width overlaying a dedicated street which is reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.
122. "Residence" - A structure designed for occupancy as living quarters for one or more persons. The term is synonymous with "dwelling unit."
123. "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.
124. "Right-of-way" - A strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and

shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

125. "Road" - See "Street."
126. "Roof" - The exterior surface and its supporting structure on the top of a building.
127. "Setback" (front, rear, side, street and garage entrance) - the minimum allowable horizontal distance from a given point or line of reference, which shall be the property line unless otherwise stated to the nearest vertical wall of a building or structure, fence or other elements as defined by this title.
128. "Site" - Any plot or parcel of land or combination of contiguous lots or parcels of land.
129. "Slope" - The deviation of a surface from the horizontal, usually expressed in percent or degrees.
130. "Story" - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined in this section for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in this section at any point, such basement or unused under-floor space shall be considered as a story.
131. "Story, first" - The lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.
132. "Story, half" - A story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused under-floor space is not more than six feet above grade, as defined in this section, for more than 50 percent of the total perimeter or is not more than 12 feet above grade as defined in this section, at any point, such basement or unused under-floor space shall be considered as a half story.
133. "Street" - A public or private way that is created to provide ingress or egress for persons to three or more lots, parcels or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
134. "Street, public" - An accessway in public ownership. Also see "Right-of-way."
135. "Street, private" - An accessway which is under private ownership.
136. "Structure" or "building" - See "Building."
137. "Subdivision" - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single

ownership at the beginning of such year. The term “subdivision” also applies to an area or tract of land which has been subdivided.

138. “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. “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 does not, however, include either:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
139. “Temporary use” - A use that is 1) seasonal or directed toward a specific event; 2) occasioned by a unforeseen event; or 3) sales offices and model homes for the sale of homes, as regulated by Chapter 18.
140. “Tigard-based nonprofit organization” - An organization which has nonprofit status as defined by the state of Oregon which raises funds which are used by the organization which is located in the City.
141. “Traffic Flow Plan” – A plan submitted with a proposal for skinny streets that shows the potential queuing pattern that will allow for safe and efficient travel of emergency vehicles, service vehicles and passenger vehicles with minimal disturbance. This may include a combination of strategic driveway locations, turnouts or other mechanisms which will foster safe and efficient travel.
142. “Tree” - A standing woody plant, or group of such, having a trunk which is two inches or more in caliper size when measured four feet from the ground.
143. “Use” - The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.
144. “Vehicle parking space” - An area within a private or public parking area, building or structure for the parking of one vehicle.
145. “Vision clearance area” - A triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; defined by a line across the corners, the ends of which are on the street or alley lines, an equal and specified distance from the corner.
146. “Visual obstruction” - Any fence, hedge, tree, shrub, device, wall or structure between the elevations of three feet and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the Public Works Director or

City engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

147. “Wetlands” - Land often called swamp, marsh, or bog, that exhibits all of the following characteristics:

- a. The land supports hydrophytic vegetation. This occurs when more than 50 percent of the dominant species from all strata are classified as wetland species;
- b. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or in ponds long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile; and
- c. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

The City will use the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” as the basis for determining where wetlands are located. An area of privately owned land which otherwise satisfies the definition of a wetland is not defined as a wetland if it was created by human activity after October 11, 1984 as part of an approved development project. This exclusion does not apply to wetland migration areas.

148. “Will” - Mandatory; in all instances, “will” shall be interchangeable with “shall.”

149. “Window” - Any opening constructed in a wall to admit light or air, framed and spanned with glass.

150. Yard-related definitions (See Figure 18.120.2):

- a. “Yard” - An open space unobstructed from the ground upward except as otherwise provided in this title.
- b. “Corner side” - A yard extending from the front yard to the rear lot line on the street side of a corner lot.
- c. “Front” - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.
- d. “Rear” - A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.
- e. “Side” - A yard between the main building and the side lot line extending from the front yard or front lot line where not front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

151. “Zoning district” - An area of land within the Tigard city limits designated for specific types of permitted developments, subject to the development requirements of the district. ■ (Ord. 06-16, Ord 02-33)

**FIGURE 18.120.1
MEASURING BUILDING HEIGHT**

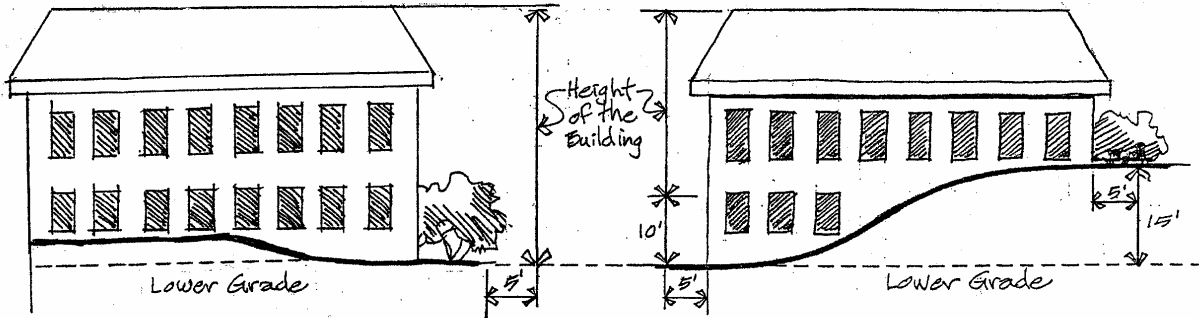
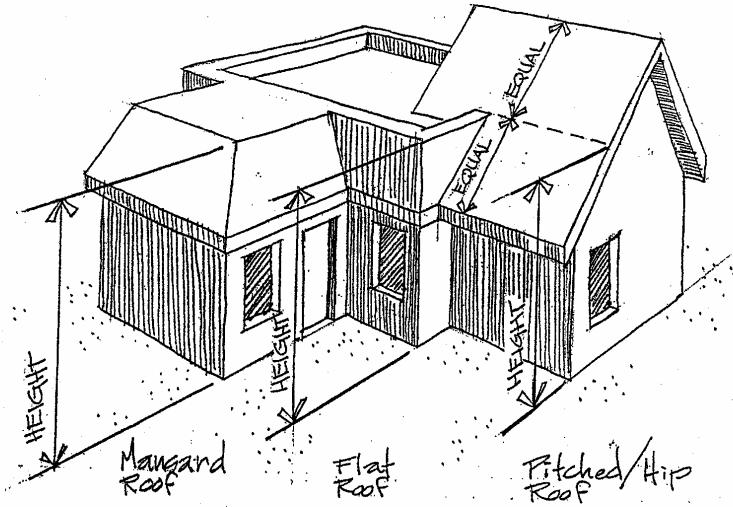
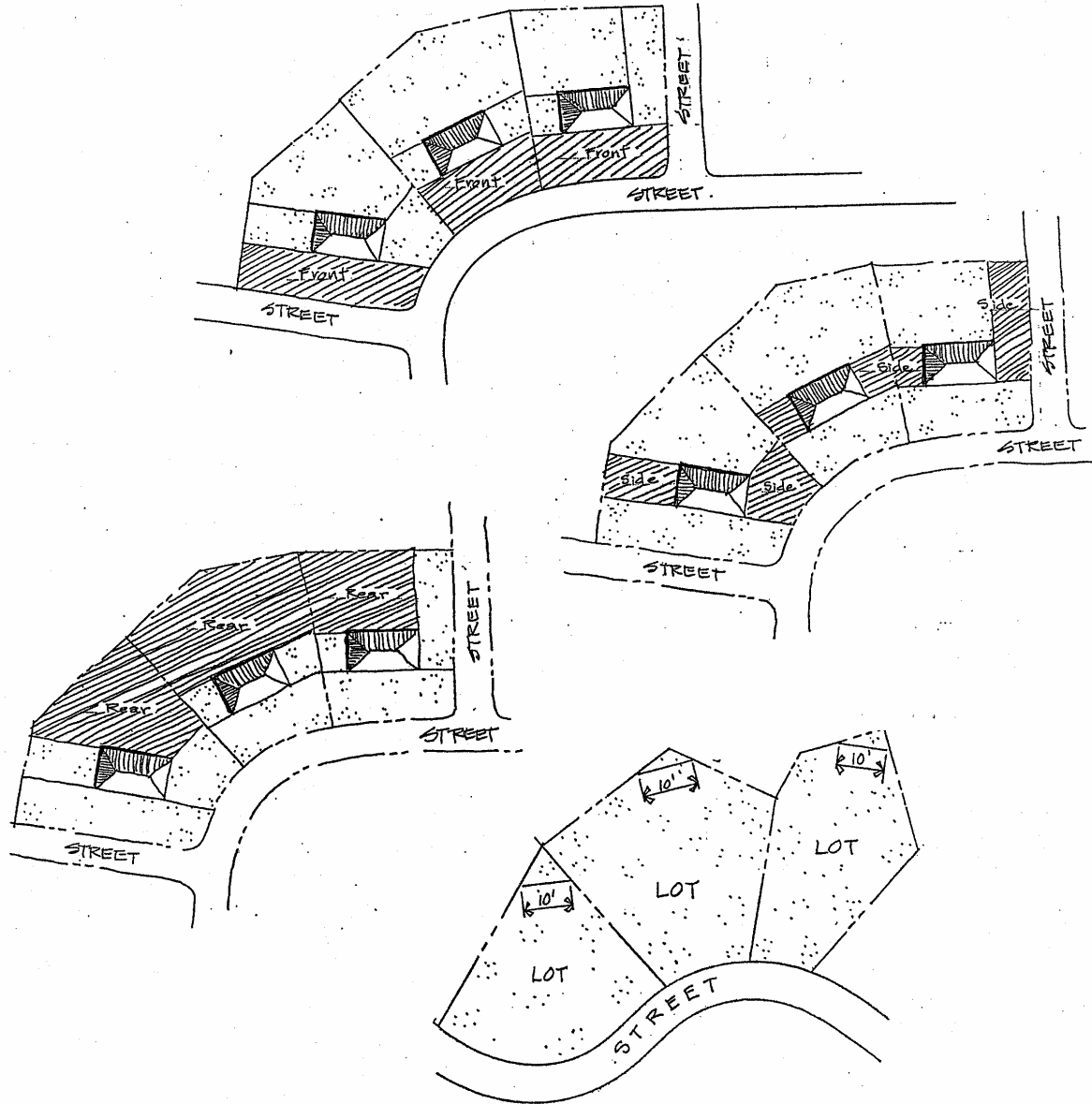


FIGURE 18.120.2
YARD DEFINITIONS

DETERMINING REAR LOT LINE ON IRREGULARLY-SHAPED PARCELS



**CHAPTER 18.130
USE CLASSIFICATIONS**

Sections:

- 18.130.010 Purpose**
- 18.130.020 Listing of Use Classifications**
- 18.130.030 Unlisted Use: Authorization of Similar Use**

18.130.010 Purpose

- A. Purpose. The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria which are directly relevant to the public interest.

18.130.020 Listing of Use Categories

A. Residential use types.

1. 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 Uniform Building Code.
2. Group Living: Living facilities for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care/treatment facilities; sororities/fraternities and convents/monasteries. Tenancy is longer than one month. Does not include detention and post-detention facilities (see 18.130.020 E.3., Detention Facilities).
3. Transitional Housing: Public or non-profit living facilities with same characteristics as Group Living but with tenancy less than one month. Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities. Excludes private, profit-making short-term housing (see 18.130.020 C.1., Commercial Lodging); and detention and post-detention facilities (see 18.130.020 E.3., Detention Facilities).

B. Civic use types.

1. Basic Utilities: Community infrastructure, including water and sewer systems, telephone exchanges, power substations and transit stations.
2. Colleges: Institutions of higher education with/without dormitories. Excludes private, profit-making trade and vocational schools (see 18.130.020 C.1., Personal Services).
3. Community Recreation: Public or non-profit recreational, social and multi-purpose facilities. Examples include: community centers, senior centers, indoor and outdoor tennis/racquetball and

soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses. Excludes commercial recreational facilities (see 18.130.020 3.C.3.c, Indoor Entertainment).

4. Cultural Institutions: Public or non-profit cultural facilities including libraries, museums and galleries. May include incidental and subordinate commercial uses such as a gift shop, bookstore, and limited food and beverage services.
5. Day Care: As defined by Oregon State Statute:
 - a. Family Day Care: Provision of day care services for children, with or without compensation, in the home of the caregiver. May provide care for six or fewer children full-time, with an additional four or fewer full-time or part-time children. During the school year, a family day care provider may care for four additional children on days and during the hours that school is not in session. Such children must be at least an age eligible for first grade. During summer vacation, a provider may care for four additional day care children of any age up to a maximum of four hours per day. No more than a total of 10 children including the provider's own children may be present at any one time.
 - b. Day Care Group Home: Day care facility in which care is provided in the home of the caregiver, with or without compensation, for 7-12 children. It is subject to certification by the Children's Services Division.
 - c. Institutional Day Care: Day care facility operated with or without compensation that is certified by the state to care for 13 or more children, or a facility that is certified to take care of 12 or fewer children and located in a building constructed as other than a single-family dwelling. Typical uses include nursery schools, pre-schools, kindergartens, before- and after-school care facilities or child development centers.
6. Emergency Services: Public safety facilities including police and fire stations, emergency communications and ambulance services.
7. Medical Centers: Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm. Usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking. Medical centers may also include free-standing offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices.
8. Postal Service: Refers to postal services and processing as traditionally operated by the U.S. Postal Service, United Parcel Service or other similar entities. Such facilities include customer sales, mail sorting and fleet truck storage.
9. Religious Institutions: Places of religious worship which may include related accessory uses such as offices, classrooms, auditoriums, social halls, gymnasiums and other recreational activities.
10. Schools: Public and private elementary, middle and high schools.
11. Social/Fraternal Clubs/Lodges: Non-profit organizations with social, philanthropic and/or recreational functions and activities.

C. Commercial use types.

1. Commercial Lodging: Residential facilities such as hotels, motels, rooming houses and bed-and-breakfast establishments where tenancy is typically less than one month. May include accessory meeting and convention facilities and restaurants/bars.
2. Eating and Drinking Establishments: Establishments which sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew pubs and espresso bars.
3. Entertainment-Oriented
 - a. Major Event Entertainment: Facilities such as auditoriums, stadiums, convention centers and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups of spectators.
 - b. Outdoor Entertainment: Facilities with extensive outdoor facilities including outdoor tennis clubs, golf courses and shooting ranges.
 - c. Indoor Entertainment: Commercial indoor facilities such as health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges and movie theaters.
 - d. Adult Entertainment: Facilities including adult motion picture theaters, adult video/book stores and topless, bottomless and nude dance halls which include materials and activities characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.
4. General Retail
 - a. Sales-Oriented: Establishments which consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products; pharmaceuticals; plant; printed materials; stationery and videos. Excludes large-scale consumer products (see 18.130.020 C.4.d); and those sold primarily outdoors (see 18.130.020 C.4.e, Outdoor Sales).
 - b. Personal Services: Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; trade/vocational schools; and mortuaries.
 - c. Repair-oriented: Establishments which engage in the repair of consumer and business goods including television and radios; bicycles; clocks; jewelry; guns; small appliances and office equipment; tailors and seamstresses; shoe repair; locksmith and upholsterer.
 - d. Bulk sales: Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliance and home improvement sales.

- e. Outdoor sales: Establishments which engage in sales requiring outdoor display and/or storage including lumber yards and nurseries.
- f. Animal-related: Animal breeding and boarding facilities. Excludes pet sales/supplies (see 18.120.030 C.4.a, Sales-Oriented); animal grooming (see 18.130.20 C.4.b, Personal Services); and veterinary clinics (see 18.130.020 C.6., Offices).

5. Motor Vehicle Related

- a. Motor Vehicle Sales/Rental: Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.
- b. Motor Vehicle Servicing/Repair: Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.
- c. Vehicle Fuel Sales: Establishments engaging in the sale of gasoline, diesel fuel and oil products for cars, trucks, recreational vehicles and boats.

6. Office: Government, business and professional offices. Examples include local, regional, state and federal offices and agencies; medical, dental and veterinary clinics and laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers and other consultants; headquarters offices; sales offices; and radio and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use. If this storage exceeds 50% of occupied space, such uses are classified as Industrial Services (see 18.130.020 D.1) Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.

7. Non-Accessory Parking: Any private or public parking, either paid or free, which is not an accessory to a primary use; includes public and private parking structures and lots, and transit park-and-ride lots. May also include free-standing fleet vehicle parking lot.

8. Self-Service Storage: Commercial operations which provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored (see 18.130.020 D.5, Warehouse/Freight Movement).

D. Industrial use types.

1. Industrial Services: Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

2. Manufacturing and Production

- a. Light Industrial: Includes production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings. Examples include the manufacturing and assembly of small-scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign-making; and catering facilities.
 - b. General Industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings although there may be some outside storage of raw materials. Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large-scale machinery.
 - c. Heavy Industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors with resulting noise, glare, vibration and other potentially adverse impacts. Examples include energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles or mobile homes.
3. Railroad Yards: A terminus of several railroad lines where the loading, unloading, transshipment and switching of rail cars is undertaken.
 4. Research and Development: Facility featuring a mix of uses including office, research laboratories and prototype manufacturing. If no manufacturing component, considered Office use (see 18.130.020 C.6).
 5. Warehouse/Freight Movement: Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and rail traffic. Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
 6. Wholesale Sales: Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public is limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
 7. Waste-Related: Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Examples include recycling/garbage transfer stations; land fills; composting, energy recovery and sewage treatment plants.

E. Other use types:

1. Agriculture/Horticulture: Open areas devoted to the raising of fruits, vegetable, nuts, nursery stock and/or flowers; may include on-site sales of products grown on the site. Excludes nurseries, which are classified under Outdoor Sales (see 18.130.020 C.4.e)
2. Cemeteries: Facilities for storing human remains. Accessory uses may include chapels, mortuaries, offices, maintenance facilities and parking.
3. Detention Facilities: Uses which have the characteristics of Group Living but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons, jails, probation centers, juvenile detention homes and related post-incarceration and half-way houses.
4. Heliports: Public or private facilities designed for the landing, departure, storage and fueling of helicopters.
5. Mining: Uses which mine or extract mineral or aggregate resources from the ground for off-site use. Accessory uses may include storage, sorting and transfer facilities.
6. Rail Lines/Utility Corridors: The regional corridors in public or private ownership dedicated for use by rail lines; above-grade or underground power or communication lines; water, sewer and storm sewer lines; or similar services.
7. Wireless Communication Facilities: Includes publicly- and privately-owned towers and related transmitting equipment for television, FM/AM radio, cellular and two-way radio and microwave transmission and related ancillary equipment buildings. Does not include radio/television transmission facilities which are part of the public safety network; see Basic Services. Does not include amateur (ham) radio antennas or towers. (Ord. 06-13)

18.130.030 Unlisted Use: Authorization of Similar Use

- A. Purpose. It is not possible to contemplate all of the various uses which will be compatible within a zoning district. Therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.
- B. Process. The Director shall render an interpretation, as governed by Chapter 18.340
- C. Approval standards. Approval or denial of an unlisted use application by the Director shall be based on findings that:
 1. The use is consistent with the intent and purpose of the applicable zoning district;
 2. The use is similar to and of the same general type as the uses listed in the zoning district;
 3. The use has similar intensity, density, and off-site impacts as the uses listed in the zoning district; and

4. The use has similar impacts on the community facilities as the listed uses. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.

D. Other provisions.

1. The Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted use or a conditional use.
2. The Director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.■

18.200: ADMINISTRATIVE PROCEDURES LEGISLATIVE NOTES

The Administrative Procedure section contains three chapters: General Administrative Provisions (18.210), Zoning Administration (18.220), and Enforcement (18.230).

Administrative Procedures (18.210) is a consolidation of several chapters in the existing code: Severability (18.06), Compliance and Scope (18.08), Consistency with the Plan and Laws (18.10), Use of a Development (18.14), Pre-Existing Approvals (18.16), Certificate of Occupancy (18.18), and Official Action (18.20). Except for minor editing, there have been no changes to these chapters other than to consolidate and re-format them. Interpretation (18.12) has been eliminated here, to be replaced by a new kind of land use action, Director's Interpretation (18.340).

Zoning Administration (18.220) is the re-formatted version of the existing Administration chapter (18.40). There have been no changes to this chapter except for the elimination of 18.40.040, related to residential density transfer. This provision requires the gradual gradation of density when a property in a more intense residential zoning district is developed adjacent to a property of lower residential density when the property to be developed is in a "developing area" and the adjacent property is in an "established area." This provision has been eliminated for several reasons:

- The map designating "developing" and "established" areas in the City has not been updated since the early 1980s. In fact, many areas once designated as "developing" now are indistinguishable from those originally designated "established."
- Requiring densities which are significantly lower than allowed in the underlying zone is a violation of the Metro 2040 Growth Management Functional Plan, which requires the City to demonstrate that it can meet its proportionate share of regional housing units (Title 1). To demonstrate compliance with this requirement, the City calculated the potential number of units based on developing its vacant parcels within 80% or more of the maximum density allowed by the underlying zoning. The residential density transfer requirement would not permit development at the underlying density for infill sites.
- To mitigate the impacts on single-family neighborhoods of developing infill parcels which are zoned for more intense use, the consulting team has developed a set of new development standards, Design Compatibility Standards (18.720). These include the requirements for landscaped and/or masonry buffers on the property line separating higher- and lower-density residential uses and building design/orientation to reduce visual impacts.

Elimination of this section will also require the elimination of Established Area/Development Area Classifications (18.138) and modification of the Tigard Comprehensive Plan.

Enforcement (18.230) replaces the existing chapter (18.24) of the same name. There have been no changes made to this chapter other than to re-format it.

Chapter 18.210
GENERAL ADMINISTRATIVE PROVISIONS

Sections:

- 18.210.010 Severability**
- 18.210.020 Compliance and Scope**
- 18.210.030 Consistency with Plan and Laws**
- 18.210.040 Use of a Development**
- 18.210.050 Pre-Existing Approvals**
- 18.210.060 Certificate of Occupancy**
- 18.210.070 Official Action**

18.210.010 Severability

- A. Severability. The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

18.210.020 Compliance and Scope

- A. Compliance with the provisions in this title. Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this title or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this title.
- B. Obligation by successor. The requirements of this title apply to the person undertaking the development or the use of the development and to the person's successor in interest.
- C. Most restrictive regulations apply. Where this title imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances and adjustments. No lot area, yard, other open space or off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title except as provided by Chapters 18.350 (Planned Developments) and 18.370 (Variances and Adjustments).
- E. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this title for one use shall be a required lot area, yard or other open space of off-street parking or loading area for another use, except as provided specifically by this title to the contrary.

18.210.030 Consistency With Plan and Laws

- A. Consistency with Comprehensive Plan and all laws. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the City of Tigard as implemented by this title and with applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.

18.210.040 Use of a Development

- A. Use of a Development. A development shall be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended or which is a continuing nonconforming use.

18.210.050 Pre-Existing Approvals

- A. Legality of pre-existing approvals. Planned developments, including the approved density, subdivisions, projects requiring site development review approval or other development applications for which approvals were granted prior to the effective date of the code codified in this title may occur pursuant to such approvals.
- B. Subsequent development applications. All development proposals received by the Director after the adoption of this title shall be subject to review for conformance with the standards under this title or as otherwise provided by state law.

18.210.060 Certificate of Occupancy

- A. Certificate of occupancy required. To ensure completion of the work in the manner and at the time approved, the structure or use shall not be used or occupied for the purposes set forth in the building permit application until the city has issued a certificate of occupancy following completion of the work in substantial conformance to the permit.
- B. Prior to final completion. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

18.210.070 Official Action

- A. Official Action. All officials, departments and employees of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this title, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this title.
- B. Severability. Any permit or approval issued or granted in conflict with the provisions of this chapter shall be void.
- C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this chapter.■

Chapter 18.220
ZONING ADMINISTRATION

Sections:

- 18.220.010 Classification of Zones**
- 18.220.020 Zoning District Map**
- 18.220.030 Determination of Zoning Boundaries**

18.220.010 Classification of Zones

- A. Classification of Zones. All areas within the corporate limits of the City of Tigard are divided into zoning districts. The use of each tract and ownership of land within the corporate limits is limited to those uses permitted by the zoning classification applicable for each such tract.

18.220.020 Zoning District Map

- A. Consistency with zoning map. The boundaries of each of the foregoing districts listed in Table 18.220.1 and the zoning classification and use of each tract in each of said zoning district is perceived to coincide with the identifying zone classification shown on the map entitled “Tigard Zoning District Map”, dated with the effective date of this title retained by the City Recorder and referred to as the “zoning district map.” Said map by this reference is made a part of this title. A certified print of the adopted zoning district map or map amendments shall be maintained in the office of the Planning Division as long as the code remains in effect.
- B. Applicability of zoning requirements. Each lot, tract and parcel of land or portion thereof within the zone boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable zone classification.
- C. Zoning map amendments. Amendments to the City zoning district map may be made in accordance with the provisions of Chapters 18.380 and 18.390.
 - 1. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting documents, on file in the Planning Division; and
 - 2. The Director shall maintain in the office and available for public inspection an up-to-date copy of the city zoning district map to be revised so that it accurately portrays changes of zone boundaries.

18.220.030 Determination of Zoning Boundaries

- A. Boundary determination. Where due to the scale lack of scale, lack of detail or illegibility of the City zoning district map or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the Director in accordance with the following standards:
 - 1. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks or alleys shall be constructed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be constructed as following City limits;
4. Boundaries indicated as approximately following river, stream and/or drainage channels shall be constructed as following river, stream and/or drainage channels; and
5. Whenever any street is lawfully vacated, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall automatically be subject to the same zoning district designation that is applicable to lands to which the street attaches.■

**Chapter 18.230
ENFORCEMENT**

Sections:

- 18.230.010 Provisions of this Title Declared to be Minimum Requirements**
- 18.230.020 Violation of Title Prohibited**
- 18.230.030 Penalty**
- 18.230.040 Complaints Regarding Violations**
- 18.230.050 Inspection and Right of Entry**
- 18.230.060 Abatement of Violations**
- 18.230.070 Stop-Order Hearing**

18.230.010 Provisions of this Title Declared to be Minimum Requirements

- A. Minimum requirements intended. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply. When the requirements of this title vary from other provisions of this title or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

18.230.020 Violation of Title Prohibited

- A. Violation of title prohibited. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this title or any amendment thereto.

18.230.030 Penalty

- A. Class 1 penalty. A violation of this title shall constitute a Class 1 civil infraction which shall be processed according to the procedures established in Chapter 1.16 of this code, Civil Infractions.
- B. Each violation a separate infraction. Each violation of a separate provision of this title shall constitute a separate infraction, and each day that a violation of this title is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required. A finding of a violation of this title shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. “Responsible party” means the person responsible for curing or remedying a violation, which includes:
 - 1. The owner of the property, or the owner’s manager or agent or other person in control of the property on behalf of the owner;
 - 2. The person occupying the property, including bailee, lessee, tenant or other person having possession;

3. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property. (Ord. 04-03)

18.230.040 Complaints Regarding Violations

- A. Filing written complaint. Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with Director. Such complaints, stating fully the causes and basis thereof, shall be filed with the Director. The Director shall properly record such complaints, investigate and take action thereon as provided by this title.

18.230.050 Inspection and Right of Entry

- A. Right of entry. Whenever the Director has reasonable cause to suspect a violation of any provision of this chapter exists or when necessary to investigate an application for or revocation of any approval under any of the procedures described in this title, the Director may enter on any site or into any structure for the purpose of investigation, provided that no premises shall be entered without first attempting to obtain the consent of the owner or person in control of the premises if other than the owner.
- B. Search warrant. If consent cannot be obtained, the Director shall secure a search warrant from the City's municipal court before further attempts to gain entry, and shall have recourse to every other remedy provided by law to secure entry.

18.230.060 Abatement of Violations

- A. Abatement of violations. Any development or use which occurs contrary to the provisions of this title or contrary to any permit or approval issued or granted under this title is unlawful, and may be abated by appropriate proceedings.

18.230.070 Stop-Order Hearing

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Director may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop-order hearing. The Director shall schedule a hearing if requested on the stop order for the soonest practicable date, but not more than seven (7) days after the effectiveness of any required notice. At the discretion of the Director, such hearing may be:
 1. Part of a hearing on revocation of the underlying permit or approval pursuant to Section 18.390.050; or
 2. Solely to determine whether a violation has occurred. The Hearings Officer shall hold this hearing and shall make written findings as to the violation within seven (7) days. Upon a finding of no violation, the Hearings Officer shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the Hearings Officer that the violation has been abated. The Hearings Officer's decision is subject to review under Section 18.390.060.■

18.300: LAND USE DECISIONS LEGISLATIVE NOTES

The Land Use Decisions section contains ten chapters which deal with the substantive and procedural aspects of all of the various land use permits and related actions required throughout the development code. This section features the most marked changes both in content and format of any section of revised code.

With regard to the substantive requirements:

- Several chapters have only minor changes and re-formatting. These include Annexations (18.320); Conditional Uses (18.330); Site Development Reviews (18.120); and Zoning Map and Text Changes (previously Amendments to the Title and Map) (18.380).
- Planned Developments (18.350) reflects recommendations previously made by the Planning Commission but never codified into the existing code.
- A new chapter, Director's Interpretations, replaces Interpretation (18.12). The new section explains in greater detail the procedures by which the Director renders such decisions. It also includes a provision for the appeal of such a decision, goes directly to the City Council, rather than the Planning Commission or Hearings Officer, as would normally be the case. This is based on a recent Oregon court case in which it was found that appeals of Director's Interpretations to the Land Use Board of Appeals (LUBA) are more likely to be upheld in the City's favor if the appeal was handled by the City's legislative body, i.e., City Council.
- In Chapter 18.370, Variances and Adjustments, the traditional variance procedure remains intact. However, a requirement that the applicant demonstrate that a proposed variance "not be in conflict with the Comprehensive Plan," was removed from the approval criteria, since the scope of this requirement far exceeds the importance of the action. Also, the term "some economic use" was changed to "reasonable economic use" in the approval standards for variances to be consistent with the constitutional test of Dolan. The second half of this section is devoted to a new concept, adjustments. There are two kinds of adjustments:
 - "Development adjustments" which allow modest variation from required development standards within proscribed limit. For example, up to a 5% increase in maximum lot coverage or 25% reduction in front yard setback requirements can be granted in a simple procedure.
 - "Special adjustments" which are variances from development standards which have their own approval criteria as opposed to the standard criteria for a generic variance. Examples include adjustments to access and egress standards and reduction in the minimum parking ratios. Many of these adjustments are already called for in the various chapters in 18.700, Specific Development Standards, but often these do not contain a formal process for granting approval. By creating this section of 18.370, all of these adjustments are now grouped in one place, and each has an attached review procedure and approval criteria to insure that in granting them the City is meeting all state legal requirements.
- Miscellaneous Permits (Chapter 18.385) groups all of the remaining permits which in the old code appeared in their substantive chapters. These include historic overlay-related, home occupation, non-conforming use confirmation, sensitive land, temporary use and tree removal permits. Like the adjustments described above, the requirements for these could

have been retained in their original chapters. However, from an organization perspective, it was decided to consolidate information about all permits in one section.

- A consolidation of the old Chapters 18.30 (Legislative Decisions) and 18.32 (Quasi-Judicial Decisions), Chapter 18.390 (Decision-Making Procedures) contains all of the procedural requirements for each permit type. As currently organized, these chapters are unnecessarily complex, repetitive, confusing and often in conflict. The new chapter has combined all legislative and quasi-judicial decision-making procedures in a single place. These have been simplified into four procedure types:
- Type I (Ministerial Decisions) which are for minor permits or actions made by the Director or his designees based on “clear and objective” standards. Often made “over the counter,” these decisions are decided without public notice or a public hearing. The specific requirements for the Type I procedure are contained in Section 18.390.030.
- Type II (Quasi-Judicial Decisions) which apply to quasi-judicial permits and actions which contain some discretionary criteria. Type II decisions are decided by the Director with public notice and an opportunity for a hearing (appeal). If any party of standing appeals a Type II decision, such an appeal is heard by the Hearings Officer. The specific requirements for the Type II procedure are contained in Section 18.390.040.
- Type III (Quasi-Judicial Decisions) apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III actions are decided by either the Hearings Officer (IIIA) or the Planning Commission (IIIB), with appeals to or review by the City Council. The specific requirements for the Type III procedure are contained in Section 18.390.050.
- Type IV (Legislative Decisions) which apply to legislative matters. Legislative matters involve the creation, revision or large-scale implementation of public policy, as opposed to quasi-judicial decisions which affect only a specific applicant or group of applicants. Type IV actions are considered initially by the Planning Commission with final decisions made by the City Council. The specific requirements for the Type IV procedure are contained in Section 18.390.060.

A summary of permits by type of decision-making procedure is provided in 18.390.020C.

In addition, two new land use procedures are contained in Section 18.390.070. These include Expedited Land Divisions (ELD), as provided in ORS 197.360, and Limited Land Use Decisions (LLD), as provided for in ORS 197.015 (12). These are relatively obscure permitting procedures and only apply in a very limited number of circumstances. Few applicants understand or want the flexibility to use these procedures in lieu of the standard procedures described above. To insure these applicants have the option to choose such a procedure for processing a permit request and to be in compliance with state law, these procedures are described in this chapter of the code. The City's Hearings Officer has experience adjudicating permits under these procedures in the rare circumstance where an applicant opts to use them.

The last section of the chapter contains general procedures (18.390.080), which apply across all or most of the Type I - IV procedure types. These include things like pre-application conference requirements, content and acceptance of applications, director's duties and requirements governing the re-submittal of requests following denial.

In summary, Land Use Permits contains all of the information about permits in one place. Each permit or related action has its own approval criteria, which are contained in Chapters 18.320 - 18.385, and is assigned a generic procedure type, the requirements for which are contained in Chapter 18.390. A

summary of all of this information is contained in Chapter 18.310. Cross-references to this permitting information is also contained in other chapters in the code. For example, in Section 18.765.070 F2, it states:

“The Director may reduce the total required off-street vehicle parking spaces per Section 18.765.070H by up to a total of 20% by means of a parking adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.370.020 C5a.”■

Chapter 18.310
SUMMARY OF LAND USE PERMITS

Sections:

- 18.310.010 Purpose**
18.310.020 Summary of Land Use Permits

18.310.010 Purpose

- A. Introduction. In this development code, each land use permit or related action is processed by means of a generic decision-making type, e.g., Types I - IV or Limited Land Use Decisions (LLD) or Expedited Land Divisions (ELD), to which it is assigned. A description of these decision-making procedures are summarized in Chapter 18.390. In addition, to be approved, each permit or related action must comply with specifically-tailored approval criteria, which with few exceptions are contained in Chapters 18.320 - 18.385, as well as all other pertinent development standards, which are found throughout this code.
- B. Purpose. The purpose of this chapter is to provide a table summarizing all land use permits and related actions, including cross-references to type of decision-making process, approval criteria and other development standards. As such, this chapter provides a "road map" for the permit approval process.

18.310.020 Summary of Land Use Permits

- A. Summary Table. The table summarizing the decision-making procedure and substantive approval requirements of each land use permit and related action is presented in Table 18.310.1 below:

TABLE 18.310.1
SUMMARY OF LAND USE PERMITS AND RELATED ACTIONS

<u>Land Use Permit/Action</u>	<u>Decision-Making Type</u>	<u>Approval Criteria</u>	<u>Other Development Regulations</u>
<u>Annexation</u>	IV	18.320.020	18.320
<u>Conditional Use</u>			
Initial	III-HO	18.330.030	18.330
Major Modification	III-HO	18.330.030	18.510, 18.520
Minor Modification	I	18.330.030	18.530
<u>Director's Interpretation</u>	-- ¹	----	18.340
<u>Planned Development</u>			
Detailed Plan	III-PC; ELD II	18.350.100 18.350.020	18.350 18.350
<u>Site Development Review</u>			
New Construction	II	18.360.090	18.360
Major Modification	II	18.360.090	18.360
Minor Modification	I	18.360.090	18.360

TABLE 18.310.1 (Con't)

Land Use Permit/Action	Decision-Making Type	Approval Criteria	Other Development Regulations
<u>Variances/Adjustments</u>			
Variances	II	18.370.010C	18.370
Development Adjustments	I	18.370.020 B2	18.370
<u>Special Adjustments</u>			
• Adjustments in Subdivisions	-- ²	18.370.020 C1	18.430
• Reduction of Minimum Res. Densities	I	18.370.020 C2	18.430, 18.715
• Access/Egress Standards Adjustments	II	18.370.020 C3b	18.705
<u>Landscaping Adjustments</u>			
-Existing Street Trees	I	18.370.020 C4a	18.745
-New Street Trees	I	18.370.020 C4b	18.745
<u>Parking Adjustments</u>			
-Reduction in Minimum Prkg. Ratios	II	18.370.020 C5a	18.765
-Prkg Reduct. in New Developmts/ Transit Improvements	II	18.370.020 C5b	18.765
-Prkg Reduct. in Existing Developmts/ Transit Improvements	II	18.370.020 C5c	18.765
-Increases in Maximum Parking Ratios	II	18.370.020 C5d	18.765
-Reduction in Bicycle Parking	II	18.370.020 C5e	18.765
-Alternative Parking Garage Layout	II	18.370.020 C5f	18.765
-Reduction in Stacking Lane Length	I	18.370.020 C5g	18.765
• Sign Code Adjustments	II	18.370.020 C6	18.780
• Tree Removal Adjustments	I	18.370.020 C7	18.790
<u>Wireless Communication Facility Adj.</u>			
-Setback from Nearby Residence	II	18.370.020 C8a	18.798
-Distance from Another Tower	I	18.370.020 C8b	18.798
• Street Improvement Adjustments	II	18.370.020 C9	18.810
<u>Zoning Map/Text Amendments</u>			
Legislative	IV	Comprehensive Plan	18.380
Quasi-Judicial	III-PC	18.380.030B	18.380
<u>Miscellaneous Permits</u>			
Accessory Residential Units	I	Development Standards in 18.710	
<u>Historic Overlay</u>			
• Historic Overlay Designation	III-PC	18.740.040A	18.740
• Removal Historic Overlay Designation	III-PC	18.740.040B	18.740
• Exterior Alteration in HO District	II	18.740.040C	18.740
• New Construction in HO District	II	18.740.040D	18.740
• Demolition in HO District	II	18.740.040E	18.740
<u>Home Occupations</u>			
• Type I	I	18.742.040A	18.742
• Type II	II	18.742.050A	18.742
Nonconforming Use Confirmation	I	18.760.020A	18.760

TABLE 18.310.1 (Con't.)

Land Use Permit/Action	Decision-Making Type	Approval Criteria	Other Development Regulations
Sensitive Lands			
• Within 100-Year Flood Plain	III-HO	18.775.070B	18.775
• With Excessive Slopes	II, III-HO ³	18.775.070C	18.775
• Within Drainage Ways	II, III-HO ³	18.775.070D	18.775
• Within Wetlands	II, III-HO ³	18.775.070E	18.775
Signs			
• Existing	I	{Development Standards for Each	
• Modification of Existing	I	{Sign Type, per 18.780	
• Temporary	I	18.780.100	
Temporary Uses			
• Seasonal/Special Events	I	18.785.040A	18.785
• Emergency	I	18.785.040B	18.785
• Temporary Sales Office/Home	I	18.785.040C	18.785
• Temporary Building	I	18.785.040D	18.785
Tree Removal	I	18.790.050A	18.790
Water Resources Overlay			
• Permitted Uses With Mitigation	I	18.797.060A-D	18.797
• Permitted Uses w/Mitigation/ No Alternative II	18.797.060B-D	18.797	
• Conditional Uses	III-HO ³	18.797.060B-D	18.797
Land Division			
Lot Line Adjustment	I	18.410.040	18.410
Land Partition	II, ELD	18.420.050	18.420
Subdivisions			
• Without Planned Development	II, ELD	18.430.070	18.430
• With Planned Development	III-PC, ELD	18.430.070 18.350.100	18.430, 18.350

¹ Special kind of decision: Type I if not appealed, Type II if appealed by applicant. Because of recent Oregon case law, appeal goes directly to City Council.

² Addressed concurrently with subdivision review.

³ Can be reviewed as either Type II or IIIA, depending on criteria in 18.775.015 D and E.

KEY:

- Type I: Ministerial Review (18.390.030)
- Type II: Quasi-Judicial Review by Director (18.390.040)
- Type III-HO: Quasi-Judicial by Hearings Officer (18.390.050)
- Type III-PC: Quasi-Judicial by Planning Commission (18.390.050)
- Type IV: Legislative (18.390.060)
- LLD: Limited Land Use Decision (18.390.070)
- ELD: Expedited Land Division (18.390.070)

**Chapter 18.320
ANNEXATIONS**

Sections:

18.320.010 Purpose

18.320.020 Approval Process and Standards

18.320.010 Purpose

A. Purpose. The purpose of this chapter is to:

1. Implement the policies of the comprehensive plan;
2. Provide for City review of all annexation requests for a determination of the availability of facilities and services as related to the proposal;
3. Provide for City and County coordination of annexation requests; and
4. Provide for an expedited process by establishing procedures whereby the annexation and rezoning may be considered concurrently.

18.320.020 Approval Process and Standards

A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.

B. Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

C. Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

D. Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

**TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS**

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acres	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial■

Chapter 18.330
CONDITIONAL USE

Sections:

- 18.330.010 Purpose**
- 18.330.020 Approval Process**
- 18.330.030 Approval Standards and Conditions of Approval**
- 18.330.040 Additional Submission Requirements**
- 18.330.050 Additional Development Standards for Conditional Use Types**

18.330.010 Purpose

- A. Purpose. The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. There are certain uses which due to the nature of the impacts on surrounding land uses and public facilities require a case-by-case review and analysis.

18.330.020 Approval Process

- A. Initial applications. A request for approval for a new conditional use shall be processed as a Type III-HO procedure, as regulated by Chapter 18.390.050, using approval criteria contained in Section 18.330.030A and subject to other requirements in this chapter.

B. Major modification of approved or existing conditional use.

1. An applicant may request approval of modification to an approved plan by:
 - a. Providing the Director with five copies of the proposed modified conditional use site plan; and
 - b. A narrative addressing the proposed changes as listed in subsection B below.
2. The Director shall determine that a major modification(s) has resulted if one or more of the changes listed below have been proposed:
 - a. A change in land use;
 - b. An 10% increase in dwelling unit density;
 - c. A change in the type and/or location of access ways and parking areas where off-site traffic would be affected;
 - d. An increase in the floor area proposed for non-residential use by more than 10% where previously specified;
 - e. A reduction of more than 10% of the area reserved for common open space and/or usable open space;
 - f. A reduction of specified setback requirements by more than 20%;

g. An elimination of project amenities by more than 10% where previously specified provided such as:

- (1) Recreational facilities;
- (2) Screening; or
- (3) Landscaping provisions; and

h. A 10% increase in the approved density;

3. Upon the Director determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application in accordance with Section 18.390.050.

C. Minor modification of approved or existing conditional use.

1. Any modification which is not within the description of a major modification as provided in Subsection B above shall be considered a minor modification.
2. An applicant may request approval of a minor modification by means of a Type I procedure, as regulated by Section 18.390.040, using approval criteria in Subsection C3 below.
3. A minor modification shall be approved, approved with conditions, or denied following the Director's review based on the findings that:
 - a. The proposed development is in compliance with all applicable requirements of this title; and
 - b. The modification is not a major modification as defined in Subsection A above.

D. Phased development approval. As part of the approval process, the Hearings Officer shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for conditional use review. The criteria for approving a phased conditional use review proposal is that all of the following are satisfied:

1. The public facilities shall be constructed in conjunction with or prior to each phase.
2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal.

18.330.030 Approval Standards and Conditions of Approval

A. Approval standards. The Hearings Officer shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide adequate area for the needs of the proposed use;
 2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features;
 3. All required public facilities have adequate capacity to serve the proposal;
 4. The applicable requirements of the zoning district are met except as modified by this chapter;
 5. The applicable requirements of 18.330.050; and
 6. The supplementary requirements set forth in other chapters of this code including but not limited to Chapter 18.780, Signs, and Chapter 18.360, Site Development Review, if applicable, are met.
- B. Conditions of approval. The Hearings Officer may impose conditions on the approval of a conditional use, which are found necessary to ensure the use is compatible with other use in the vicinity, and that the impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to the following:
1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
 3. Requiring additional setback areas, lot area, and/or lot depth or width;
 4. Limiting the building height, size or lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design of vehicle access points;
 6. Requiring street right-of-way to be dedicated and street(s) to be improved;
 7. Requiring landscaping, screening, drainage and/or surfacing of parking and loading areas;
 8. Limiting the number, size, location, height and/or lighting of signs;
 9. Limiting or setting standards for the location and/or intensity of outdoor lighting;
 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location and/or materials for fences;
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and/or drainage areas;
 13. Requiring the dedication of sufficient open land area for a greenway adjoining and within the floodplain when land form alterations and development are allowed within the 100-year floodplain; and

14. Requiring the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

- C. Exemptions. Manufactured home parks and manufactured home subdivisions are exempt from the provisions of Subsection B above. Manufactured home subdivisions are subject to approval under the provisions of Chapter 18.430, Subdivisions. Manufactured home parks are subject to approval under the provisions of Chapter 18.340, Site Development Review.

18.330.040 Additional Submission Requirements

- A. Additional submission requirements. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application for conditional use approval must include the following additional information in graphic, tabular and/or narrative form. The Director shall provide a list of the specific information to be included in each of the following:

1. Existing site conditions;
2. A site plan;
3. A grading plan;
4. A landscape plan;
5. Architectural elevations of all structures; and
6. A copy of all existing and proposed restrictions or covenants.

18.330.050 Additional Development Standards for Conditional Use Types

- A. Concurrent variance application(s). A conditional use permit shall not grant variances to the regulations otherwise prescribed by this title. A variance application(s) may be filed in conjunction with the conditional use application and both applications may be heard at the same hearing.

- B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:

1. Adult Entertainment:
 - a. No adult entertainment establishment shall be permitted to locate within 500 feet of any:
 - (1) Residential zone;
 - (2) Public or private nursery, preschool, elementary, junior, middle, or high school;
 - (3) Day care center, nursery school, resident care facility or hospital;
 - (4) Public library;
 - (5) Public park; or
 - (6) Religious institution.

- b. Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the use, to the closest portion of the residential zone or property line upon which a use specified in paragraph (a) above is listed;
 - c. Any sign shall comply with the sign requirements, Chapter 18.780;
 - d. Hours of operation shall be limited to 10:00 a.m. to 1:00 a.m.;
 - e. All windows less than seven feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use;
 - f. Doors and windows shall at all times be closed except for normal ingress and egress;
 - g. No amplified or mechanically reproduced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated; and
 - h. All adult entertainment establishments shall comply with all applicable state laws.
2. Motor Vehicle Servicing and Repair:
- a. Setbacks:
 - (1) A five-foot perimeter setback shall surround all outdoor parking and storage areas;
 - (2) Buffer screening shall be provided along the perimeter of all outdoor parking and storage areas as required in Section 18.745.040; and
 - (3) All repair work shall be performed indoors.
3. Fleet Storage:
- a. No buildings or structures are allowed; and
 - b. Setbacks shall comply to those of the underlying zone.
4. Motor Vehicle Sales and Rental:
- a. Five feet of the perimeter setback shall be used for landscaping and screening purposes;
5. Community Recreation and Parks:
- a. All building setbacks shall be a minimum of 30 feet from any property line;
 - b. There are no off-street parking requirements, except that five automobile parking spaces are required for a dog park or off-leash area with a fenced area of one acre or more, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking. Three automobile parking spaces are required for a dog park or off-leash area with a fenced area of less than one acre, along with an approved parking plan for anticipated peak use

periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking.

6. Heliports:

- a. In all commercial and industrial zones, heliports shall be sited in accordance with the ODOT Aeronautics Division requirements and the FAA recommended design guidelines.

7. Vehicle Fuel Sales:

- a. Minimum lot size shall be 10,000 square feet;
- b. Setbacks:
 - (1) The front yard setback shall be 40 feet;
 - (2) On corner and through lots, the setback shall be 40 feet on any side facing a street; and
 - (3) No side or rear yard setback shall be required, except 20 feet where abutting a residential zoning district;
- c. Fuel tank installation shall be in accordance with the Uniform Fire Code; and
- d. Building height shall be the same as applicable zone.

8. Schools:

- a. There shall be no minimum lot size requirements for schools other than what is required for the applicable zoning district;
- b. Setbacks:
 - (1) The front yard setback shall be a minimum of 30 feet;
 - (2) On corner lots and through lots, the setback shall be a minimum of 20 feet on any side facing a street, plus meet visual clearance areas, Chapter 18.795;
 - (3) The side yard setback shall be a minimum of 20 feet; and
 - (4) The rear yard setback shall be a minimum of 30 feet.

9. Religious Institutions:

- a. Minimum lot size shall be 20,000 square feet;
- b. Setbacks:
 - (1) The front yard setback shall be a minimum of 25 feet;
 - (2) On corner lots and through lots, the setback shall be a minimum of 20 feet, plus meet visual clearance areas, Chapter 18.795;

- (3) The side yard setback shall be a minimum of 20 feet;
- (4) The rear yard setback shall be a minimum of 20 feet; and
- (5) Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

10. Medical Centers:

- a. Minimum lot size shall be 20,000 square feet plus 1,000 square feet for each bed over 15 beds;
- b. Setbacks:
 - (1) The front yard setback shall be a minimum of 25 feet;
 - (2) On corner lots and through lots, the setback shall be a minimum of 25 feet, plus meet visual clearance areas requirements, Chapter 18.795;
 - (3) The side yard setback shall be a minimum of 25 feet;
 - (4) The rear yard setback shall be a minimum of 25 feet; and
 - (5) Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

11. Cemeteries:

- a. The minimum lot size shall be five acres;
- b. Setbacks:
 - (1) For graves only:
 - (a) The front yard setbacks shall be a minimum of 15 feet;
 - (b) The side yard setbacks shall be a minimum of 15 feet; and
 - (c) The rear yard setbacks shall be a minimum of 15 feet.
 - (2) For Structures Only:
 - (a) The front yard setbacks shall be a minimum of 25 feet;
 - (b) On corner lots and through lots, the setbacks shall be a minimum of 25 feet on any side facing a street, plus meet visual clearance areas, Chapter 18.795;
 - (c) The side yard setback shall be a minimum of 25 feet; and
 - (d) The rear yard setback shall be a minimum of 25 feet;

- c. Adequate fencing shall be provided. A fence of at least four feet in height located at least 2-1/2 feet from any right-of-way shall completely surround the area and shall meet visual clearance areas; and
- d. There are no off-street parking requirements.

12. Social/Fraternal Clubs/Lodges:

- a. Minimum lot size shall be 20,000 square feet.

13. Major Event Entertainment:

- a. The minimum lot size shall be two acres;
- b. Setbacks:
 - (1) The front yard setback shall be a minimum of 30 feet;
 - (2) On corner lots and through lots, the setback shall be a minimum of 25 feet on any side facing a street, plus meets visual clearance areas, Chapter 18.795;
 - (3) The side yard setback shall be a minimum of 25 feet;
 - (4) The rear yard setback shall be a minimum of 30 feet; and
 - (5) Each setback shall be increased five feet for every 10 feet of building height over 45 feet.
- c. With regard to off-street parking: Exempt, if constructed with a school use. Otherwise, requirements shall comply with Section 18.765;

14. Duplexes:

- a. The minimum lot size shall be 10,000 square feet; and
- b. The remaining dimensional requirements of the underlying zoning district shall apply.

15. Group Living:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those in the applicable zone;
- c. Height limitation shall be that in the applicable zone;
- d. Compliance with all state requirements shall be required; and
- e. Off-street parking shall be in accordance with Chapter 18.765.

16. Emergency Services and Basic Utilities:

- a. Minimum lot size shall be 5,000 square feet;

- b. Minimum setbacks shall be those in the applicable zone;
- c. Height limitation shall be in accordance with Chapter 18.730;
- d. Off-street parking and loading requirement shall be in accordance with Chapter 18.765; and
- e. Screening shall be in accordance with Chapter 18.745.

17. Non-Accessory Parking:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks: for structures: shall be those of the applicable zone; for parking area: five feet around perimeter of paved area for landscaping and screening purposes;
- c. Height limitation shall be that of the applicable zone;
- d. Off-street parking requirements shall be in accordance with Chapter 18.765; and
- e. Screening shall be in accordance with Chapter 18.745.

18. Manufactured/Mobile Home Parks (Also see Chapter 18.750):

- a. Minimum lot size shall be one acre;
- b. Minimum lot dimension:
 - (1) Frontage: 100 feet;
 - (2) Depth: 150 feet;
- c. Minimum setbacks:
 - (1) Front yard: 25 feet;
 - (2) Rear yard: 25 feet;
 - (3) Side yard: 10 feet;
 - (4) Corner yard: 25 feet.
- d. Height limitation shall be that of the applicable zone;
- e. Off-street parking shall be in accordance with Chapter 18.765;
- f. Landscaping shall be equal to 20% of the project area;
- g. Screening shall be in accordance with Chapter 18.745;

- h. Outdoor recreation shall equal a minimum of 60 square feet area, suitably improved for recreational use, for each unit exclusive of required yards. Each recreation area shall have minimum size of 2,500 square feet.

19. Children's Day Care:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum Setbacks shall be those of the applicable zone;
- c. Height limitation shall be that of the applicable zone;
- d. State certification shall be obtained in accordance with ORS Chapter 418; and
- e. Off-street parking shall be in accordance with Chapter 18.765.

20. Drive-Up Windows:

- a. Minimum lot size shall be as required in the underlying zone.
- b. Minimum setbacks: Where access to the drive-up windows is not separated from abutting properties or a public right-of-way by parking, structures or landscaping, visual screening shall be provided to screen headlights from abutting property and the right-of-way.
- c. Height limitation shall be in accordance with the underlying zone.
- d. Drive-up window reservoir requirement: All uses providing drive-up service as defined by this title shall provide on the same site a reservoir for inbound vehicles as follows in Table 18.765.1 contained in Chapter 18.765, Off-Street Parking and Loading Requirements.
- e. Reservoir Parking: Restaurants providing drive-up window service shall provide at least two designated parking spaces immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.
- f. Hours of operation: Hours of operation shall be limited for the drive-up window when the property with the drive-up window facility abuts a residential use. In this case, hours of the drive-up window shall be limited to 7 AM to 9 PM.
- g. Walk-up service: Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily-accessible exterior walk-up window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, two parking spaces shall be provided allowing convenient access to the walk-up service window.
- h. Emergency exit: The design of the vehicle stacking area serving the drive-up window shall allow customers to leave the stacking line in their vehicle in the event of an emergency.

- i. Pedestrian access: On-site parking for walk-in customers shall be designed so that pedestrians do not have to cross drive-up window stacking lines to any public entrances into the building.
- j. Obstruction of rights-of-way: Establishments having drive-up window facilities shall have sufficient stacking area to insure that public rights-of-way are not obstructed.
- k. Sound systems: Communications sound systems shall not exceed a measurement of 55 decibels at the adjoining property line(s) at any time.■

Chapter 18.340
DIRECTOR'S INTERPRETATIONS

Sections

18.340.010 Purpose
18.340.020 Procedure

18.340.010 Purpose

A. Purpose. It is anticipated that some terms or phrases within the Code may be ambiguous and therefore subject to two or more reasonable meanings. Because it is not possible to identify or remove all ambiguities in the Code, a process should be established for resolving these ambiguities in advance of or concurrent with applying for a particular permit or other action. Director's Interpretations provides a process for resolving ambiguities in such a manner. All Director's Interpretations are subject to appeal to the City Council as provided below.

18.340.020 Procedure

- A. Requests. A request for an interpretation shall be made in writing to the Director. The Director may develop guidelines to and in the application process.
- B. Decision to issue. The Director shall have the authority to consider the request for an interpretation. The Director shall respond within 14 days after the request is made, as to whether or not the Director will issue the requested interpretation.
- C. Director may decline. The Director is authorized to issue or decline to issue a requested interpretation. The Director's decision to issue or decline to issue an interpretation is final when such decision is mailed to the party requesting the interpretation and such decision is not subject to any further local appeal.
- D. Written interpretation mailed. If the Director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the interpretation and any other person that has specifically requested a copy of such interpretation.
- E. Appeal to City Council. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the Director's Interpretation to the City Council within 14 days after the interpretation was mailed to the applicant. The appeal may be initiated by filing a notice of appeal with the Director pursuant to Section 18.390.040 G2.
- F. Appeal procedure. City Council shall hear all appeals of a Director's interpretation as a Type III action pursuant to Section 18.390.050D, except that notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who has requested notice.
- G. Final decision/effective date. The decision of the City Council on an appeal of a Director Interpretation shall be final and effective when notice of the decision is mailed to the applicant, provided however, that if the applicant is the Director or the City Council, the decision is final and effective when made.

H. Interpretations on file. The Director shall keep on file in the Department of Community Development a record of all Director's Interpretations. (Ord. 99-22)■

Chapter 18.350
PLANNED DEVELOPMENTS

Sections:

18.350.010 Purpose

18.350.020 Process

18.350.030 Administrative Provisions

18.350.040 Concept Plan Submission Requirements

18.350.050 Concept Plan Approval Criteria

18.350.060 Detailed Development Plan Submission Requirements

18.350.070 Detailed Development Plan Approval Criteria

18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and
2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials. (Ord. 06-16)

18.350.020 Process

A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.

- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
1. The approval of the planned development concept plan;
 2. The approval of the detailed development plan; and
 3. The approval of the planned development overlay zone.
- C. Decision-making process.
1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.
 2. The detailed development plan shall be reviewed by a means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.
 3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.
 4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.
 5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.
 6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.
- D. Concurrent applications for concept plan and detailed plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing. (Ord. 06-16)

18.350.030 Administrative Provisions

- A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.
- B. Zoning map designation. The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission. The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

- C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
1. No changes have been made on the original concept development plan as approved by the Commission;
 2. The applicant can show intent of applying for detailed development plan or preliminary plat review within the one-year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Phased development.
1. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
 2. The criteria for approving a phased detail development plan proposal are that:
 - a. The public facilities shall be constructed in conjunction with or prior to each phase; and
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
- E. Substantial modifications to concept plan. If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.
- F. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.
- G. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary conditions, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year. (Ord. 06-16)

18.350.040 Concept Plan Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050 and the additional information required by 18.350.040.B. In addition, the applicant shall submit the following:
1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:

- a. A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed;
 - c. An explanation of how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010; and
 - d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.
2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.
- B. Additional information. In addition to the general information described in Subsection A above, the concept plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:
1. Existing site conditions;
 2. A site concept including the types of proposed land uses and structures, including housing types, and their general arrangement on the site;
 3. A grading concept;
 4. A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);
 5. Parking concept;
 6. A sign concept;
 7. A streets and utility concept; and
 8. Structure setback and development standards concept, including the proposed residential density target if applicable.
- C. Allowable uses
1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
 - a. All uses allowed outright in the underlying zoning district;

- b. Single-family detached and attached residential units;
 - c. Duplex residential units;
 - d. Multi-family residential units;
 - e. Manufactured homes;
 - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as persona services, preschool or daycare, and retail uses less than 5,000 square feet in sum total;
 - g. Community building;
 - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
 - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - j. Recreational vehicle storage area.
2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
 3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district. (Ord. 06-16)

18.350.050 Concept Plan Approval Criteria

- A. The concept plan may be approved by the Commission only if all of the following criteria are met:
 1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.
 2. The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.
 3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.
 4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.
6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood. (Ord. 06-16)

18.350.060 Detailed Development Plan Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.
- B. Additional information. In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:
 1. Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed
 2. A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.
 3. A copy of all existing and/or proposed restrictions or covenants.
- C. Compliance with specific development standards. The Detailed Development Plan shall show compliance with base zone provisions , with the following modifications:
 1. Lot dimensional standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.
 2. Site coverage: The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;
 3. Building height: In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.
 4. Structure setback provisions:
 - a. Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;

- b. The setback provisions for all setbacks on the interior of the project shall not apply except that:
 - (1) All structures shall meet the Uniform Building and Fire Code requirements;
 - (2) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
 - (3) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- c. If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The commission may require site specific building envelopes.
- 5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter. (Ord. 06-16)

18.350.070 Detailed Development Plan Approval Criteria

- A. Detailed development plan approval criteria. A detailed development plan may be approved only if all the following criteria are met:
 - 1. The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:
 - a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
 - b. The change reduces the amount of open space and landscaping;
 - c. The change involves a change in use;
 - d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
 - e. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.
 - 2. All the provisions of the land division provisions, Chapters 18.420 Partitions and 18.430 Subdivisions, shall be met if applicable;

3. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission that promotes the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.
 - a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.
 - b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).
 - c. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainageways, or wetlands that would otherwise be precluded from development;
 - (2) Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the “Planning Commission’s Toolbox.”
- d. Chapter 18.745, Landscaping and Screening. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.

- e. Chapter 18.765, Off-street Parking and Loading Requirements. The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :
 - (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and
 - (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or
 - (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
 - (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
 - (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.
- f. Chapter 18.780, Signs. The Commission may grant an exception to the sign dimensional requirements in the applicable zone if :
 - (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and
 - (2) The exception is necessary for adequate visibility of the sign on the property; and
 - (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.
- g. Chapter 18.795, Visual Clearance Areas. The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;
- h. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer.. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:
 - (1) Public safety will not be compromised; and
 - (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and
 - (3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

4. In addition, the following criteria shall be met:
 - a. Relationship to the natural and physical environment:
 - (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;
 - (2) Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation; and
 - (3) Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible.
 - b. Buffering, screening and compatibility between adjoining uses:
 - (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
 - (2) In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745.
 - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and
 - (e) Whether the viewer is stationary or mobile.
 - (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
 - (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round.

- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- d. Exterior elevations – Single-family attached and multiple-family structures: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
 - (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
 - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
 - (3) Offsets or breaks in roof elevations of three or more feet in height.
- e. Private outdoor area – residential use:
 - (1) Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;
 - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
 - (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.
- f. Shared outdoor recreation and open space facility areas – residential use:
 - (1) Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - (a) Studio units up to and including two bedroom units, 200 square feet per unit;
 - (b) Three or more bedroom units, 300 square feet per unit.
 - (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
 - (3) The required recreation space may be provided as follows:
 - (a) Additional outdoor passive use open space facilities;
 - (b) Additional outdoor active use open space facilities;
 - (c) Indoor recreation center; or
 - (d) A combination of the above.

g. Access and circulation:

- (1) The number of required access points for a development shall be provided in Chapter 18.705;
- (2) All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and
- (3) Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

h. Landscaping and open space:

- (1) Residential Development: In addition to the buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities, a minimum of 20 percent of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation.

i. Public transit:

- (1) Provisions for public transit may be required where the site abuts or is within a quarter mile of a public transit route. The required facilities shall be based on:
 - (a) The location of other transit facilities in the area; and
 - (b) The size and type of the proposed development.
- (2) The required facilities may include but are not necessarily limited to such facilities as:
 - (a) A waiting shelter;
 - (b) A turn-out area for loading and unloading; and
 - (c) Hard surface paths connecting the development to the waiting area.
- (3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

j. Parking:

- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;

- (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- k. Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.
- l. Floodplain dedication: Where landfill and/or development are allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- m. Shared open space facilities: The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:
- (1) Minimal use facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
 - (2) Passive use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
 - (3) Active use facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
 - (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.
- n. Open space conveyance. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

- (1) Public ownership. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below.
- (2) Private ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:
 - (a) The continued use of such land for the intended purposes;
 - (b) Continuity of property maintenance;
 - (c) When appropriate, the availability of funds required for such maintenance;
 - (d) Adequate insurance protection; and
 - (e) Recovery for loss sustained by casualty and condemnation or otherwise. (Ord. 06-16)■

Chapter 18.360
SITE DEVELOPMENT REVIEW

Sections:

- 18.360.010 Purpose**
- 18.360.020 Applicability of Provisions**
- 18.360.030 Approval Process**
- 18.360.040 Bonding and Assurances**
- 18.360.050 Major Modification(s) to Approved Plans or Existing Development**
- 18.360.060 Minor Modification(s) to Approved Plans or Existing Development**
- 18.360.070 Submission Requirements**
- 18.360.080 Exceptions to Standards**
- 18.360.090 Approval Criteria**

18.360.010 Purpose

- A. Promote general welfare. The purpose and intent of site development review is to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the City.
- B. General purposes. It is in the public interest and necessary for the promotion of the health, safety and welfare, convenience, comfort and prosperity of the citizens of the City of Tigard:
 - 1. To implement the City of Tigard's Comprehensive Plan and other approval standards in this title;
 - 2. To preserve and enhance the natural beauties of the land and of the man-made environment, and enjoyment thereof;
 - 3. To maintain and improve the qualities of and relationships between individual buildings, structures and the physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;
 - 4. To protect and ensure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area; and
 - 5. To ensure that each individual development provides for a quality environment for the citizens utilizing that development as well as the community as a whole.
- C. Environmental enhancement. To prevent the erosion of natural beauty, the lessening of environmental amenities, the dissipation of both usefulness and function, and to encourage additional landscaping, it is necessary:
 - 1. To stimulate harmonious design for individual buildings, groups of buildings and structures, and other physical developments;
 - 2. To encourage the innovative use of materials, methods and techniques and flexibility in building placement; and

3. To integrate the function, appearance and location of buildings and improvements so as to best achieve a balance between private prerogatives and preferences, and the public interest and welfare.

18.360.020 Applicability of Provisions

- A. Applicability and exemptions. Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 18.360.050, except it shall not apply to:
 1. Single-family detached dwellings;
 2. Manufactured homes on individual lots;
 3. A duplex, which is not being reviewed as part of any other development;
 4. Minor modifications as provided in Section 18.360.030B;
 5. Any proposed development which has a valid conditional use approved through the conditional use permit application process;
 6. Mobile home parks and mobile home subdivisions;
 7. Family day care;
 8. Home occupation;
 9. Temporary use; or
 10. Accessory structures.

18.360.030 Approval Process

- A. New developments and major modifications. Site development review for a new development or major modification of an approved plan or existing development, as defined in Section 18.360.030A, shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.360.090.
- B. Minor modifications. Minor modifications of an approved plan or existing developments, as defined in Section 18.360.060, shall be processed as a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Section 18.360.060.
- C. Approval period. Site development review approval by the Director shall be effective for a period of 1-1/2 years from the date of approval. The site development review approval by the Director shall lapse if:
 1. Substantial construction of the approved plan has not begun within a one-and-one-half years period; or
 2. Construction on the site is a departure from the approved plan.

- D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year; provided that:
1. No changes are made on the original site development review plan as approved by the Director;
 2. The applicant can show intent of initiating construction on the site within the one year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- E. Phased development.
1. The Director shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for site development review.
 2. The criteria for approving a phased site development review proposal is that all of the following are satisfied:
 - a. The public facilities are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - d. The Director's decision may be appealed as provided by Section 18.390.040.G. No notice need be given of the Director's decision.
 3. The Director may waive or modify the approval period for projects within the Washington Square Regional Center in accordance with Section 18.630.020.C.

18.360.040 Bonding and Assurances

- A. Performance bonds for public improvements. On all projects where public improvements are required the Director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the site development plan in order to ensure the completed project is in conformance with the approved plan; and
- B. Release of performance bonds. The bond shall be released when the Director finds the completed project conforms to the approved site development plan and all conditions of approval are satisfied.
- C. Completion of landscape installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Director is filed with the City Recorder assuring such installation within six months after occupancy:

1. Security may consist of a faithful performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City Attorney; and
2. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

D. Business tax filing. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a City of Tigard business tax prior to initiating business.

18.360.050 Major Modification(s) to Approved Plans or Existing Development

A. Determination request. An applicant may request approval of a modification to an approved plan or existing development by:

1. Providing the Director with three copies of the proposed modified site development plan; and
2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in subsection B below.

B. Evaluation criteria. The Director shall determine that a major modification(s) will result if one or more of the following changes are proposed. There will be:

1. An increase in dwelling unit density, or lot coverage for residential development;
2. A change in the ratio or number of different types of dwelling units;
3. A change that requires additional on-site parking in accordance with Chapter 18.765;
4. A change in the type of commercial or industrial structures as defined by the Uniform Building Code;
5. An increase in the height of the building(s) by more than 20%;
6. A change in the type and location of accessways and parking areas where off-site traffic would be affected;
7. An increase in vehicular traffic to and from the site and the increase can be expected to exceed 100 vehicles per day;
8. An increase in the floor area proposed for a nonresidential use by more than 10% excluding expansions under 5,000 square feet;
9. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required by this code or reduces the open space area by more than 10%;
10. A reduction of project amenities below the minimum established by this code or by more than 10% where specified in the site plan:

- a. Recreational facilities;
- b. Screening; and/or
- c. Landscaping provisions.

11. A modification to the conditions imposed at the time of site development review approval which are not the subject of B1 through 10 above of this subsection.

C. When the determination is made. Upon determining that the proposed modification to the site development plan is a major modification, the applicant shall submit a new application in accordance with Sections 18.360.030 and 18.360.070 for site development review prior to any issuance of building permits.

18.360.060 Minor Modification(s) to Approved Plans or Existing Development

A. Minor modification defined. Any modification which is not within the description of a major modification as provided in Section 18.360.050 shall be considered a minor modification.

B. Process. An applicant may request approval of a minor modification in accordance with Section 18.360.030B and as follows:

1. Providing the Director with three copies of the proposed modified site development plan; and
2. A narrative which indicates the rationale for the proposed modification addressing the changes listed in Section 18.360.050B.

C. Approval criteria. A minor modification shall be approved, approved with conditions or denied following the Director's review based on the finding that:

1. The proposed development is in compliance with all applicable requirements of this title; and
2. The modification is not a major modification.

18.360.070 Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Section 18.390.040.

B. Additional information. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application for the conceptual development plan must include the following additional information in graphic, tabular and/or narrative form. The Director shall provide a list of the specific information to be included in each of the following:

1. An existing site conditions analysis;
2. A site plan;
3. A grading plan;

4. A landscape plan;
5. Architectural elevations of all structures; and
6. A copy of all existing and proposed restrictions or covenants.

18.360.080 Exceptions to Standards

- A. Exceptions to setback requirements. The Director may grant an exception to the yard setback requirements in the applicable zone based on findings that the approval will result in the following:
1. An exception which is not greater than 20% of the required setback;
 2. No adverse effect to adjoining properties in terms of light, noise levels and fire hazard;
 3. Safe vehicular and pedestrian access to the site and on-site;
 4. A more efficient use of the site which would result in more landscaping; and
 5. The preservation of natural features which have been incorporated into the overall design of the project.
- B. Exceptions to parking requirements. The Director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:
1. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;
 2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
 3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.
- C. Exceptions for private or shared outdoor area. The Director may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the following findings:
1. There is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed development to public open space or recreation areas which may be used by residents of the development;

2. The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or
3. The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

D. Exceptions to landscaping requirements. The Director shall grant an exception to the landscaping requirements of this code, Section 18.120.150, upon finding that the overall landscape plan provides for at least 20 of the gross site to be landscaped.

18.360.090 Approval Criteria

A. Approval criteria. The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

1. Compliance with all of the applicable requirements of this title including Chapter 18.810, Street and Utility Standards;
2. Relationship to the natural and physical environment:
 - a. Buildings shall be:
 - (1) Located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions;
 - (2) Located in areas not subject to ground slumping or sliding;
 - (3) Located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and
 - (4) Oriented with consideration for sun and wind.
 - b. Trees shall be preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.
 - c. Innovative methods and techniques to reduce impacts to site hydrology and fish and wildlife habitat shall be considered based on surface water drainage patterns, identified per Section 18.810.100A.3. and the City of Tigard "Significant Habitat Areas Map." Methods and techniques for consideration may include, but are not limited to the following:
 - (1) Water quality facilities (for infiltration, retention, detention and/or treatment)
 - (2) Pervious pavement
 - (3) Soil amendment
 - (4) Roof runoff controls
 - (5) Fencing to guide animals toward safe passageways

- (6) Re-directed outdoor lighting to reduce spill-off into habitat areas
- (7) Preservation of existing vegetative and canopy cover
- 3. Exterior elevations:
 - a. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
 - (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
 - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and
 - (3) Offsets or breaks in roof elevations of three or more feet in height.
- 4. Buffering, screening and compatibility between adjoining uses:
 - a. Buffering shall be provided between different types of land uses, for example, between single-family and multiple-family residential, and residential and commercial uses, and the following factors shall be considered in determining the adequacy of the type and extent of the buffer:
 - (1) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (2) The size of the buffer required to achieve the purpose in terms of width and height;
 - (3) The direction(s) from which buffering is needed;
 - (4) The required density of the buffering; and
 - (5) Whether the viewer is stationary or mobile.
 - b. On site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on roof tops, i.e., air cooling and heating systems, shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:
 - (1) What needs to be screened;
 - (2) The direction from which it is needed;
 - (3) How dense the screen needs to be;
 - (4) Whether the viewer is stationary or mobile; and
 - (5) Whether the screening needs to be year around.
- 5. Privacy and noise: multi-family or group living uses:

- a. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units as provided in Subsection 6.a below;
 - b. The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise;
 - c. On-site uses which create noise, light, or glare shall be buffered from adjoining residential uses; and
 - d. Buffers shall be placed on the site as necessary to mitigate noise, light or glare from off-site sources.
6. Private outdoor area: multi-family use:
- a. Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of four feet; and
 - (1) Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and
 - (2) Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area.
 - b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
 - c. Private outdoor spaces shall be screened or designed to provide privacy for the users of the space.
7. Shared outdoor recreation areas: multi-family use:
- a. In addition to the requirements of subsections 5 and 6 above, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:
 - (1) Studio up to and including two-bedroom units, 200 square feet per unit; and
 - (2) Three or more bedroom units, 300 square feet per unit.
 - b. The required recreation space may be provided as follows:
 - (1) It may be all outdoor space; or
 - (2) It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room; or
 - (3) It may be all public or common space; or

- (4) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and
 - (5) Where balconies are added to units, the balconies shall not be less than 48 square feet.
- c. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety;
8. Where landfill and/or development is allowed within and adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/ bicycle plan.
9. Demarcation of public, semi-public and private spaces for crime prevention:
- a. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and
 - b. These areas may be defined by, but not limited to:
 - (1) A deck, patio, low wall, hedge, or draping vine;
 - (2) A trellis or arbor;
 - (3) A change in elevation or grade;
 - (4) A change in the texture of the path material;
 - (5) Sign; or
 - (6) Landscaping.
10. Crime prevention and safety:
- a. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
 - b. Interior laundry and service areas shall be located in a way that they can be observed by others;
 - c. Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;
 - d. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and

- e. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

11. Public transit:

- a. Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to or within 500 feet of existing or proposed transit route;
- b. The requirements for transit facilities shall be based on:
 - (1) The location of other transit facilities in the area; and
 - (2) The size and type of the proposal.
- c. The following facilities may be required after City and Tri-Met review:
 - (1) Bus stop shelters;
 - (2) Turnouts for buses; and
 - (3) Connecting paths to the shelters.

12. Landscaping:

- a. All landscaping shall be designed in accordance with the requirements set forth in Chapter 18.745;
- b. In addition to the open space and recreation area requirements of subsections 5 and 6 above, a minimum of 20 percent of the gross area including parking, loading and service areas shall be landscaped; and
- c. A minimum of 15 percent of the gross site area shall be landscaped.

13. Drainage: All drainage plans shall be designed in accordance with the criteria in the adopted 1981 master drainage plan;

14. Provision for the disabled: All facilities for the disabled shall be designed in accordance with the requirements set forth in ORS Chapter 447; and

15. All of the provisions and regulations of the underlying zone shall apply unless modified by other sections or this title, e.g., Planned Developments, Chapter 18.350; or a variance or adjustment granted under Chapter 18.370. (Ord. 06-20, Ord. 02-33) ■

Chapter 18.370
VARIANCES AND ADJUSTMENTS

Sections:

18.370.010 **Variances**
18.370.020 **Adjustments**

18.370.010 **Variances**

A. Purpose. The purpose of this section is to provide standards for the granting of variances from the applicable zoning requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific property, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted.

B. Applicability of provisions.

1. The variance standards are intended to apply to individual platted and recorded lots only.
2. An applicant who is proposing to vary a specification standard for lots yet to be created through a subdivision process may not utilize the variance procedure unless otherwise specified in Section 18.730.030, Zero Lot Line Setback Standards, or Chapter 18.430, Subdivisions.

C. Approval process and standards.

1. Variances shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using standards of approval contained in Subsection 2 below.
2. The Director shall approve, approve with conditions, or deny an application for a variance based on finding that the following criteria are satisfied:
 - a. The proposed variance will not be materially detrimental to the purposes of this title, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;
 - b. There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
 - c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
 - d. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected any more than would occur if the development were developed as specified in the title; and
 - e. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

3. The Director shall approve, approve with modifications, or deny an application for a subdivision variance subject to the criteria set forth in Section 18.370.010.C.

18.370.020 Adjustments

A. Purpose. The purpose of this section is to establish two classes of special variances:

1. “Development adjustments” which allow modest variation from required development standards within proscribed limits. Because such adjustments are granted using “clear and objective standards,” these can be granted by means of a Type I procedure, as opposed to the more stringent standards of approval and procedure for variances.
2. “Special adjustments” which are variances from development standards which have their own approval criteria as opposed to the standard approval criteria for variances contained in Section 18.370.020.C.

B. Development adjustments.

1. The following development adjustments will be granted by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Subsection B2 below:
 - a. Front yard setbacks. Up to a 25% reduction of the dimensional standards for the front yard setback required in the base zone. Setback of garages may not be reduced by this provision.
 - b. Interior setbacks. Up to a 20% reduction of the dimensional standards for the side and rear yard setbacks required in the base zone.
 - c. Lot coverage. Up to 5% increase of the maximum lot coverage required in the base zone.
2. Approval criteria. A development adjustment shall be granted if there is a demonstration of compliance with all of the applicable standards:
 - a. A demonstration that the adjustment requested is the least required to achieve the desired effect;
 - b. The adjustment will result in the preservation of trees, if trees are present in the development area;
 - c. The adjustment will not impede adequate emergency access to the site;
 - d. There is not a reasonable alternative to the adjustment which achieves the desired effect.

C. Special adjustments.

1. Adjustments to development standards within subdivisions (Chapter 18.430). The Director shall consider the application for adjustment at the same time he/she considers the preliminary plat. An adjustment may be approved, approved with conditions, or denied provided the Director finds:
 - a. There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;
 - b. The adjustment is necessary for the proper design or function of the subdivision;
 - c. The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and
 - d. The adjustment is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this title.
2. Adjustment to minimum residential density requirements (Chapter 18.510). The Director is authorized to grant an adjustment to the minimum residential density requirements in Section 18.510.040, by means of a Type I procedure, as governed by Section 18.390.030 as follows:
 - a. For development on an infill site as follows:
 - (1) In the R-25 zone, sites of .75 acre or smaller.
 - (2) In the R-40 zone, sites of .75 acre or smaller.
 - b. For development on sites larger than those contained in 1 above, if the applicant can demonstrate by means of detailed site plan that the site is so constrained that the proportional share of the required minimum density cannot be provided and still meet all of the development standards in the underlying zone.
 - c. To be granted an adjustment in either Subsections a or b above, the applicant must demonstrate that the maximum number of residential units are being provided while complying with all applicable development standards in the underlying zone. There is nothing in this section which precludes an applicant for applying to a variance to these standards, as governed by Section 18.370.010.
3. For adjustments to density requirements in Washington Square Regional Center, the standards of Section 18.630.020.E apply.
4. For Modifications to dimensional and minimum density requirements for developments within the Washington Square Regional Center that include or abut designated Water Resource overlay areas, the standards of Section 18.630.020.F apply.

5. Adjustment to access and egress standards (Chapter 18.705).
 - a. In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.
 - b. The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:
 - (1) It is not possible to share access;
 - (2) There are no other alternative access points on the street in question or from another street;
 - (3) The access separation requirements cannot be met;
 - (4) The request is the minimum adjustment required to provide adequate access;
 - (5) The approved access or access approved with conditions will result in a safe access; and
 - (6) The visual clearance requirements of Chapter 18.795 will be met.
6. Adjustments to landscaping requirements (Chapter 18.745).
 - a. Adjustment to use of existing trees as street trees. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the use of existing trees to meet the street tree requirements in Section 18.745.030 providing there has been no cutting and filling around the tree during construction which may lead to its loss, unless the following can be demonstrated:
 - (1) The ground within the drip-line is altered merely for drainage purposes; and
 - (2) It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.
 - b. Adjustment for street tree requirements. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the adjustments to the street tree requirements in Section 18.745.030, based on the following approval criteria:
 - (1) If the location of a proposed tree would cause potential problems with existing utility lines;
 - (2) If the tree would cause visual clearance problems; or
 - (3) If there is not adequate space in which to plant street trees.
7. Adjustments to parking standards (Chapter 18.765).

- a. Reduction from minimum parking requirements. By means of a Type II procedure, as governed by Section 18.390.040, the Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that:
 - (1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and
 - (2) A reduction in parking will not have an adverse impact on adjacent uses.
- b. Reductions in minimum parking requirements in new developments for transit improvements.–The Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H by means of a Type II procedure, as governed by Section 18.390.040, when the applicant:
 - (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
 - (2) Documents operational characteristics indicating the number of transit users, or number of non-auto users for a particular facility.
- c. Reductions in minimum parking requirements in existing developments for transit improvements. The Director may authorize up to a 10% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H at a conversion ratio of one space per 100 square feet of transit facility by means of a Type I procedure as governed by Section 18.390.030, when the applicant:
 - (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
 - (2) Meets the following requirements:
 - (a) A transit facility must be located adjacent to a street with transit service. The facility should be located between the building and front property line, within 20 feet of an existing transit stop, or the facility may include a new transit stop if approved by Tri-Met.
 - (b) A transit facility shall include a covered waiting or sitting area.
- d. Increases in the maximum parking requirements. The Director may approve off-street parking in excess of the maximum allowed parking spaces in Section 18.765.070G by means of a Type II procedure, as governed by Section 18.390.040, when the applicant can demonstrate that all of the following criteria are met:

- (1) The individual characteristics of the use at that location requires more parking than is generally required for a use of this type and intensity;
 - (2) The need for additional parking cannot be reasonably met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 - (3) The site plan shall indicate how the additional parking can be redeveloped to more intensive transit-supportive use in the future.
- e. Reduction in required bicycle parking. The Director may approve a reduction of required bicycle parking per Section 18.765.050.E by means of Type II procedure, as governed by Section 18.390.040, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
- f. Use of alternative parking garage layout. By means of a Type II procedure, as governed by Section 18.390.040, the Director may approve an alternative design of parking garage which differs from the dimensional standards contained in Figure 18.765.2 when it can be shown that 1) the proposed structure meets design guidelines of the Urban Land Institute's (ULI) Dimension of Parking, Current Edition; or 2) a similar structure functions efficiently using proposed modified layout, circulation and dimensions.
- g. Reduction in length of stacking lane. By means of a Type I procedure, as governed by 18.390.030, the Director may allow a reduction in the amount of vehicle stacking area required in Section 18.765.040.D.2 if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.
8. Adjustments to sign code (Chapter 18.780).
- a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the sign code based on findings that at least one of the following criteria are satisfied:
- (1) The proposed adjustment to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Chapter 18.780, Signs;
 - (2) A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;
 - (3) Up to an additional 25% of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of Chapter 18.780, Signs. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other non-dimensional standards or restrictions of this chapter;
 - (4) The proposed sign is consistent with the criteria set forth in Section 18.780.130.G;

- (5) The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:
 - (a) The combined height of both signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;
 - (b) Neither sign will pose a vision clearance problem or will project into the public right-of-way; and
 - (c) Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.
 - b. In addition to the criteria in Subsection a above, the Director shall review all of the existing or proposed signage for the development and its relationship to the intent and purpose of Chapter 18.780, Signs. As a condition of approval of the adjustment, the Director may require:
 - (1) Removal or alteration of nonconforming signs to achieve compliance with the standards contained in Chapter 18.780, Signs;
 - (2) Removal or alteration of conforming signs to establish a consistent sign design throughout the development; and
 - (3) Application for sign permits for signs erected without permits or removal of such illegal signs.
9. Adjustments to setbacks to reduce tree removal (Chapter 18.790). By means of a Type I procedure, as governed by Section 18.390.030, the Director may grant a modification from applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development. Such modification may reduce the required setback by up to 50%, but shall not be more than is necessary for the preservation of trees on the site. The setback modification described in this section shall supersede any special setback requirements or exceptions set out elsewhere in this title, including but not limited to Chapter 18.730, except Section 18.730.040.
10. Adjustments to wireless communication facilities (Chapter 18.798).
- a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be set back at least the height of the tower from any off-site residence based on findings that at the following criteria are satisfied:
 - (1) The proposed location of the tower complies with the setback requirements for the underlying zone in which the property is located;
 - (2) A structural engineer certifies that the tower is designed to collapse within itself;

- (3) Because of topography, vegetation, building orientation and/or other factor, a site closer to an off-site residence will equally or better reduce the visual impacts associated with the tower upon the off-site residence.
 - b. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be located 2,000 feet from another tower in a residential zone or 500 feet from another tower in a non-residential zone based on findings that the following criteria are satisfied:
 - (1) The applicant has fully complied with the collocation protocol as provided in Section 18.798.080; and
 - (2) A registered radio engineer certifies that a more distant location is not technically feasible and/or sites at a more appropriate location are not available; or
 - (3) A location closer than the required separation will reduce visual or other impacts on surrounding uses better than sites beyond the required separation.
11. Adjustments for street improvement requirements (Chapter 18.810). By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the street improvement requirements, based on findings that the following criterion is satisfied: Strict application of the standards will result in an unacceptably adverse impact on existing development, on the proposed development, or on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes or existing mature trees. In approving an adjustment to the standards, the Director shall determine that the potential adverse impacts exceed the public benefits of strict application of the standards. (Ord. 06-20)■

Chapter 18.380
ZONING MAP AND TEXT AMENDMENTS

Sections:

- 18.380.010 Purpose**
- 18.380.020 Legislative Amendments to this Title and Map**
- 18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map**
- 18.380.040 Record of Amendments**

18.380.010 Purpose

- A. Purpose. The purpose of this chapter is to set forth the standards and process governing legislative and quasi-judicial amendments to this title and the zoning district map. These will be referred to as “zoning map and text amendments.” It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs and desires; to correct mistakes; and/or to address changes in the law.

18.380.020 Legislative Amendments to this Title and Map

- A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map

- A. Quasi-judicial amendments. Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection D below. The approval authority shall be as follows:
1. The Commission shall decide zone change applications which do not involve comprehensive plan map amendments;
 2. The Commission shall make a recommendation to the Council on an application for a comprehensive plan map amendment; and
 3. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.
- B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
- 1 Demonstration of compliance with all applicable comprehensive plan policies and map designations;
 2. Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.
- C. Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

18.380.040 Record of Amendments

- A. Record of amendments. The Director shall maintain a record of amendments to the text and map of this title in a format convenient for the use of the public and in accordance with Chapter 18.220.■

Chapter 18.385
MISCELLANEOUS PERMITS

Sections:

- 18.385.010 Historic Overlay-Related Permits**
- 18.385.020 Home Occupation Permits**
- 18.385.030 Non-Conforming Use Confirmation**
- 18.385.040 Sensitive Land Permits**
- 18.385.050 Temporary Use Permits**
- 18.385.060 Tree Removal Permits**

18.385.010 Historic Overlay-Related Permits

A. Criteria for historic overlay district designation.

1. Approval of an historic overlay district designation shall be made by means of a Type IIIB procedure, as governed by Section 18.390.050, when the Historic Sites and Districts Committee finds that any of the following criteria have been met:
 - a. The proposed district or landmark would serve the purpose of the historic overlay district as stated in Section 18.740.010, Purpose;
 - b. The site or area proposed for the designation reflects the broad cultural or natural history of the community, state or nation;
 - c. The site or area is identified with historic personages, or with important events in national, state or local history;
 - d. The site or area proposed for the designation embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or
 - e. The proposed site or area is a notable work of a master builder, designer or architect.
2. The age of a specific building is not sufficient in itself to warrant designation as historic.

B. Criteria for removal of historic overlay district designation. Removal of an historic overlay district designation shall be made by means of a Type IIIB procedure, as governed by Section 18.390.050, when the Historic Sites and Districts Committee finds that any of the following criteria have been met:

1. The original historic overlay district designation was placed on the site in error;
2. The resource designated with the historic overlay district designation has ceased to exist;
3. The resource designated with the historic overlay district designation is no longer of significance to the public; or
4. The historic overlay district designation is causing the property owner to bear an unfair economic burden to maintain the property as an historic or cultural resource.

- C. Criteria for exterior alterations. Approval for exterior alterations of structures in an historic overlay district shall be granted by means of a Type II procedure, as governed by Section 18.390.040, by the Director using the following criteria:
1. The purpose of the historic overlay district as set forth in Section 18.740.010;
 2. The economic use of the structure in a historic overlay district and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
 3. The value and significance of the structure or landmark in an historic overlay district;
 4. The physical condition of the structure or landmark in an historic overlay district; and
 5. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used with an existing structure in an historic overlay district.
- D. Criteria for construction of new structures. Approval for exterior alterations of structures in an historic overlay district shall be granted by means of a Type II procedure, as governed by Section 18.390.040, by the Director using the following criteria:
1. The purpose of the historic overlay district as set forth in Section 18.740.010;
 2. The economic effect of the new structure on the historic value of the district;
 3. The visual effect of the proposed new structure on the architectural character of the district; and
 4. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure.
- E. Criteria for demolition. Approval for demolition of structures in an historic overlay district shall be granted by means of a Type II procedure, as governed by Section 18.390.040, by the Director using the following criteria:
1. The purpose of this chapter as set forth in Section 18.740.010;
 2. The criteria used in the original designation of the district in which the property under consideration is situated;
 3. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position of the building or structure in relation to public rights-of-way, and to other buildings and structures in the area;
 4. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district which cause it to possess a special character or special historical or aesthetic interest or value; and

5. Whether denial of the permit will subject the City to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this title.

18.385.020 Home Occupation Permits

- A. Type I home occupation permit. A Type I home occupation permit will be processed by means of a Type I procedure, as governed by Section 18.390.030, after a demonstration that the proposal complies with all development criteria in Sections 18.742.040A and 18.742.050 A1.
- B. Type II home occupation permit. A Type II home occupation permit will be processed by means of a Type II procedure, as governed by Section 18.390.040, after a demonstration that the proposal complies with all development criteria in Sections 18.742.040A and 18.742.050 A2. and subject to the following approval criteria:
 1. Is in conformance with the standards contained in this chapter; and
 2. Will be subordinate to the residential use of the property; and
 3. Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents.
- C. Conditions of approval. The Director may impose conditions upon the approval of a Type II home occupation permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:
 1. Further limiting the hours, days, place and manner of operation;
 2. Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
 3. Requiring additional building setbacks, and increased lot area, depth or width;
 4. Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
 5. Designating the size, number, location and design of vehicle access points;
 6. Requiring street right-of-way to be free at all times of vehicles associated with the home occupation;
 7. Requiring landscaping, buffering and/or screening, of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
 8. Requiring storm drainage improvements, and surfacing of parking and loading areas;
 9. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
 10. Limiting or setting standards for the location and intensity of outdoor lighting;

11. Requiring and designating the size, height and location of fences and materials used for their construction;
12. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
13. Limiting the type and number of vehicles or equipment to be parked or stored on the site; ~~and~~
14. Any other limitations which the Director considers to be necessary or desirable to make the use comply with the purposes stated in Sections 18.745.040 and 18.742.050.

D. Grounds for revocation. The Director may:

1. Revoke a home occupation approval if the conditions of approval have not been or are not being complied with and the home occupation is otherwise being conducted in a manner contrary to this chapter.
2. The Director shall approve the use as it exists, revoke the home occupation permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this chapter after reviewing a complaint. Complaints may be originated by the City of Tigard or the public. Complaints from the public shall clearly state the objection to the home occupation, such as:
 - a. Generation of excessive traffic;
 - b. Exclusive use of on-street parking spaces;
 - c. Other offensive activities not compatible with a residential neighborhood.

E. Cessation of home occupation pending review If it is determined by the Director in exercise of reasonable discretion, that the home occupation in question will affect public health and safety, the use may be ordered to cease pending Hearings Officer review and/or exhaustion of all appeals.

F. Waiting period for re-application. When a home occupation permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a home occupation on the subject parcel will be considered.

G. Invalidation of permit. A home occupation permit shall become invalid if the applicant moves his or her residence.

18.385.030 Non-Conforming Use Confirmation

A. Permit requirement. Using a Type I procedure, as governed by Section 18.390.030, the following criteria shall be used by the Director to issue a confirmation of legal nonconforming use:

1. Proof that the use was permitted by this title at the time it was established, by any of the following:
 - a. Copies of building and/or land use permits issued at the time the use was established;
 - b. Copies of zoning code provisions and/or maps;

- c. Demonstration that the use was established before the first development code for the community was adopted.
2. Proof that the use has been maintained over time. This includes copies of the one or more of the following evidence for every other year from the time the use was established until the current year. Standard evidence that the use has been maintained over time includes:
 - a. Utility bills;
 - b. Income tax records;
 - c. Business licenses;
 - d. Listings in telephone, business and Polk directories;
 - e. Advertisements in dated publications, e.g., trade magazines, and/or;
 - f. Building, land use or development permits.

18.385.040 Sensitive Lands Permits

- A. Permits required. An applicant who wishes to develop within a sensitive area, as defined in Chapter 18.775, must obtain a permit in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III permit is required, as delineated in Section 18.775.015 D and E. The approval criteria for various kinds of sensitive areas, e.g., floodplain, are presented in Subsections B - E below.
- B. Within the 100-year floodplain. The Hearings Officer shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:
 1. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;
 2. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.120 of the Community Development Code shall be allowed in areas designated residential subject to applicable zoning standards;
 3. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;
 4. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the Hearings Officer as untimely;

5. The plans for the pedestrian/bicycle pathway indicate that no pathway will be below the elevation of an average annual flood;
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands approvals shall be obtained; and
 7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
- C. With excessive slopes. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit on slopes of 25% or greater or unstable ground based upon findings that all of the following criteria have been satisfied:
1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
 3. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock; and
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.
- D. Within drainageways. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:
1. The extent and nature of the proposed land form alteration or development will not create site disturbances to the extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
 3. The water flow capacity of the drainageway is not decreased;
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

5. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands approvals shall be obtained; and
 7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- E. Within wetlands. The Director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:
1. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the Comprehensive Plan Floodplain and Wetland Map nor is within 25 feet of such a wetland;
 2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;
 3. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;
 4. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;
 5. All other sensitive lands requirements of this chapter have been met;
 6. The provisions of Chapter 18.790, Tree Removal, shall be met; and
 7. Physical Limitations and Natural Hazards, Floodplains and Wetlands, Natural Areas, and Parks, Recreation and Open Space policies of the Comprehensive Plan have been satisfied.

18.385.050 Temporary Use Permits

- A. Seasonal and special events. Using a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions or deny based on findings that all of the following criteria are satisfied:
1. The use occurs only once in a calendar year and for no longer a period than 30 days;
 2. The use is permitted in the underlying zoning district;
 3. The applicant has proof of the property-owner's permission to place the use on his/her property;

4. There will be no parking utilized by the customers and employees of the temporary use which is needed by the property owner to meet his/her minimum parking requirement, as governed by Chapter 18.765, Parking and Loading.
 5. The use will provide adequate vision clearance, as governed by Chapter 18.795, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way.
- B. Unforeseen/Emergency Situations. Using a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions or deny based on findings that all of the following criteria are satisfied:
1. The need for the use is the direct result of a casualty loss such as fire, wind storm, flood or other severe damage by the elements to a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought;
 2. The use of a mobile or manufactured home on a lot with an existing dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention who would otherwise be required to receive needed attention from a hospital or care facility;
 3. The applicant has been evicted within 60 days of the date of the application from a pre-existing occupancy of the premises for which the permit is sought as a result of condemnation proceedings by a public authority, or eviction by abatement of nuisance proceedings, or by determination of a public body or court having jurisdiction that the continued occupancy of the facilities previously occupied constitutes a nuisance or is unsafe for continued use; or
 4. There has been a loss of leasehold occupancy rights by the applicant due to unforeseeable circumstances or other hardship beyond the foresight and control of the applicant;
 5. There exists adequate and safe ingress and egress when combined with the other uses of the property, as required by Chapter 18.705, Access, Egress and Circulation, and Chapter 18.795, Visual Clearance;
 6. There exists adequate parking for the customers of the temporary use as required by Chapter 18.765, Off-Street Parking;
 7. The use will not result in congestion on adequate streets;
 8. The use will pose no hazard to pedestrians in the area of the use;
 9. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, in a manner which other use allowed outright in the zone, would not affect adjoining use; and
 10. The use can be adequately served by sewer or septic system and water, if applicable.
- C. Temporary sales office or model home. By means of a Type I procedure, as governed by Section 18.390.030, the Director may approve, approve with conditions or deny the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within this City, but for no other purpose, provided the following criteria are satisfied:

1. Temporary sales office:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
2. Model house:
 - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
 - b. The property to be used for a model house shall be a permanently designed dwelling structure.

D. Temporary Building. Using a Type II procedure, as governed by Section 18.390.040, The Director may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing the following criteria are satisfied:

1. The temporary trailer shall be located within the boundaries of the parcel of land on which it is located;
2. The property to be used for a temporary trailer shall already be developed;
3. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by Chapter 18.705, Access, Egress and Circulation, and Chapter 18.795, Visual Clearance;
4. There exists adequate parking for the customers or users of the temporary use as required by 18.765, Off-Street Parking;
5. The use will not result in congestion on adequate streets;
6. The use will pose no hazard to pedestrians in the area of the use;
7. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will effect the adjoining uses in a manner which other uses allowed outright in the zone would not affect the adjoining uses;
8. The use can be adequately served by sewer or septic system and water, if applicable; and
9. The length of time that the temporary building will be used is the maximum needed to address the hardship.

18.385.060 Tree Removal Permits

- A. Approval criteria. Using a Type I procedure, as governed by Section 18.390.030, the following approval standards shall be used by the Director for the issuance of a tree removal permit on sensitive lands:
1. Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters or water quality as evidenced by an erosion control plan which precludes:
 - a. Deposits of mud, dirt, sediment or similar material exceeding 1/2 cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion.
 - b. Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site using the techniques of Chapter 5 of the Washington County Unified Sewerage Agency Environmental Protection and Erosion Control rules.
 2. Within stream or wetland corridors, as defined as 50 feet from the boundary of the stream or wetland, tree removal must maintain no less than a 75% canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75%.
- B. Effective date of permit. A tree removal permit shall be effective for one and one-half years from the date of approval.
- C. Extension. Upon written request by the applicant prior to the expiration of the existing permit, a tree removal permit shall be extended for a period of up to one year if the Director finds that the applicant is in compliance with all prior conditions of permit approval and that no material facts stated in the original application have changed.■

Chapter 18.390
DECISION-MAKING PROCEDURES

Sections:

18.390.010	Purpose
18.390.020	Description of Decision-Making Procedures
18.390.030	Type I Procedure
18.390.040	Type II Procedure
18.390.050	Type III Procedure
18.390.060	Type IV Procedure
18.390.070	Special Procedures
18.390.080	General Provisions

18.390.010 Purpose

- A. Purpose. The purpose of this chapter is to establish a series of standard decision-making procedures that will enable the City, the applicant, and all interested parties to reasonably review applications and participate in the local decision-making process in a timely and effective way. Each permit or action set forth in Chapters 18.320 - 18.385 has been assigned a specific procedure type.

18.390.020 Description of Decision-Making Procedures

- A. General. All development permit applications shall be decided by using one of the following procedure types. The procedure type assigned to each action governs the decision-making process for that permit, except to the extent otherwise required by applicable state or federal law. The Director shall be responsible for assigning specific procedure types to individual permit or action requests, as requested. Special alternative decision-making procedures have been developed by the City in accordance with existing state law, and are codified in Section 18.390.070.

- B. Types defined. There are four types of decision-making procedures, as follows:

1. Type I Procedure. Type I procedures apply to ministerial permits and actions containing clear and objective approval criteria. Type I actions are decided by the Director without public notice and without a public hearing;
2. Type II Procedure. Type II procedures apply to quasi-judicial permits and actions that contain some discretionary criteria. Type II actions are decided by the Director with public notice and an opportunity for a hearing. If any party with standing appeals a Director's Type II decision, the appeal of such decision will be heard by the Hearings Officer;
3. Type III Procedure. Type III procedures apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III actions are decided by either the Hearings Office (Type III-HO) or the Planning Commission (Type III-PC), with appeals to or review by the City Council;
4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

C. Summary of permits by decision-making procedure type. Table 18.390.1 summarizes the various land use permits by the type of decision-making procedure.

**TABLE 18.390.1
SUMMARY OF PERMITS BY TYPE OF DECISION-MAKING PROCEDURE**

Type	Permit/Land	Cross-Reference(s)
I (18.390.030)	Accessory Residential Units	18.710
	Development Adjustments	18.370.020 B2
	Home Occupation/Type I	18.742
	Landscaping Adjustments	
	- Existing Street Trees	18.370.020 C4a; 18.745
	- New Street Trees	18.370.020 C4b; 18.745
	Lot Line Adjustment	18.410.040
	Minimum Residential Density Adjustment	18.370.020 C2; 18.430; 18.715
	Nonconforming Use Confirmation	18.385.030A; 18.760
	Parking Adjustments	
	- Reduction of Minimum Parking Ratios in Existing Developmts/Transit Imp.	18.370.020 C5c; 18.765
	- Reduction in Stacking Lane Length	18.370.020 C5g; 18.765
	Signs	
	- New	18.780
	- Existing	18.780
	Site Development/Minor Modification	18.360.090
	Temporary Uses	
	- Emergency Uses	18.785
	- Seasonal/Special Uses	18.785
- Temporary Building	18.785	
- Temporary Sales Office/Home	18.765	
Tree Removal		
- Removal Adjustment	18.370.020 C7; 18.790	
- Removal Permit	18.790	
Wireless Communications Facilities -- Setback from Other Towers	18.370.040 C8b; 18798	

Type	Permit/Land	Cross-Reference(s)
II (18.390.040)	Access/Egress Adjustment	18.370.020 C3b
	Conditional Use/Minor Modification	18.330.030
	Historic Overlay	
	- Exterior Alternation	18.740
	- New Construction	18.740
	- Demolition	18.740
	Home Occupation/Type II	18.742
	Land Partitions ¹	18.420.050
	Parking Adjustments	
	- Reduction in Minimum Parking Ratios	18.370.020 C5a; 18.765
	- Reduction of Minimum Parking Ratios in New Developments/Transit Imp	18.370.020 C5b; 18.765
	- Increase in Maximum Parking Ratios	18.370.020 C5d; 18.765
	- Reduction in Bicycle Parking	18.370.020 C5e; 18.765
	- Alternate Parking Garage Layout	18.370.020 C5f; 18.765
	Sensitive Lands Permits	
	- In 25%+ Slope	18.775
	- Within Drainageways	18.775
	- Within Wetlands ¹	18.775
	Sign Code Adjustment	18.370.020 C6; 18.780
	Site Development Review	
- New Construction	18.360.090	
- Major Modification	18.360.090	
Subdivision Without Planned Development ¹	18.430.070	
Variances	18.370.010C	
Wireless Communication Facilities -- Adjustment to Setback from Residences	18.370.020 C8a; 18.798	
Appeals to Hearings Officer	18.390.040G	
IIIA (18.390.050) Hearings Officer	Conditional Use	
	- Initial	18.330.030
	- Major Modification	18.330.030

Type	Permit/Land	Cross-Reference(s)
	Sensitive Lands	
	- Within 100-Year Floodplain	18.775
	- In 25%+ Slope ¹	18.775
	- Within Drainageways ¹	18.775
	- Within Wetlands ¹	18.775
IIIB (18.390.050) (Planning Comm.)	Historic Overlay	
	- District Overlay	18.385.010A; 18.740
	- Removal of District Overlay	18.385.010B; 18.740
	Planned Development	
	- With Subdivision	18.350.100; 18.430
	- Without Subdivision	18.350.100
	Zone Map/Text Change/Quasi-Judicial	18.380.030B
IV (18.390.060)	Annexation	18.320
	Zone Map/Text Change/Legislative	18.380.020

¹These may be processed as either Type II or III procedures, pursuant to Section 18.775.020 D and E.

18.390.030 Type I Procedure

- A. Preapplication conference. A preapplication conference is not required for a Type I action.
- B. Application requirements.
1. Application Forms. Type I applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1.
 2. Application Requirements. Type I applications shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action; and
 - c. Be accompanied by the required fee.
- C. Administrative decision requirements. The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve, approve with conditions or deny the requested permit or action.
- D. Final decision. The Director's decision is final for purposes of appeal on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The Director's decision is not appealable locally, and is the final decision of the City.
- E. Section not used.

F. Section not used.

G. Effective date. The Director's decision is effective on the day after it is final.

18.390.040 Type II Procedure

A. Preapplication conference. A preapplication conference is required for Type II actions. Preapplication conference requirements and procedures are set forth in section 18.390.080C.

B. Application requirements.

1. Application Forms. Type II applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1;
2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee;
 - d. Include two sets of pre-stamped and pre-addressed envelopes for all property owners of record as specified in Section 18.390.040C. The records of the Washington County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
 - e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication requirements, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. Notice of pending Type II Administrative Decision.

1. Prior to making a Type II Administrative Decision, the Director shall provide notice to:
 - a. All owners of record within 500 feet of the subject site;
 - b. Any City-recognized neighborhood group whose boundaries include the site;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City which includes provision for such notice or who is otherwise entitled to such notice.

2. The purpose of such notice is to provide nearby property owners and other interested parties with an opportunity to submit written comments concerning the application, prior to issuance of the Type II Administrative Decision. The goal of this notice is to invite relevant parties of interest to participate early in the decision-making process;
3. Notice of a pending Type II Administrative Decision shall:
 - a. Provide a 14-day period for the submission of written comments prior to issuance of a decision on the permit;
 - b. List by commonly used citation, the approval criteria relevant to the decision;
 - c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of the person who will make the Administrative Decision;
 - e. Identify the specific permits or approvals requested;
 - f. Describe the street address or other easily understandable geographic reference to the subject site;
 - g. Indicate that failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals to the Land Use Board of Appeals or Circuit Court on that issue. Comments directed at the relevant approval criteria are what constitute relevant evidence;
 - h. Indicate that all evidence relied upon by the Director to make this decision shall be contained within the record, and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the Director;
 - i. Indicate that after the comment period closes, the Director shall issue a Type II Administrative Decision. The Director's decision shall be mailed to the applicant and to owners of record of property located within 500 feet of the subject site, and to anyone else who submitted written comments or who is otherwise entitled to notice;
 - j. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: The Tigard Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Administrative decision requirements. The Director's Decision shall address all of the relevant approval criteria. Based upon the criteria and the facts contained within the record, the Director shall approve, approve with conditions or deny the requested permit or action.

E. Notice of decision.

1. Within five days after signing the decision, a Notice of Decision shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;

- b. All owners of record of property as shown on the most recent property tax assessment roll, located within 500 feet of the site;
 - c. Any City-recognized neighborhood group whose boundaries include the site;
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City which includes provision for such notice or who is otherwise entitled to such notice.
2. The Director shall cause an affidavit of mailing of such notice to be prepared and make a part of the file, which indicates the date the notice was mailed and demonstrates that the required notice was mailed to the necessary parties in a timely manner;
 3. The content of the Type II Notice of Decision shall contain:
 - a. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
 - b. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;
 - c. A statement of where the Director's decision can be obtained;
 - d. The date the Director's decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
 - f. A statement briefly explaining how an appeal can be taken, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal; and
 - g. A statement that unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.
- F. Final decision and effective date. A Type II Administrative Decision is final for purposes of appeal when notice of the decision is mailed. A Type II Administrative Decision becomes effective on the day after the appeal period expires, unless an appeal is filed. If an appeal is filed and dismissed after the appeal period has expired, the Type II Administrative Decision becomes effective on dismissal of the appeal.
- G. Appeal. A Type II administrative decision may be appealed as follows:
1. Standing to appeal. The following parties have standing to appeal a Type II Administrative Decision:
 - a. The applicant;

- b. Any party who was mailed written notice of a pending Type II administrative decision;
 - c. Any other party, who demonstrates by clear and convincing evidence that they participated in the proceeding through the submission of written or verbal testimony;
2. Appeal procedure.
- a. Notice of appeal. Any party with standing, as provided in Section G1 above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures:
 - (1) Time for filing. A Notice of Appeal shall be filed with the Director within ten business days of the date the Notice of Decision was mailed;
 - (2) Content of notice of appeal. The Notice of Appeal shall contain:
 - (a) An identification of the decision being appealed, including the date of the decision;
 - (b) A statement demonstrating the party filing the Notice of Appeal has standing to appeal;
 - (c) A detailed statement of the specific issues raised on appeal;
 - (d) A statement demonstrating that the specific issues raised on appeal were raised during the comment period, except when the appeal is filed by the applicant;
 - (e) Filing fee.
 - (3) All Notices of Appeal for Type II Administrative Appeals shall be filed with the Director, together with the required filing fee. The amount of the filing fee shall be established by the Director. The maximum fee for an initial hearing shall be the cost to the local government for preparing and for conducting the hearing, or the statutory maximum, whichever is less.
 - b. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under Section 18.390.040C, unless the Hearings Officer, at his or her discretion, allows additional evidence or testimony concerning any other relevant issue. The Hearings Officer may allow such additional evidence if he or she determines that such evidence is necessary to resolve the case. The intent of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the Hearings Officer on appeal of a Type II Administrative Decision;
 - c. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in Sections 18.390.050 C - F;

H. Final decision and effective date. The decision of the Hearings Officer with regard to any appeal of a Type II Administrative Decision is the final decision of the City. The decision of the Hearings Officer is final for purposes of appeal on the day the decision is mailed. The decision is effective on the day after the appeal period expires, unless an appeal is filed. If an appeal is filed, the decision is effective on the day after the appeal is resolved;

18.390.050 Type III Procedure

A. Preapplication conference. A preapplication conference is required for all Type III actions. The requirements and procedures for a preapplication conference are described in Section 18.390.080C.

B. Application requirements.

1. Application forms. Type III applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1;
2. Content. Type III applications shall:
 - a. Include the information requested on the application form;
 - b. Address the relevant criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee;
 - d. Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in Section 18.390.050C. The records of the Washington County Department of Assessment and Taxation shall be the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
 - e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication requirements, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. Notice of hearing.

1. Mailed notice. Notice of a Type II Administrative Appeal hearing or Type III hearing shall be given by the Director in the following manner:
 - a. At least 20 days prior to the hearing date, notice shall be sent by mail to:
 - (1) The applicant and all owners or contract purchasers of record of the site which is the subject of the application;

- (2) All property owners of record within 500 feet of the site;
 - (3) Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice, or who is otherwise entitled to such notice;
 - (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;
 - (5) Any person who has submitted a written request, and who has paid a fee established by the City Council; and
 - (6) In actions involving appeals, the appellant and all parties to the appeal.
- b. The Director shall cause an affidavit of mailing of notice to be prepared and made a part of the file, which demonstrates the date that the required notice was mailed to the necessary parties;
 - c. At least ten business days prior to the hearing, notice of the hearing shall be given in a newspaper of general circulation in the City. An affidavit of publication concerning such notice shall be made part of the administrative record;
 - d. At least ten business days prior to the hearing, notice of the hearing shall be posted on the site by the applicant, pursuant to Subsection 2 below. An affidavit of posting concerning such notice shall be prepared by the applicant and shall be submitted and made part of the administrative record.
2. Content of Notice. Notice of a Type II Administrative Appeal hearing or Type III hearing to be mailed, posted and published as provided in Subsection 1 above shall contain the following information:
 - a. Explain the nature of the application and the proposed use or uses which could be authorized;
 - b. List the applicable criteria from the zoning ordinance 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 the failure to raise an issue at the hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeal based on that issue;
 - f. Include the name of a City representative to contact and the telephone number where additional information may be obtained;
 - g. State that a copy of the application and all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost and that copies shall be provided at a reasonable cost;

- h. State that a copy of the staff report shall be available for inspection at no cost at least seven days prior to the hearing, and that a copy shall be provided at a reasonable cost;
- i. Include a general explanation of the requirements for submission of testimony and the procedure for conducting hearings.
- j. Contain the following notice: “Notice to mortgagee, lienholder, vendor, or seller: The Tigard Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”

D. Conduct of the hearing.

1. At the commencement of the hearing, a statement shall be made to those in attendance that:
 - a. Lists the applicable substantive criteria;
 - b. States that testimony and evidence shall be directed toward the relevant approval criteria described in the staff report or other criteria in the plan or land use regulation which the person testifying believes to apply to the decision;
 - c. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals on that issue.
2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional relevant evidence or testimony regarding the application so long as that evidence and testimony is within the scope of the hearing. The local hearing authority shall grant such request by continuing the public hearing pursuant to paragraph 4.a. of this subsection or by leaving the record open for additional written evidence or testimony pursuant to paragraph 4.b. of this subsection;
3. If the hearing authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days, to submit additional written evidence or testimony for the purpose of responding to the new written evidence;
4. If the hearing authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearing authority shall reopen the record pursuant to paragraph 5 of this section;
 - a. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant;

- b. Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application period. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
5. When a local governing body, planning commission, hearing body, or hearings officer re-opens a record 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;
6. The record.
 - a. The record shall contain all testimony and evidence that is submitted and not rejected;
 - b. The Review Authority may take official notice of judicially cognizable facts pursuant to the applicable law. If the review authority takes official notice, it must announce its intention and allow the parties to the hearing to present evidence concerning the fact;
 - c. The Review Authority shall retain custody of the record as appropriate, until a final decision is rendered.
7. Parties to a Type II Administrative Appeal hearing or Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials. Therefore:
 - a. Review authority members shall disclose the substance of any pre-hearing ex parte contacts with regard to the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly;
 - b. Any member of the Review Authority shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: The member or member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Review Authority where the action is being taken;
 - c. Disqualification of a review authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote;
 - d. If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be re-qualified to act;
 - e. In cases involving the disqualification or recusal of a hearings officer, the City shall provide a substitute hearings officer in a timely manner subject to the above impartiality rules.

8. Ex parte communications.
 - a. Members of the Review Authority shall not:
 - (1) Communicate, directly or indirectly, with any party or representative of a party in connection with any issue involved in a hearing, except upon giving notice, and an opportunity for all parties to participate;
 - (2) Take notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case unless the parties are afforded an opportunity to contest the materials so noticed;
 - b. No decision or action of the Review Authority shall be invalid due to ex parte contacts or bias resulting from ex parte contacts with a member of the decision-making body if the member of the decision-making body receiving contact:
 - (1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - (2) Makes a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action shall be considered or taken on the subject to which the communication is related.
 - c. Members of Review Authority shall be governed by the provisions of ORS 244.135 and the provisions of this section;
 - d. A communication between City staff and the Review Authority shall not be considered an ex parte contact.
9. Presenting and receiving evidence.
 - a. The Review Authority may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, but only pursuant to the schedule and procedure announced by the Review Authority prior to the close of the public hearing, or as otherwise provided by this section;
 - c. The Review Authority may visit the site and the surrounding area, and may use information obtained during the site visit to support their decision, provided the information relied upon is disclosed at the hearing and that an opportunity is provided to rebut such evidence. In the alternative, a site visit may be conducted by the Review Authority for the purpose of familiarizing the Review Authority with the site and the surrounding area, but not for the purpose of independently gathering evidence. In such a case, at the commencement of the hearing, members of the Review Authority shall disclose the circumstances of their site visit and shall provide the parties with an opportunity to question each member of the Review Authority concerning their site visit.

E. The decision process.

1. Basis for decision. Approval or denial of a Type II Administrative Appeal or Type III action shall be based on standards and criteria, which shall be set forth in the development ordinance, and which shall relate approval on denial of a discretionary permit application to the development ordinance and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the City as a whole;
2. Findings and conclusions. Approval or denial of a Type II Administrative Appeal or Type III action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards, and facts set forth;
3. Form of decision. The Review Authority shall issue a final order containing the above-referred findings and conclusions, which either approves, denies, or approves the permit or action with conditions. The Review Authority may also issue any intermediate rulings as they see fit;
4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the Director within ten business days after the close of the deliberation.

F. Notice of decision. Notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all parties of record within five business days after the decision is filed by the Review Authority with the Director. Failure to receive mailed notice shall not invalidate the action, provided that a good faith attempt was made to mail such notice.

G. Final decision

1. Final decision, effective date and appeal. The decision of the Planning Commission or Hearings Officer in a Type III action is final for purposes of appeal on the date notice of the decision is mailed. Any party with standing may appeal a Type III decision to the City Council by filing a Notice of Appeal with the Director within 10 business days of the date notice of the decision is mailed. The Notice of Appeal shall be in the form specified in Section 18.390.040 G.2(a)(2). The procedures of Sections 18.390.050 C-F shall be forwarded in the appeal.
2. Final Decision on Appeal. The decision of the City Council on any Type III appeal is the final decision of the City and is final and effective on the date notice of the decision is mailed.

18.390.060 Type IV Procedure

A. Pre-Application conference. A pre-application conference is required for all Type IV actions. The requirements and procedures for a preapplication conference are described in Section 18.390.080C.

B. Timing of requests. The Director shall receive proposed Type IV actions twice yearly. A completed application shall be submitted not more than 75 days and not less than 45 days before the first commission meeting in April and October. The Director may waive any of the above periods.

C. Application requirements.

1. Application forms. Application forms. Type IV applications shall be made on forms provided by the Director as provided by Section 18.390.080 E1;

2. Submittal Information. The application shall:
 - a. Contain the information requested on the form;
 - b. Address the appropriate criteria in sufficient detail for review and action;
 - c. Be accompanied by the required fee; and
 - d. Be accompanied by 18 copies of the narrative.

D. Notice of hearing.

1. Required hearings. Two hearings, one before the Commission and one before the Council, are required for all Type IV actions, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of the public hearings for the request shall be given by the Director in the following manner:
 - a. At least ten days prior to the scheduled hearing date, notice shall be sent to:
 - (1) The applicant;
 - (2) Any affected governmental agency;
 - (3) The individual recognized by the affected CIT as the official contact person; and
 - (4) Any person who requests notice in writing and pays a fee established by Council resolution.
 - b. At least ten business days prior to the scheduled public hearing date, notice shall be given in a newspaper of general circulation in the City.
 - c. The Director shall:
 - (1) For each mailing of notice, cause an affidavit of mailing to be filed and made a part of the record as provided by Subsection a; and
 - (2) For each published notice, cause an affidavit of publication to be filed and made part of the record as provided by Subsection b.
3. Content of notice. The notice given to persons entitled to mailed or published notice pursuant to this section shall include the following information:
 - a. The number and title of the file containing the application and the address and telephone number of the Director's office where additional information can be obtained;
 - b. A description of the location of the proposal reasonably calculated to give notice as to the location of the affected geographic area;

- c. A description of the substance of the proposal in sufficient detail for people to determine that a change is contemplated and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall or the rules of procedure set forth in Section 18.390.060E;
 - e. Each mailed notice required by this section of the ordinance shall contain the following statement: “Notice to mortgagee, lienholder, vendor, or seller: The Tigard Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.”
4. Failure to receive notice. The failure of any person to receive notice as required under Subsections B and C shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
 - b. Published notice is deemed given on the date it is published.

E. Hearing process and procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:
- a. The presiding officer of the Commission and of the Council shall have the authority to:
 - (1) Regulate the course, sequence, and decorum of the hearing;
 - (2) Dispose of procedural requirements or similar matters; and
 - (3) Impose reasonable time limits for oral presentations.
 - b. No person shall address the Commission or the Council without:
 - (1) Receiving recognition from the presiding officer; and
 - (2) Stating their full name and residence address.
 - c. Disruptive conduct such as audience demonstrations in the form of applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:

- a. The hearing shall be opened by a statement from the presiding officer setting forth the nature of the matter before the body, a general summary of the procedures set forth in this section, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or whether it will be the final decision of the Council;
 - b. A presentation of the Director's report and other applicable staff reports shall be given;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from the staff, or inquiries directed to any person present.
- F. Continuation of the public hearing. The Commission or the Council may continue any hearing and no additional notice shall be required if the matter is continued to a place, date, and time certain.
- G. Decision-making considerations. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:
1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
 2. Any federal or state statutes or regulations found applicable;
 3. Any applicable METRO regulations;
 4. Any applicable comprehensive plan policies; and
 5. Any applicable provisions of the City's implementing ordinances.
- H. Approval process and authority.
1. The Commission shall:
 - a. After notice and a public hearing, formulate a recommendation to the Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
 - b. Within ten business days of determining a recommendation, cause the written recommendation to be signed by the presiding officer of the Commission and to be filed with the Director.
 2. Any member of the Commission who voted in opposition to the recommendation by the Commission on a proposed change may file a written statement of opposition with the Director prior to any Council public hearing on the proposed change. The Director shall transmit a copy to each member of the Council and place a copy in the record;

3. If the Commission fails to formulate a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative a proposed legislative change within 60 days of its first public hearing on the proposed change, the Director shall:
 - a. Report the failure together with the proposed change to the Council; and
 - b. Cause notice to be given, the matter to be placed on the Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Commission.
4. The Council shall:
 - a. Have the responsibility to approve, approve with modifications, approve with conditions, deny or adopt an alternative to an application for the legislative change or to remand to the Commission for rehearing and reconsideration on all or part of an application transmitted to it under this title;
 - b. Consider the recommendation of the Commission, however, it is not bound by the Commission's recommendation; and
 - c. Act by ordinance which shall be signed by the Mayor after the Council's adoption of the ordinance.

I. Vote required for a legislative change.

1. A vote by a majority of the qualified voting members of the Commission present shall be required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
2. A vote by a majority of the qualified members of the Council present shall be required to decide any motion made with respect to the proposed change.

J. Notice of decision. Notice of a Type IV Decision shall be mailed to the applicant and to all parties of record within five business days after the decision is filed by the Review Authority with the Director. The City shall also provide notice to all persons according to other applicable laws.

K. Final decision and effective date. Type IV decision shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

L. Record of the public hearing.

1. A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony. The minutes and other evidence presented as a part of the hearing shall be part of the record;
2. All exhibits received and displayed shall be marked so as to provide identification and shall be part of the record;
3. The official record shall include:

- a. All materials considered by the hearings body;
- b. All materials submitted by the Director to the hearings body with respect to the application;
- c. The verbatim record made by the stenographic or mechanical means, the minutes of the hearing, and other documents considered;
- d. The final ordinance;
- e. All correspondence; and
- f. A copy of the notice which was given as provided by section 18.390.060, accompanying affidavits and list of persons who were sent mailed notice.

18.390.070 Special Procedures

- A. Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used in the manner set forth in ORS 197.360, as may be amended from time to time, which is expressly adopted and incorporated by reference here.
 - 1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD at the time the application is filed, or forfeit his/her right to use it;
 - 2. Review procedure. An ELD shall be reviewed in accordance with the procedures set forth in ORS 197.365, as may be amended from time to time, which are expressly adopted and incorporated by reference here;
 - 3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures set forth in ORS 197.375, as may be amended from time to time, which are expressly adopted and incorporated by reference here. Pursuant to ORS 97.375(3), the referee appointed by the City to conduct the appeal may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument.
- B. Limited Land Use Decisions. A Limited Land Use Decision (LLD) shall be defined and may be used in the manner set forth in ORS 197.015(12), as may be amended from time to time, which is expressly adopted and incorporated by reference here.
 - 1. Selection. An applicant for a permit who wishes to use an LLD procedure instead of the regular procedure type assigned to it, must request the use of the LLD at the time the application is filed, or forfeit his/her right to use it;
 - 2. Decision-making procedure. An LLD shall be reviewed in accordance with the procedures set forth in ORS 197.195, as may be amended from time to time, which are expressly adopted and incorporated by reference here. The City shall follow the review procedures applicable to the City's Type II procedures, as set forth in Section 18.390.040 except to the extent otherwise required by applicable state law.

18.390.080 General Provisions

A. General provisions.

1. Special definitions. For purposes of this section, the following definitions apply:
 - a. “Argument” means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. “Argument” does not include facts;
 - b. “Evidence” means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.
 - c. “Final for purposes of appeal” means the point at which an action or decision by any local decision-making body constitutes the final action or decision by that particular body. Because certain actions or decisions may be appealed or reviewed by other decision-making bodies within the City, an action or decision may be “final for purposes of appeal,” without being the “final” action or decision of the City.
 - d. “Effective date” means the date on which a particular action or decision may be undertaken or otherwise implemented. For decisions which are subject to review or appeal by any city council, board, or officer, the effective date will normally be the day after the appeal period expires. If an appeal is dismissed after the appeal period has expired, the decision that was the subject of the appeal becomes effective at the moment of dismissal. Final decisions of the City (those that are not subject to any further appeal or review within the City) are normally effective when they become final.
2. Time computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

B. Determination of decision-making type. The Director shall have the initial authority to determine the proper decision-making type relevant to the permit or actions requested. The decision of the Director may be appealed only as a relevant issue through the process assigned by the Director to the underlying permits or actions. If the Director's determination regarding the proper decision-making type is not raised as an issue within the process assigned by the Director to the permit or action requested, the Director's decision shall be final concerning the applicable decision-making type.

C. Pre-application conferences.

1. Participants. When a preapplication conference is required, the applicant shall meet with the Director or his/her designee(s);
2. Information provided. At such conference, the Director shall:
 - a. Cite the applicable comprehensive plan policies and map designation;

- b. Cite the applicable substantive and procedural ordinance provisions;
 - c. Provide technical data and assistance which will aid the applicant;
 - d. Identify other policies and regulations that relate to the application; and
 - e. Identify other opportunities or constraints that relate to the application.
3. Disclaimer. Failure of the Director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications;
 4. Changes in the law. Due to possible changes in federal, state, regional, and local law, information given by staff to the applicant during the preapplication conference concerning these laws must be verified by the applicant to ensure that such laws are current on the date the application is submitted. The applicant is responsible for ensuring that its application complies with all of the law applicable on the day the application is deemed complete.

D. Applications.

1. Initiation of applications:
 - a. Applications for approval under this chapter may be initiated by:
 - (1) Order of Council;
 - (2) Resolution of the Commission;
 - (3) The Director;
 - (4) Application of a recorded owner of property or contract purchasers.
 - b. Any persons authorized by this title to submit an application for approval may be represented by an agent authorized in writing to make the application.
2. Consolidation of proceedings. Whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding;
 - a. When a request which contains more than one approval is consolidated, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 18.390.100C in the following order of preference: the Council, the Commission, the Hearings Officer, or the Director.
 - b. Where there is a consolidation of proceedings.
 - (1) The notice shall identify each action to be taken;
 - (2) The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions; and,
 - (3) Separate actions shall be taken on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
 - a. Acceptance. When an application is received by the City, the Director shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted; and shall be immediately returned to the applicant;
 - (1) The required form;
 - (2) The required fee;
 - (3) The signature of the applicant on the required form.
 - b. Completeness.
 - (1) Review and notification. When the application is accepted, the Director shall review the application for completeness. If the application for a permit, limited land use, or zone change is incomplete, the Director shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information;
 - (2) When application deemed complete. The application shall be deemed complete upon the receipt by the Director of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed to be complete on the 31st day after the Director first reviewed the application;
 - (3) Standards and criteria apply to the application. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, and the City has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application, shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
4. Changes or additions to the application during the review period. Once an application is deemed complete:
 - a. All documents and other evidence relied upon by the applicant, but submitted after the application has been deemed complete, shall be submitted to the Director at least seven days before the notice of action or hearing is mailed. Documents or other evidence submitted after that date shall be received by Director, but may be too late to be considered by the Director in the staff report or Director's decision, as the case may be;
 - b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review body may determine whether or not the new documents or other evidence submitted by the applicant, significantly changes the application;

- c. If the assigned review body determines that the new documents or other evidence significantly changes the application, the assigned review body shall make a written determination that a significant change in the application has occurred as part of the review body's decision. In the alternate, the review body or the Director may inform the applicant either in writing, or orally at a public hearing, that such changes will likely constitute a significant change, and provide the applicant with the opportunity to withdraw the new materials submitted, in order to avoid a determination of significant change;
- d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions:
 - (1) Continue to process the existing application and allow the applicant to resubmit a new application with the proposed significant changes. In this situation, both the old and the new applications will be allowed to proceed, but each will be deemed complete on different dates and may therefore be subject to different laws;
 - (2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. In this situation, before the existing application can be suspended, the applicant must consent to a waiver of the 120-day rule on the suspended application. If the applicant does not consent, the City shall not select this option;
 - (3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. In this situation, the City will complete its initial decision-making process without considering the new evidence;
- e. If a new application is resubmitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and may be subject to new standards and criteria, pursuant to the law in effect at the time the new application is deemed complete.

E. Director's duties. With regard to processing applications submitted under this chapter, the Director shall:

- 1. Prepare application forms made pursuant to the standards contained in the applicable state law, comprehensive plan, and implementing ordinance provisions;
- 2. Prepare information sheets for each permit, detailing the specific information which must be contained in the application including format and number of copies. These information sheets may only be amended once a year;
- 3. Accept all development applications which comply with the provisions of Section 18.380.080 C3;
- 4. Prepare a staff report or notice to the proposal and found by the Director to be true:
 - a. In the case of an application subject to a Director's decision, make the staff report and all case-file materials available at the time the notice of the decision is given;
 - b. In the case of an application subject to a hearing, make the staff report available seven days prior to a scheduled hearing date and the case-file materials available when notice is mailed, as provided by Sections 18.390.040C, 18.390.050C or 18.390.060D;

5. Administer the hearings process;
6. Maintain a register of all applications which have been filed for a decision. The register shall identify at what stage the applicant is in the process;
7. File notice of the final decision in the records of the Planning Division and mail a copy of the notice of the final decision to the applicant and all parties and to those persons requesting copies of such notices who pay the necessary fees;
8. Maintain and preserve the file for each application. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given, and the accompanying affidavits, the application and all supporting information, the staff report, the final decision, including the findings, conclusions and conditions, if any, all correspondence, and minutes of any meeting at which the application was considered and any other exhibit, information or documentation which was considered by the hearing body with respect to the application; and
9. Administer the appeals and review process.

F. Amended decision process.

1. The Director or Hearings Officer may issue an amended decision issued by the review body after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law.
2. The notice for an amended decision shall be the same as that which applies to a Type II procedure as governed by Section 18.390.040E.
3. The purpose of an amended decision is to provide the Director the ability to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.

G. Re-submittal of application following denial. An application which has been denied or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least 12 months from the date the final City action is made denying the application unless there is substantial change in the facts or a change in City policy which would change the outcome. ■

18.400: LAND DIVISION LEGISLATIVE NOTES

The Land Division section contains three chapters: Lot Line Adjustment (18.410), Land Partitions (18.420) and Subdivisions (18.430).

The major changes in these chapters are as follows:

- Because it is a more minor procedure involving the moving of a common boundary between two already-existing lots, lot line adjustment has been separated from partition regulations. Currently, these are consolidated in one chapter, 18.162. In the revised code, lot line adjustments require a simple Type I review to ensure that the re-configured lots still meet the dimensional requirements of the underlying zoning district.
- At the request of the Community Development Department staff, the distinction between minor and major partitions has been eliminated. Although both have up to three lots, the major partition also contains a street. Otherwise, the review process and approval criteria for both types of partition are the same. For this reason, Chapter 18.420 is renamed “Partitions.” In the revised code, partitions require a Type II review, which permits the Director to attach conditions of approval and provides an opportunity for neighbors to comment.
- With regard to subdivisions:
 - In the revised code, subdivisions are subject to Type II administrative review, rather than the current review process which requires a public hearing before the Hearings Officer. This change was prompted by Community Development Department staff because the requirements for subdivisions are so prescribed by the underlying zoning district and street/utility improvement requirements that there is little discretion remaining. Moreover, subdivisions are rarely, if ever, appealed. The Type II procedure permits the Director to attach conditions to the approval and provides an opportunity for neighbors to review and appeal. On the other hand, planned developments (Chapter 18.350) can vary significantly from the underlying requirements with regard to lot size, setbacks, building orientation, mix of uses and other factors. For this reason, subdivisions which come in as planned developments are treated at Type III applications, subject to approval by the Planning Commission.
 - The revised code does permit “lot averaging” (18.430.020D) whereby the average lot size may not be less than the minimum size dictated by the underlying zoning district but individual lots may be smaller if offset by lots which exceed the minimum. Under this provision, no lot may be less than 80% of the minimum lot size permitted in the underlying zone. This provision is necessary to provide some flexibility with odd-shaped parcels, where providing uniform-sized lots is not feasible.■

Chapter 18.410
LOT LINE ADJUSTMENTS

Sections:

- 18.410.010 Purpose**
- 18.410.020 Approval Process**
- 18.410.030 Application Submission Requirements**
- 18.410.040 Approval Criteria**
- 18.410.050 Recording Lot Line Adjustments**

18.410.010 Purpose

- A. Purpose. The purpose of this chapter is to provide rules, regulations and criteria governing approval of lot line adjustments.

18.410.020 Approval Process

- A. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.410.040.
- B. Time limit on approval. The lot line adjustment approval by the Director shall be effective for a period of 1-1/2 years from the date of approval.
- C. Lapsing of approval. The lot line adjustment approval by the Director shall lapse if:
 - 1. The lot line adjustment has been improperly recorded with Washington County without the satisfactory completion of all conditions attached to the approval; or
 - 2. The final recording is a departure from the approved plan.
- D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 - 1. No changes are made on the original plan as approved by the Director;
 - 2. The applicant can show intent of recording the approved partition or lot line adjustment within the one year extension period; and
 - 3. There have been no changes in the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

18.410.030 Application Submission Requirements

- A. General submission requirements. All applications shall be made on forms provided by the Director and shall include information required for a Type I application, as governed by Chapter 18.390.
- B. Specific submission requirements. All applications shall include the preliminary lot line map and necessary data or narrative, detailed information for which shall be obtained from the Director.

18.410.040 Approval Criteria

- A. Approval criteria. The Director shall approve or deny a request for a lot line adjustment in writing based on findings that the following criteria are satisfied:
1. An additional parcel is not created by the lot line adjustment, and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district;
 2. By reducing the lot size, the lot or structures(s) on the lot will not be in violation of the site development or zoning district regulations for that district;
 3. The resulting parcels are in conformity with the dimensional standards of the zoning district, including:
 - a. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district;
 - b. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area calculation;
 - c. Each lot created through the partition process shall front a public right-of-way by at least 15 feet or have a legally recorded minimum 15-foot wide access easement; and
 - d. Setbacks shall be as required by the applicable zoning district.
 4. With regard to flag lots:
 - a. When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than 10 feet. Structures shall generally be located so as to maximize separation from existing structures.
 - b. A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within ten feet of an abutting lot in accordance with Sections 18.745.040. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.
 5. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire-fighting capabilities.
 6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.
 7. Any accessway shall comply with the standards set forth in Chapter 18.705, Access, Egress, and Circulation.
- B. Exemptions from dedications. A lot line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication is required
- C. Variances to development standards. An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 18.370, Variances and Adjustments.

18.410.050 Recording Lot Line Adjustments

- A. Recording requirements. Upon the Director's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Washington County and submit a copy of the recorded survey map to the City, to be incorporated into the record.

- B. Time limit. The applicant shall submit the copy of the recorded lot line adjustment survey map to the City within 15 days of recording and shall be completed prior to the issuance of any building permits on the re-configured lots. ■

Chapter 18.420
LAND PARTITIONS

Sections:

- 18.420.010 Purpose**
- 18.420.020 Administration**
- 18.420.030 Approval Process**
- 18.420.040 Application Submission Requirements**
- 18.420.050 Approval Criteria**
- 18.420.060 Final Plat Submission Requirements**
- 18.420.070 City Acceptance of Dedicated Land**
- 18.420.080 Recording Partition Plats**

18.420.010 Purpose

- A. Purpose. The purpose of this chapter is to provide rules, regulations and standards governing approval of partitions.

18.420.020 Administration

- A. Applicant. The applicant of a partition proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. Conformance with state statute. Any application for a land partition shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivision and Partitions.
- C. Prohibition on sale of lots. No lot or parcel to be created through the partitioning process shall be sold until approval and filing of the final partition plat.
- D. Future re-division. When partitioning tracts into large parcels, the Director shall require that the parcels be of such size and shape to facilitate future re-partitioning of such parcels in accordance with the requirements of the zoning district and this title.

18.420.030 Approval Process

- A. Decision-making process. The Director shall approve, approve with conditions or deny an application partition, which shall be reviewed by means of a Type II procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.420.050.
- B. Time limit on approval. The partition approval by the Director shall be effective for a period of 1-1/2 years from the date of approval.
- C. Lapsing of approval. The partition or approval by the Director shall lapse if:
 - 1. The partition has not been recorded or has been improperly recorded with Washington County without the satisfactory completion of all conditions attached to the approval;
 - 2. The final recording is a departure from the approved plan.

- D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
1. No changes are made on the original plan as approved by the Director;
 2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period; and
 3. There have been no changes in the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

18.420.040 Application Submission Requirements

- A. General submission requirements. All applications shall be made on forms provided by the Director and shall include information required for a Type II application, as governed by Chapter 18.390.
- B. Specific submission requirements. All applications shall include the preliminary lot line map and necessary information in graphic and/or written form. The Director shall provide the applicant with detailed information about these submission requirements.

18.420.050 Approval Criteria

- A. Approval criteria. A request to partition land shall meet all of the following criteria:
1. The proposed partition complies with all statutory and ordinance requirements and regulations;
 2. There are adequate public facilities are available to serve the proposal;
 3. All proposed improvements meet City and applicable agency standards; and
 4. All proposed lots conform to the specific requirements below:
 - a. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.
 - b. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area calculation.
 - c. Each lot created through the partition process shall front a public right-of-way by at least 15 feet or have a legally recorded minimum 15-foot wide access easement.
 - d. Setbacks shall be as required by the applicable zoning district.
 - e. When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than 10 feet. Structures shall generally be located so as to maximize separation from existing structures.
 - f. A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within ten feet of an abutting lot in accordance with Sections 18.745.050. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.

- g. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire-fighting capabilities.
 - h. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.
5. Any accessway shall comply with the standards set forth in Chapter 18.705, Access, Egress, and Circulation.
 6. Where landfill and/or development is allowed within or adjacent to the one-hundred-year floodplain, the City shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
 7. An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 18.370, Variances and Adjustments. The applications for the partition and variance(s)/adjustment(s) will be processed concurrently.

18.420.060 Final Plat Submission Requirements

- A. Submittal. All final plats for partitions shall be accompanied by three copies of the partition plat prepared by a land surveyor or engineer licensed to practice in Oregon, and necessary data or narrative. The final plat shall incorporate any conditions of approval imposed by the Director as part of the preliminary plat approval.
- B. Standards. The partition plat and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.05) and by Washington County, as described in detail by information provided by the Director at the time of application.

18.420.070 City Acceptance of Dedicated Land

- A. Acceptance of dedications by City Engineer. The City Engineer shall accept the proposed right-of-way dedication prior to recording a land partition.
- B. Acceptance of public easements by City Engineer. The City Engineer shall accept all public easements shown for dedication on partition plats.

18.420.080 Recording Partition Plats

- A. Recording requirements. Upon the Director's approval of the proposed minor partition, the applicant shall record the final partition plat with Washington County and submit a copy of the recorded survey map to the City, to be incorporated into the record.
- B. Time limit. The applicant shall submit the copy of the recorded minor partition survey map to the City within 15 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.!

**Chapter 18.430
SUBDIVISIONS**

Sections:

- 18.430.010 Purpose**
- 18.430.020 General Provisions**
- 18.430.030 Approval Process**
- 18.430.040 Approval Criteria: Preliminary Plat**
- 18.430.050 Submission Requirements: Preliminary Plat**
- 18.430.060 Adjustments Authorized**
- 18.430.070 Approval Criteria: Final Plat**
- 18.430.080 Improvement Agreement**
- 18.430.090 Bond**
- 18.430.100 Filing and Recording**
- 18.430.110 Vacation of Plats**

18.430.010 Purpose

A. Purpose. The purpose of this chapter is:

1. To provide rules, regulations and standards governing the approval of plats of subdivisions;
2. To carry out the development pattern and plan of the City;
3. To promote the public health, safety and general welfare;
4. To lessen congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
5. To provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
6. To encourage the conservation of energy resources.

18.430.020 General Provisions

A. Approval through two-step process. An application for a subdivision shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and
2. The final plat shall reflect all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

C. Future re-division. When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

- D. Lot averaging. Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.
- E. Temporary sales office. Temporary sales offices in conjunction with any subdivision may be granted as set forth in Chapter 18.785, Temporary Uses.
- F. Minimize flood damage. All subdivision proposals shall be consistent with the need to minimize flood damage.
- G. Floodplain dedications. Where land filling and/or development is allowed within and adjacent to the 100-year floodplain outside the zero-foot rise floodway, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- H. Need for adequate utilities. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- I. Need for adequate drainage. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- J. Determination of base flood elevation. Where base flood elevation 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 five acres (whichever is less).

18.430.030 Approval Process

- A. Review of preliminary plat. Review of a preliminary plat for subdivision shall be processed by means of a Type II procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.430.040. An application for subdivision may also be reviewed concurrently with an application for a planned development, as governed by Chapter 18.350.
- B. Review of final plat. Review of a final plat for subdivision shall be processed by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.430.080.
- C. Approval period. Preliminary plat approval by the Approval Authority shall be effective for a period of 1-1/2 years from the date of approval. The preliminary plat shall lapse if:
 - 1. A final plat has not been submitted within a 1-1/2 year period; or
 - 2. The final plat does not conform to the preliminary plat as approved or approved with conditions.
- D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
 - 1. No changes are made on the original preliminary plat plan as approved;
 - 2. The applicant has expressed written intent of submitting a final plat within the one-year extension period;

3. There have been no changes to the applicable ordinance provisions on which the approval was based; and
4. An extension of time will not preclude the development of abutting properties.

E. Phased development.

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat;
2. The criteria for approving a phased site development review proposal are:
 - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - (1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
 - (2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

18.430.040 Approval Criteria: Preliminary Plat

- A. Approval criteria. The Approval Authority may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
 2. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92;
 3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and
 4. An explanation has been provided for all common improvements.

- B. Conditions of approval. The Approval Authority may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

18.430.050 Submission Requirements: Preliminary Plat

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Chapter 18.390.
- B. Additional information. In addition to the general information described in Subsection A above, the preliminary plat shall contain specific information, the detailed content of which can be obtained from the Director.

18.430.060 Adjustments Authorized

- A. Granting of adjustments. Adjustments to the subdivision regulations prescribed by this title may be authorized by the Director, and application shall be made with a preliminary plat application in accordance with Section 18.430.050. Criteria for granting such adjustments are contained in Section 18.370.020 C1.

18.430.070 Approval Criteria: Final Plat

- A. Submission requirements. The applicant shall submit the final plat within 1-1/2 years of the approval of the preliminary plat. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Director.
- B. Approval criteria. By means of a Type I procedure, the Director and the City Engineer shall review the final plat and shall approve or deny the final plat approval based on findings that:
1. The final plat complies with the preliminary plat approved by the Approval Authority and all conditions of approval have been satisfied;
 2. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
 3. The streets and roads held for private use and indicated on the preliminary plat of such subdivision have been approved by the City;
 4. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems;
 5. An explanation is included which explains all of the common improvements required as conditions of approval and are in recordable form and have been recorded and referenced on the plat;
 6. The plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
 7. A certification by the appropriate water district that water will be available to the lot line of each and every lot depicted on the plat or bond, contract or other assurance has been provided by the subdivider to the City that a domestic water system will be installed by or on behalf of the

subdivider to the lot line of each and every lot depicted on the plat. The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in amount as determined necessary by the City;

8. A certificate has been provided by the City's Engineering Department that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;
9. Copies of signed deeds have been submitted granting the City a reserve strip as provided by Section 18.430.040B; and
10. The plat contains a surveyor's affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92[.060] and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. survey or giving two or more objects for identifying its location.

18.430.080 Improvement Agreement

- A. Improvement agreement required. Before City approval is certified on the final plat, and before approved construction plans are issued by the City, the subdivider shall:
 1. Execute and file an agreement with the City Engineer specifying the period within which all required improvements and repairs shall be completed; and
 2. Include in the agreement provisions that if such work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the subdivider.
- B. Stipulation of improvement fees and deposits. The agreement shall stipulate improvement fees and deposits as may be required to be paid and may also provide for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

18.430.090 Bond

- A. Performance guarantee required. As required by Section 18.430.080, the subdivider shall file with the agreement an assurance of performance supported by one of the following:
 1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
 2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 3. Cash.
- B. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

- C. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.
- D. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.
- E. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

18.430.100 Filing and Recording

- A. Filing plat with County. Within 60 days of the City review and approval, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and Section 18.430.070.
- B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a mylar copy of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.
- C. Prerequisites to recording the plat.
 - 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 - 2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

18.430.110 Vacation of Plats

- A. Timing of vacations. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.
- B. Compliance with other provisions of this chapter. All applications for a plat or street vacation shall be made in accordance with Sections 18.430.020 and 18.430.030, and 18.430.080A.
- C. Basis for denial. The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.
- D. Timing of vacations. All approved plat vacations shall be recorded in accordance with Section 18.430.110:
 - 1. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
 - 2. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

- E. After sale of lots. When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.
- F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and Chapter 15.08 of this code.■

18.500: ZONING DISTRICTS LEGISLATIVE NOTES

The Zoning Districts sections contains three chapters: Residential Zoning Districts, which is a consolidation of all of the residential zones (originally Chapters 18.44, -46, -48, -50, -52, -54, -56 and -58); commercial zones (originally Chapters 18.60, -61, -62, -64, -66 and the new MUE chapter); and industrial zones (originally Chapters 18.68, -70 and -72).

This new sections features the most radical reformatting in that 17 chapters, containing over 50 pages, in the existing code have been consolidated into three chapters, containing fewer than 30 pages. This is accomplished primarily by converting written lists of permitted uses and development standards for each zoning district into summary tables for all residential, commercial and industrial districts, respectively. Information in graphic and/or tabular form is more concise and easier to absorb than the same information in prose.

Despite this re-formatting, the content of these sections have been changed little. Substantive changes include:

- Residential Zoning Districts:

- The use table (18.510.1) contains the new use categories adopted in Chapter 18.130. The only noteworthy change in use relates to permitting limited ground-floor commercial in multi-family projects in the R-25 and R-40 zones. Table 18.510.1 also contains a list of permitted, conditional and prohibited housing types in each zone. This is the first time that this list has been explicitly included in the code.
- Section 18.510.040 includes the adoption of minimum densities, which are pegged at 80% of the maximum density allowed in each zone, to insure that land in each zoning district develops at or near the density intended. The adoption of minimum residential densities is mandated by Metro's 2040 Growth Management Functional Plan.
- A new section, 18.510.060, has been added related to accessory structures, e.g., free-standing garages, tool sheds, as a separate chapter governing these uses, Chapter 18.144, has been eliminated. This is not to be confused with Accessory Residential Units, the new chapter 18.710, which allows the addition of a “granny flat” in an existing or new single-family residence subject to stringent development standards. The Metro 2040 Functional Plan also requires that all jurisdictions in the Portland metropolitan area adopt regulations permitting such auxiliary living units, subject to reasonable limitations.

- Commercial Zoning Districts:

- Incorporates the new use categories into Table 18.520.1.
- Incorporates the provisions of the new Mixed Use Employment (MUE) zone, designed to cover most of the Tigard Triangle district.
- Retains the additional design and development standards which apply in the C-C and CBD zones.

- Industrial Zoning Districts: Except to incorporate the new list of uses in Table 18.530.1, there are virtually no substantive changes in Chapter 18.530.■

Chapter 18.510
RESIDENTIAL ZONING DISTRICTS

Sections:

- 18.510.010 Purpose**
- 18.510.020 List of Zoning Districts**
- 18.510.030 Uses**
- 18.510.040 Minimum and Maximum Densities**
- 18.510.050 Development Standards**
- 18.510.060 Accessory Structures**

18.510.010 Purpose

- A. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible non-residential development -- schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services -- at appropriate locations and at an appropriate scale.
- B. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

18.510.020 List of Zoning Districts

- A. R-1: Low-Density Residential District. The R-1 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 30,000 square feet. Some civic and institutional uses are also permitted conditionally.
- B. R-2: Low-Density Residential District. The R-2 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 20,000 square feet. Some civic and institutional uses are also permitted conditionally.
- C. R-3.5: Low-Density Residential District. The R-3.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 10,000 square feet. Duplexes are permitted conditionally. Some civic and institutional uses are also permitted conditionally.
- D. R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally.
- E. R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

- F. R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.
- G. R-25: Medium High-Density Residential District. The R-25 zoning district is designed to accommodate existing housing of all types and new attached single-family and multi-family housing units at a minimum lot size of 1,480 square feet. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.
- H. R-40: Medium High-Density Residential District. The R-40 zoning district is designed to accommodate existing housing of all types and new attached single-family and multi-family housing units with no minimum lot size or maximum density. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.

18.510.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
 - 1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230;
 - 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 - 3. A conditional use (C) is a use the approval of which is discretionary with the Hearings Officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230;
 - 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, limited, conditional and prohibited uses in residential zones is presented in Table 18.510.1.

**TABLE 18.510.1
USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
RESIDENTIAL								
Household Living	P	P	P	P	P	P	P	P
Group Living	R ^{1/C}	R ^{1/C}	R ^{1/C}	R ^{1/C}	R ^{1/C}	R ^{1/C}	R ^{1/C}	R ^{1/C}
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R ²	R ²	R ²	R ²	R ²	R ²	R ²	R ²
HOUSING TYPES								
Single Units, Attached	N	N	N	R ⁸	R ^{9/C}	P	P	P
Single Units, Detached	P	P	P	P	P	P	P	P
Accessory Units	R ³	R ³	R ³	R ³	R ³	R ³	R ³	R ³
Duplexes	N	N	C	C	P	P	P	P
Multi-Family Units	N	N	N	N	N	P	P	P
Manufactured Units	P	P	P	P	P	P	P	P
Mobile Home Parks/Subdivisions	N	N	C	C	P	P	P	P
CIVIC (INSTITUTIONAL)								
Basic Utilities	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C
Cultural Institutions	N	N	C	C	C	C	N	N
Day Care	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵	P/C ⁵
Emergency Services	C	C	C	C	C	N	N	N
Medical Centers	N	N	C	C	C	C	C	C
Postal Service	N	N	N	N	N	N	N	N
Public Support Facilities	P	P	P	P	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	C
Schools	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²
Social/Fraternal Clubs/Lodges	N	N	N	N	N	C	C	C
COMMERCIAL								
Commercial Lodging	N	N	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N	N	N
Entertainment-Oriented								
- Major Event Entertainment	N	N	N	N	N	N	N	N
- Outdoor Entertainment	N	N	N	N	N	N	N	N
- Indoor Entertainment	N	N	N	N	N	N	N	N
- Adult Entertainment	N	N	N	N	N	N	N	N
General Retail								
- Sales-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
- Personal Services	N	N	N	N	N	N	R ¹¹	R ¹¹
- Repair-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
- Bulk Sales	N	N	N	N	N	N	N	N
- Outdoor Sales	N	N	N	N	N	N	N	N
- Animal-Related	N	N	N	N	N	N	N	N

TABLE 18.510.1 (CON'T)

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Motor Vehicle Related								
- Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
- Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
- Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰
INDUSTRIAL								
Industrial Services	N	N	N	N	N	N	N	N
Manufacturing and Production								
- Light Industrial	N	N	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N	N	N
- Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
OTHER								
Agriculture/Horticulture	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	N	N	N
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷	P/R ⁷
Rail Lines/Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴Except water and storm and sanitary sewers, which are allowed by right.

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁷See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

⁸Attached single-family units permitted only as part of an approved planned development.

⁹Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

¹⁰Only park-and-ride and other transit-related facilities permitted conditionally.

¹¹Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

¹²School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes. Maximum time limitation is three (3) years. An extension to the time limit is possible through a major modification to the Conditional Use. (Ord. 07-05)

18.510.040 Minimum and Maximum Densities

- A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on minimum lot size. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district has been established at 80% of maximum density.
- B. Calculating minimum and maximum densities. The calculation of minimum and maximum densities is governed by the formulas in Chapter 18.715, Density Computations.
- C. Adjustments. Applicants may request an adjustment when, because of the size of the site or other constraint, it is not possible to accommodate the proportional minimum density as required by Section 18.715020C and still comply with all of the development standards in the underlying zoning district, as contained in Table 18.510.2 below. Such an adjustment may be granted by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria in Section 18.370.020.C.2.

18.510.050 Development Standards

- A. Compliance required. All development must comply with:
 - 1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370;
 - 2. All other applicable standards and requirements contained in this title.
- B. Development Standards. Development standards in residential zoning districts are contained in Table 18.510.2.

**TABLE 18.510.2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

STANDARD	R-1	R-2	R-3.5	R-4.5	R-7
Minimum Lot Size - Detached unit - Duplexes - Attached unit [1]	30,000 sq.ft.	20,000 sq.ft.	10,000 sq.ft.	7,500 sq.ft. 10,000 sq.ft.	5,000 sq. ft. 10,000 sq.ft. 5,000 sq.ft.
Average Minimum Lot Width - Detached unit lots - Duplex lots - Attached unit lots	100 ft.	100 ft.	65 ft. 90 ft.	50 ft. 90 ft.	50 ft. 50 ft. 40 ft.
Maximum Lot Coverage	-	-	-	-	80% [2]
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and front of garage	30 ft. 20 ft. 5 ft. 25 ft. 20 ft.	30 ft. 20 ft. 5 ft. 25 ft. 20 ft.	20 ft. 20 ft. 5 ft. 15 ft. 20 ft.	20 ft. 15 ft. 5 ft. 15 ft. 20 ft.	15 ft. 10 ft. 5 ft. 15 ft. 30 ft. 20 ft.
Maximum Height	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.
Minimum Landscape Requirement	-	-	-	-	20%

[1] Single-family attached residential units permitted at one dwelling per lot with no more than five attached units in one grouping.
[2] Lot coverage includes all buildings and impervious surfaces.

**TABLE 18.510.2 - (Cont'd.)
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

STANDARD	R-12		R-25		R-40	
	MF DU*	SF DU**	MF DU*	SF DU**	MF DU*	SF DU**
Minimum Lot Size - Detached unit - Attached unit - Duplexes - Boarding, lodging, rooming house	3,050 sq.ft.per unit	3,050 sq.ft. per unit	1,480 sq.ft.	3,050 sq.ft. per unit 1,480 sq.ft. 6,100 sq.ft. or 3,050 sq.ft. per unit	None	None None None
Average Lot Width	None	None	None	None	None	None
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and garage entrance	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.	20 ft. 20 ft. 10 ft. 20 ft. 35 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 35 ft. 20 ft.
Maximum Height	35 ft.	35 ft.	45 ft.	45 ft.	60 ft.	60 ft.
Maximum Lot Coverage [2]	80%	80%	80%	80%	80%	80%
Minimum Landscape Requirement	20%	20%	20%	20%	20%	20%

[1] Except this shall not apply to attached units on the lot line on which the units are attached.
[2] Lot coverage includes all buildings and impervious surfaces.

* Multiple-family dwelling unit
** Single-family dwelling unit

18.510.060 Accessory Structures

- A. Permitted uses. Accessory structures are permitted by right in all residential zones subject to the following:
1. Dimensional requirements:
 - a. On sites containing less than 2.5 acres, an accessory structure may not exceed 528 square feet. On sites 2.5 acres or larger, an accessory structure may not exceed 1,000 square feet;
 - b. An accessory structure may not exceed 15 feet in height;
 - c. In no case shall the primary structure and accessory structure(s) exceed the maximum lot coverage allowed in the base zone;
 - d. An accessory structure may not be located within the front yard setback;
 - e. An accessory structure must maintain a minimum side and rear yard setback of five feet;
 2. Non-dimensional requirements:
 - a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys and public and private easements;
 - b. An accessory structure shall comply with all of the requirements of the Uniform Building Code. All accessory structures except those less than 120 square feet in size require a building permit;
 - c. An accessory structure which is non-conforming is subject to the provisions of Chapter 18.760, Non-Conforming Situations, when an alternation, expansion or reconstruction is requested;
 - d. The erection of television receiving dishes on the roof of a structure is not permitted in any residential zone.
 3. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.■

Chapter 18.520
COMMERCIAL ZONING DISTRICTS

Sections:

- 18.520.010 Purpose**
- 18.520.020 List of Zoning Districts**
- 18.520.030 Uses**
- 18.520.040 Development Standards**
- 18.520.050 Special Limitations on Uses**
- 18.520.060 Additional Development and Design Guidelines**

18.520.010 Purpose

- A. Provide range of commercial services for City residents. One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the City so that residents can fulfill all or most of their needs within easy driving and, ideally within easy walking and/or biking distance of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities, in new and re-developing commercial areas.
- B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

18.520.020 List of Zoning Districts

- A. C-N: Neighborhood Commercial District. The C-N zoning district is designed to provide convenience goods and services within a small cluster of stores adjacent to residential neighborhoods. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots and facilities with drive-up windows, are permitted conditionally.
- B. C-C: Community Commercial District. The C-C zoning district is designed to provide convenience shopping facilities which meet the regular needs of nearby residential neighborhoods. With a service area of about 1.5 miles, such commercial centers typically range in size from 30,000 - 100,000 gross square feet on sites ranging from 2 - 8 acres. Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre, e.g., the maximum density permitted in the R-12 zone. A limited number of other uses, including but not limited to car washes, gas stations, religious institutions, and transit-related park-and-ride lots, are permitted conditionally. In addition to mandatory site development review, design and development standards in the C-C zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

- C. C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.
- D. C-P: Professional/Administrative Commercial District. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.
- E. CBD: Central Business District. The CBD zoning district is designed to provide a concentrated central business district, centered on the City's historic downtown, including a mix of civic, retail and office uses. Single-family attached housing, at a maximum density of 12 units/net acre, equivalent of the R-12 zoning district, and multi-family housing at a minimum density of 32 units/acre, equivalent to the R-40 zoning district, are permitted outright. A wide range of uses, including but not limited to adult entertainment, utilities, facilities with drive-up windows, medical centers, major event entertainment and gasoline stations, are permitted conditionally.
- F. MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to 1) support alternative modes of transportation to the greatest extent possible; and 2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.
- G. MUE-1 and MUE-2: Mixed Use Employment Districts. The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.
- H. MUC: Mixed Use Commercial District. The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.

- I. MUC-1: Mixed Use Commercial – 1. The MUC-1 zoning district, which is designed to apply to that portion of the Durham Quarry site within the City of Tigard, is a mixed-use commercial district bounded by 72nd Avenue, Findlay Street and the Tigard, Tualatin and Durham city limits. This site is the subject of an intergovernmental agreement between the cities of Tigard and Tualatin. Pursuant to that agreement the City of Tualatin shall furnish all planning, building and associated development review/permit services for the property. This zoning district is intended to mirror the City of Tualatin’s Mixed Use Commercial Overlay District (TDC, Chapter 57). It permits a wide range of uses including commercial lodging, general retail, offices and housing; the latter includes multi-family housing at a minimum density of 25 units/acre and a maximum of 50 units/acre. Additional uses, including but not limited to major event entertainment and motor vehicle retail fuel sales, are permitted conditionally. In addition to the standards of this chapter, development within this zone is subject to the standards of Chapter 18.640.
- J. MUR: Mixed Use Residential Districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district. (02-33)

18.520.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030;
 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 3. A conditional (C) use is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapter 18.370. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030;
 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, limited, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

C. Accessory structures.

1. Accessory structures are permitted in all commercial zones providing the site is still in compliance with all development standards, including but not limited to setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the Uniform Building Code. All accessory structures except those less than 120 square feet in size require a building permit.
2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.

**TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES**

USE CATEGORY	C-N ^[11]	C-C ^[5]	C-G	C-P	CBD	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
RESIDENTIAL										
Household Living	N	R ^[6]	R ^[11]	R ^[13]	R ^[17]	R ^[21]	P ^[26]	P	P	P
Group Living	N	N	C	N	P	N	C	R ^[29] /C	R ^[29] /C	R ^[29] /C
Transitional Housing	N	N	C	N	C	N	C	C	C	C
Home Occupation	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	P	R ^[2]	R ^[2]	R ^[2]
HOUSING TYPES										
Single Units, Attached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	P
Singel Units, detached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	R ^[30]
Accessory Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[31]	R ^[31]	R ^[31]
Duplexes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	P
Multi-family Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	P	P	P
Manufactured Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N	N	N
Mobile Home Parks, Subdivisions	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N	N	N
CIVIC (INSTITUTIONAL)										
Basic Utilities	C	N	N	C	C	C	C	C ^[32]	C ^[32]	C ^[32]
Colleges	N	N	N	N	N	C	C	C	C	C
Community Recreation	N	P	N	N	P	C	N	P	C	C
Cultural Institutions	P	P	P	P	P	P	P	P	P	N
Day Care	P	P	P	P	P	P	P	P	P	P/C ^[33]
Emergency Services	P	P	P	P	P	P	P	P	P	N
Medical Centers	C	N	C	C	C	C	C	C	C	C
Postal Service	P	P	P	P	P	P	P	P	P	N
Public Support Facilities	P	P	P	P	P	P	P	P	P	P
Religious Institutions	C	C	P	C	P	P	C	P	P	C
Schools	N	N	N	N	N	C	C	C	C	C
Social/Fraternal Clubs/Lodges	C	C	P	P	P	P	P	P	P	C
COMMERCIAL										
Commercial Lodging	N	N	P	R ^[14]	P	P	P	P	P	N
Eating and Drinking Establishments	C	P	P	R ^[15]	P	P	P	P	P	R ^[34/35]

USE CATEGORY	C-N ^[1]	C-C ^[5]	C-G	C-P	CBD	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
Entertainment-Oriented										
- Major Event Entertainment	N	N	C	N	C	N	C	C	N	N
- Outdoor Entertainment	N	N	P	R ^[15]	P	N	N	C	N	N
- Indoor Entertainment	P	P	P	P	P	P	P	P	P	N
- Adult Entertainment	N	N	C	N	C	N	N	C	N	N
General Retail										
- Sales-Oriented	P	P ^[7]	P	R ^[16]	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
- Personal Services	P	P	P	P	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
- Repair-Oriented	P	P	P	N	P	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
- Bulk Sales	N	N	P	N	N	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
- Outdoor Sales	N	N	P	N	N	N	N	N	N	N
- Animal-Related	N	N	N	N	N	P	P	N	N	N
Motor Vehicle Related										
- Motor Vehicle Sales/Rental	N	N	P/C ^[12]	N	C	N	N	R ^[24]	R ^[24]	N
- Motor Vehicle Servicing/Repair	N	C ^[8]	P/C ^[12]	N	R ^[18]	R ^[22]	R ^[25]	N	N	N
- Vehicle Fuel Sales	C	C	C	N	C	N	C	C	C	N
Office	P	R ^[9]	P	P	P	P	P	P	P	R ^[34/35]
Self-Service Storage	N	N	C	N	N	N	N	N	N	N
Non-Accessory Parking	C	C	P	P	P	P	P	P	P	N
INDUSTRIAL										
Industrial Services	N	N	N	N	N	N	N	N	N	N
Manufacturing and Production										
- Light Industrial	N	N	N	N	N	R ^[23]	N	N	R ^[23]	N
- General Industrial	N	N	N	N	N	N	N	N	N	N
- Heavy Industrial	N	N	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	R ^[24]	R ^[24]	N	R ^[23]	N
Warehouse/Freight Movement	N	N	N	N	N	R ^[24]	N	N	R ^[23/24]	N
Waste-Related	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	C	N	N	N	R ^[23/24]	N
OTHER										
Agriculture/Horticulture	N	N	N	N	N	N	N			
Cemeteries	N	N	N	N	N	N	N			

USE CATEGORY	C-N ^[1]	C-C ^[5]	C-G	C-P	CBD	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
Detention Facilities	N	N	C	N	C	N	N			
Heliports	N	N	C	C	C	N	N			
Mining	N	N	N	N	N	N	N			
Wireless Communication Facilities	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[27]			
Rail Lines/Utility Corridors	P	P	P	P	P	P	P			
Other	C ^[4]	C ^[10]	NA	NA	C ^[19]	NA	NA			

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

- [1] All permitted and conditional uses subject to special development standards contained in Section 18.520.050.A.
- [2] Permitted subject to requirements Chapter 18.742.
- [3] See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.
- [4] Uses operating before 7:00 AM and/or after 10:00 PM are conditional uses.
- [5] All permitted, limited and conditional uses must meet special development standards in Section 18.520.050.B.
- [6] Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.
- [7] Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.
- [8] Limited to motor vehicle cleaning only.
- [9] When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.
- [10] Uses operating before 6:00 AM and/or after 11:00 PM; or drive-up windows are conditional uses.
- [11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multi-family housing is permitted as part of a PD, subject to Chapter 18.350.
- [12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.
- [13] Multi-family residential units, developed at R-40 standards, as a mixed-use in conjunction with commercial development on or above the second floor of the structure, only in the C-P District within the Tigard Triangle and Bull Mountain Road district.
- [14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
- [15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
- [16] May not exceed 10% of the total square footage within an office complex.
- [17] Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.
- [18] Motor vehicle cleaning only.
- [19] Drive-up windows permitted conditionally.
- [20] All permitted and conditional uses subject to special development standards contained in Section 18.520.050.C.
- [21] Multi-family residential, at 25 units/gross acre, allowed outright. Pre-existing detached single-family dwellings are permitted outright.
- [22] New Retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.
- [23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.
- [24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.
- [25] Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.
- [26] Household living limited to single units, attached, and multi-family including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.
- [27] Wireless only as attached to structure within height limit, see Chapter 18.798.
- [28] All Permitted and Conditional Uses subject to special development standards contained in 18.630
- [29] Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.
- [30] Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630.

- [31] Permitted for pre-existing housing units, subject to requirements Chapter 18.710.
- [32] Except water, storm and sanitary sewers, which are allowed by right.
- [33] In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.
- [34] This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met. An exception to the requirement that commercial uses may be permitted only if residential minimum densities are met is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. These parcels, or parcels created from these parcels, after the effective date of this ordinance, may be developed as a solely commercial use with a use permitted in the MUR-1 or MUR-2 zones.
- [35] The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet. An exception to the limit on the size of a building occupied by commercial uses is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. On these parcels, or parcels created from these parcels, after the effective date of this ordinance, a commercial development is not limited to a specific square footage, however, all other dimensional standards of the MUR-1 and MUR-2 zoning district apply which may limit the ultimate size of commercial development.

(Ord. 02-32)

18.520.040 Development Standards

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.310 and 18.320;
2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD						CBD		MUE							
	C-N	C-C ^[9]	C-G	C-P	CBD	RESIDENTIAL		C-G	R-25 MF DU*	MUC -1	MUC [17][18]	MUE 1 [17][18]	MUE 2 [17][18]	MUR 1 [17][18]	MUR 2 [17][18]
						R-40	R-12								
Minimum Lot Size	5,000 sq ft	5,000 sq ft	None	6,000 sq ft	None	None	None	None	-	None	None	None	None	None	None
- Detached unit	-	-	-	-	-	-	-	-	1,480 sq ft	-	-	-	-	-	-
- Boarding, lodging, rooming house	-	-	-	-	-	-	-	-	6,100 sq ft	-	-	-	-	-	-
Minimum Lot Width	50 ft	50 ft	50 ft	50 ft	None	None	None	50 ft	None	None	None	None	None	None	None
Minimum Setbacks															
- Front yard	20 ft	0/20 ft ^[10]	0 ft ^[11]	0 ft ^[11]	0/30 ft ^[12]	20 ft	20 ft	0 ft ^[11]	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	0 ft ^[21]	10 ft ^[21]
- Side facing street on corner & through lots ^[11]	20 ft	-	-	-	0/30 ft ^[12]	20 ft	20 ft	-	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	5 ft ^[21]	10 ft ^[21]
- Side yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/30 ft ^[12]	10 ft ^[14]	10 ft ^[14]	0/20 ft ^[8]	10 ft	▽	0 ft ^{[19][20]}	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]
- Side or rear yard abutting more restrictive zoning district	-	-	-	-	-	-	-	-	30 ft	▽	-	-	-	-	-
- Rear yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/30 ft ^[12]	20 ft ^[14]	20 ft ^[14]	0/20 ft ^[8]	20 ft	▽	0 ft ^{[19][20]}	0 ft ^[20]	0 ft ^[20]	0 ft ^{[20][22]}	0 ft ^{[20][22]}
- Distance between front of garage & property line abutting a public or private street.	-	-	-	-	-	20 ft	20 ft	-	20 ft	▽	N/A	N/A	N/A	N/A	N/A
Minimum Building Height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 stories	2 stories	None	2 stories	None
Maximum Building Height	35 ft	35 ft	45 ft	45 ft	80 ft ^[13]	60 ft	60 ft	45 ft	45 ft	70 ft	200 ft	200 ft	60 ft	75 ft	45 ft
Maximum Site Coverage ^[2]	85 %	80 %	85 %	85 %	85%	80 %	80 %	85 %	80 % ^[16]	90%	85%	85%	85%	80%	80%
Minimum Landscape Requirement	15 %	20 %	15 %	15 %	15%	20 %	20 % ^[15]	15 %	20 %	10%	15%	15%	15%	20%	20%
Minimum FAR ^[3]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.25	1.25	0.6	0.6	0.3
Minimum Residential Density ^{[4][5][6]}	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50 unit/acre	50 unit/acre	25 unit/acre	50 unit/acre	25 unit/acre
Maximum Residential Density ^{[4][5][6][7]}	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	None	None	50 unit/acre	None	50 unit/acre

▽ = See 18.640.050.B

[1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.

[2] Includes all buildings and impervious surfaces.

[3] Applies to all non-residential building development and mixed use development which includes a residential component. In mixed use development, residential floor area is included in the calculations of floor area ratio to determine conformance with minimum FAR.

- [4] Notwithstanding the requirements of Section 18.715.020, minimum and maximum density shall be determined for residential only projects using the number of residential units per acre shown in the above table. The provisions for density transfer described in Section 18.715.030.B apply, using the minimum and maximum density shown in the above table. Any mixed-use or commercial only development does not have a minimum density requirement.
- [5] For purposes of determining floor area ratio and residential densities, the net development area shall be used to establish the lot area, determined per Section 18.715.020.A.
- [6] Adjustments to minimum density in the Washington Square Regional center area subject to the standards set forth in Section 18.630.020.E.
- [7] The maximum density requirements for developments that include or abut designated Water Resources Overlay district Riparian setbacks per Chapter 18.797 are described in Section 18.630.020.D.
- [8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.
- [9] See Section 18.520.050.B for site and building design standards.
- [10] No front yard setback shall be required, except a 20 foot front yard setback shall apply within 50 feet of a residential district.
- [11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.
- [12] There are no setback requirements, except 30 feet where a commercial use within a district abuts a residential zoning district.
- [13] The maximum height of any building in the CBD zone within 100 feet of any residential zoning district shall not exceed 40 feet.
- [14] Where the side or rear yard of attached or multiple-family dwellings abut a more restrictive zoning district, such setbacks shall not be less than 35 feet.
- [15] Landscaped areas on existing developed property in the CBD shall be retained. Buffering and screening requirements set forth in Chapter 18.745 shall be met for existing and new development.
- [16] Lot coverage includes all buildings and impervious surfaces.
- [17] Modifications to dimensional and minimum density requirements for developments that include or abut designated Water Resources Overlay District Riparian setbacks per Chapter 18.797 are described in Section 18.630.040.F.
- [18] The requirements contained in the Buffer Matrices in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses in the MUC, MUE and MUR zones within the Washington Square Regional Center (WSRC) and abutting zoning districts not included within the WSRC, or zoning districts within the WSRC which are not mixed-use. For MUC and MUE zones, the requirements for Commercial Zones apply. For MUR zones, the requirements for the Neighborhood Commercial Zone apply.
- [19] For Commercial and Mixed-use developments, the maximum front and street side yard setback is 10 feet. For Residential only developments, the maximum front and street side yard setback is 20 feet.
- [20] Side and rear yard setbacks shall be 20 feet when the zone abuts residential districts shown in Section 18.510.020 except R-25 and R-40.
- [21] The maximum setback is 20 feet.
- [22] The maximum setback is 10 feet.

***Multiple-family dwelling unit**

C-N - Neighborhood Commercial District	MUC 1 – Mixed Use Commercial
C-C - Community Commercial District	MUC – Mixed Use Commercial
C-G - General Commercial District	MUE 1 – Mixed Use Employment/High Density
C-P - Professional/Administrative Office Commercial	MUE 2 – Mixed Use Employment/Medium Density
CBD - Central Business District	MUR 1 – Mixed Use Residential/High Density
	MUR 2 – Mixed Use Residential/Medium Density

18.520.050 Special Limitations on Uses

A. In the C-N zone. Special limitations in the C-N zoning district are as follows:

1. The use shall be conducted wholly within an enclosed structure, except as allowed in Section 3 below;
2. No use shall have a gross floor area greater than 4,000 square feet;
3. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment; and
4. Uses operating before 7:00 AM and after 10:00 PM shall be subject to the conditional use provisions, as governed in Chapter 18.330.

B. In the C-C zone. Special limitations in the C-C zoning district are as follows:

1. Such centers shall be developed preferably as a single unit and occupy only one quadrant of the intersection at which it is located;
2. The use shall be conducted wholly within an enclosed structure, except for outside play areas for children's day care facilities, and as allowed in Sections 3 and 4 below;
3. No use shall have a gross floor area greater than 5,000 square feet except for the retail sales of food and beverages, when the maximum floor area shall not exceed 40,000 gross square feet, and all other sales-oriented retail, where the maximum floor area shall not exceed 10,000 gross square feet;
4. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandising uses only shall constitute no more than 5% of the gross building floor area of any individual establishment;
5. Accessory open-air dining or drinking areas shall be permitted for approved eating and drinking establishments or retail food stores only. Outside dining areas are not permitted within 200 feet of any developed residential area. Public or private sidewalk areas around dining areas may not be reduced to less than five feet of clear walkway; and
6. Uses operating before 6:00 AM and/or after 11:00 PM and drive-up windows are subject to conditional use provisions, as governed by Section 18.330.

C. In the MUE zone. Special limitations in the MUE zoning district are as follows:

1. The maximum floor area ratio (FAR) for all commercial and industrial use types and mixed-use developments shall not exceed 0.40. Residential use types, including transient lodging, shall not be subject to this requirement;
2. On lots greater than three acres, general retail sales uses are limited to 30,000 square feet of gross leasable area plus one additional square foot of gross leasable area of general retail sales use for each additional four square feet of non-general retail sales use.

- D. In the MUC-1 zone. In addition to the standards of this Chapter, development in the MUC-1 zone is subject to Chapter 18.640 and an Intergovernmental Agreement between the cities of Tigard and Tualatin.
- E. In the MUC, MUE-1, MUE-2, MUR-1 and MUR-2 zones. Within the Washington Square Regional Center, the standards of Chapter 18.630 shall also apply.

18.520.060 Additional Development and Design Guidelines

- A. Development/design guidelines in the C-C zone.
1. The following design guidelines are strongly encouraged for developments within the C-C district. Conditions of approval of the development plan may include, but are not limited to, any of the site and building design guidelines deemed appropriate to be mandatory.
 - a. Building design guidelines:
 - (1) The design of buildings within a community commercial development should incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the city;
 - (2) All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors and window pattern;
 - (3) Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design. The sides of a building which face toward a public street should include public entrances to the building and windows to provide visual access to the activity within the building. The sides of a building which face toward an adjoining property, but not toward a public street, should include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.
 - b. General site design guidelines: Loading areas should not be located on the side of a building which faces toward a residential use. Loading areas, if located between the building and the street, should be oriented away from the street and should be screened to minimize views of the loading area from the street and sidewalk.
 2. Design standards: The following mandatory design standards apply within the community commercial district:
 - a. Internal Walkways.
 - (1) Walkways, eight feet minimum width, shall be provided from the public sidewalk or right-of-way to the building(s). At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points;

- (2) Walkways, five feet minimum width, shall be provided to connect with walkways or potential walkway locations on adjoining properties to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.
 - (a) Walkways shall be provided along the full length of the building on any side which provides building access to the public or where public parking is available, to provide safe and comfortable pedestrian access to the building;
 - (b) On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating areas as well as pedestrian travel. Weather protection of the walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire walkway.
 - (3) Walkway surfaces for walkways crossing parking areas shall be designed to be visually distinguishable from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.
- b. Other site development standards:
- (1) All lighting fixtures shall incorporate cut-off shields to prevent the spillover of light to adjoining properties;
 - (2) Mechanical equipment, if located on the building, shall be located within the roof form of the building or enclosed within a screening structure, the design of which is consistent with the design of the building;
 - (3) Mechanical equipment, not located on the building, shall be screened from views from the public street, sidewalk and properties outside the district with a durable, solid wall or fence, or an evergreen hedge or a combination of the above;
 - (4) All refuse and recycling containers within the district shall be contained within structures enclosed on all four sides and which are at least as high as the tallest container within the structure;
 - (5) Bicycle racks shall be provided on site. Facilities for a minimum of ten bicycles shall be provided for developments having 100 or fewer parking stalls, notwithstanding Section 18.765.050. For each 100 additional stalls, facilities for five additional bicycles shall be provided. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways. It is strongly encouraged that bicycle parking areas be covered;
 - (6) The site development plan shall incorporate a special feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature shall provide a visual landmark and some amount of seating area;

- (7) Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping shall be used to define and separate parking, access and pedestrian areas within parking lots;
 - (8) The landscape design for the site shall include plantings which emphasize the major points of pedestrian and vehicular access to and within the site;
 - (9) Site features such as fences, walls, refuse and recycling facility enclosures, and light fixtures shall be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features shall be designed and located to contribute to the pedestrian environment of the site development;
 - (10) In multiple building complexes, buildings shall be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the community commercial district, building location shall be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties. Consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area. Corner locations are particularly appropriate for this treatment;
 - (11) Opportunities shall be found for safe, convenient, and pleasant pedestrian connections to existing or proposed transit facilities. Where needed, shelters and layover areas for transit vehicles shall be incorporated into the site development.
- c. Sign design standards: All signage shall be an integral part of the architectural design.

B. Interim requirements in the CBD zone.

- 1. In the absence of an adopted design plan, the following issues, under Subsection B.1.c. must be addressed for new developments as necessary to serve the use and provide for projected public facility needs of the area, pursuant to Chapter 18.810 as determined by the Director.
 - a. The City may attach conditions to any development within an action area prior to adoption of the design plan to achieve the following objectives:
 - (1) The development shall address transit usage by residents, employees and customers if the site is within 1/4 mile of a public transit line or transit stop. Specific items to be addressed are as follows:
 - (a) Orientation of buildings and facilities toward transit services to provide for direct pedestrian access into the building(s) from transit lines or stops;
 - (b) Minimizing transit/auto conflicts by providing direct pedestrian access into the buildings with limited crossings in automobile circulation/parking areas. If pedestrian access crosses automobile circulation/parking areas, paths shall be marked for pedestrians;
 - (c) Encouraging transit-supportive users by limiting automobile support services to collector and arterial streets; and

- (d) Avoiding the creation of small scattered parking areas by allowing adjacent developments to use shared surface parking, parking structures, or under-structure parking;
- (2) The development shall facilitate pedestrian/bicycle circulation if the site is located on a street with designated bike paths or adjacent to a designated greenway/open space/park. Specific items to be addressed are as follows:
- (a) Provision of efficient, convenient and continuous pedestrian and bicycle transit circulation systems, linking developments by requiring dedication and construction of pedestrian and bike paths identified in the comprehensive plan. If direct connections cannot be made, require that funds in the amount of the construction cost be deposited into an account for the purpose of constructing paths;
 - (b) Separation of auto and truck circulation activities from pedestrian areas;
 - (c) Encouraging pedestrian-oriented design by requiring pedestrian walkways and street level windows along all sides with public access into the building;
 - (d) Provision of bicycle parking as required under Subsection 18.765.050; and
 - (e) Ensure adequate outdoor lighting by lighting pedestrian walkways and auto circulation areas.
- (3) Coordination of development within the action area. Specific items to be addressed are as follows:
- (a) Continuity and/or compatibility of landscaping, circulation, access, public facilities and other improvements. Allow required landscaping areas to be grouped together. Regulate shared access where appropriate. Prohibit lighting which shines on adjacent property;
 - (b) Siting and orientation of land use which considers surrounding land use, or an adopted plan. Screen loading areas and refuse dumpsters from view. Screen commercial and industrial use from single-family and residential through landscaping; and
 - (c) Provision of frontage roads or shared access where feasible.
2. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lot 100 and 202, Map 2S 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300.

C. Washington Square Regional Center.

See Chapter 18.630 for additional development and design guidelines.■

Chapter 18.530
INDUSTRIAL ZONING DISTRICTS

Sections:

- 18.530.010 Purpose**
- 18.530.020 List of Zoning Districts**
- 18.530.030 Uses**
- 18.530.040 Development Standards**
- 18.530.050 Additional Development Standards**

18.530.010 Purpose

- A. Provide range of industrial services for City residents. One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.
- B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

18.530.020 List of Zoning Districts

- A. I-P: Industrial Park District. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.
- B. I-L: Light Industrial District. The I-L zoning district provides appropriate locations for general industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, and wholesale sales activities with few, if any, nuisance characteristics such as noise, glare, odor, and vibration.
- C. I-H: Heavy Industrial District. The I-H zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the I-H zone include those which involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, I-H-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

18.530.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 3. A conditional use (C) is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, limited, conditional and prohibited uses in industrial zones is presented in Table 18.530.1.
- C. Accessory structures.
1. Accessory structures are permitted in all industrial zones providing the site is still in compliance with all development standards, including but not limited to setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the Uniform Building Code. All accessory structures except those less than 120 square feet in size require a building permit.
 2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.

**TABLE 18.530.1
USE TABLE: INDUSTRIAL ZONES**

USE CATEGORY	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C	C	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3 9}	R ^{3 9}	R ^{3 9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Eating and Drinking Establishments	R ²	N	N
Entertainment-Oriented			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	P	N	N
- Indoor Entertainment	P	N	N
- Adult Entertainment	N	N	N
General Retail			
- Sales-Oriented	R ²	N	N
- Personal Services	R ²	N	N
- Repair-Oriented	P	N	N
- Bulk Sales	R ^{4, 11}	N	N
- Outdoor Sales	N	P	P
- Animal-Related	P	P	P
Motor Vehicle Related			
- Motor Vehicle Sales/Rental	N	P	P
- Motor Vehicle Servicing/Repair	C	P	P
- Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

TABLE 18.530.1 (CON'T)

USE CATEGORY	I-P	I-L	I-H
INDUSTRIAL			
Industrial Services	N	P	P
Manufacturing and Production			
- Light Industrial	P	P	P
- General Industrial	N	P	P
- Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

¹A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.

²These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.

³In-home day care which meets all state requirements permitted by right.

⁴Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).

⁵When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁶See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.

⁷Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.

⁸Explosive storage permitted outright subject to regulations of Uniform Fire Code.

⁹Day care uses with over 5 children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.

¹⁰Limited to outdoor Recreation on (1.) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2.) land located outside the floodplain as shown on City flood maps, when the Recreation Use is temporary and does not otherwise preclude allowed uses or Conditional Uses other than Recreation within the district.

¹¹These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way. (Ord. 04-14)

18.530.040 Development Standards

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.
2. All other applicable standards and requirements contained in this title.

B. Development Standards. Development standards in industrial zoning districts are contained in Table 18.530.2 below:

**TABLE 18.530.2
DEVELOPMENT STANDARDS IN INDUSTRIAL ZONES**

STANDARD	I-P	I-L	I-H
Minimum Lot Size	None	None	None
Minimum Lot Width	50 ft.	50 ft.	50 ft.
Minimum Setbacks			
- Front yard	35 ft.	30 ft.	30 ft.
- Side facing street on corner & through lots [1]	20 ft.	20 ft.	20 ft.
- Side yard	0/50 ft. [3]	0/50 ft. [3]	0/50 ft. [3]
- Rear yard	0/50 ft. [3][4]	0/50 ft. [3]	0/50 ft. [3]
- Distance between front of garage & property line abutting a public or private street	--	--	--
Maximum Height	45 ft.	45 ft.	45 ft.
Maximum Site Coverage [2]	75 % [5]	85 %	85 %
Minimum Landscape Requirement	25 % [6]	15 %	15%

- [1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.
- [2] Includes all buildings and impervious surfaces.
- [3] No setback shall be required except 50 feet shall be required where the zone abuts a residential zoning district.
- [4] Development in industrial zones abutting the Rolling Hills neighborhood shall comply with Policy 11.5.1.
- [5] Maximum site coverage may be increased to 80% if the provisions of Section 18.530.050.B are satisfied.
- [6] Except that a reduction to 20% of the site may be approved through the site development review process.

I-P - Industrial Park District
 I-L - Light Industrial
 I-H - Heavy Industrial

18.530.050 Additional Development Standards

- A. Commercial lodging in the I-P zone. The following development standards shall apply for a commercial lodging facility located in the I-P zone:
 - 1. Site size shall be a minimum of two acres and a maximum of five acres.
 - 2. The site shall have access to be approved by the City Engineer to an arterial or collector street with capacity sufficient to ensure that adequate access to local businesses is maintained.
 - 3. Ancillary uses, also permitted in the I-P zone as contained in Chapter 18.530 shall be allowed as integral elements of the commercial lodging development, provided they comprise no more than 20% of total floor area.
 - 4. Signage shall conform to Chapter 18.780.
- B. Reduction of lot coverage requirements. Lot coverage may be increased from 75% to 80% as part of the site development review process, providing the following requirements are satisfied:
 - 1. The minimum landscaping requirement shall be 20% of the site.
 - 2. The applicant shall meet the following performance standards with regard to the landscaping plan approved as part of the site development review process:
 - a. Street trees, as required by Section 18.745.040.C.1 are to be installed with a minimum caliper of three inches rather than the two inches as measured at four feet in height;
 - b. The landscaping between a parking lot and street property line shall have a minimum width of 10 feet;
 - c. All applicable buffering, screening and setback requirements contained in Section 18.745.050 shall be satisfied.
 - d. The applicant shall provide documentation of an adequate on-going maintenance program to ensure appropriate irrigation and maintenance of the landscape area.

C. Day care uses. The following standards shall apply for all commercial day care uses in industrial zones:

1. The Environmental Impact Assessment must document noise, visible emissions, vibration, odor, glare and heat from uses within one quarter mile. A plan and program for day care facilities to provide mitigation on-site for any of the above off-site impacts must be provided. Sound attenuation walls, screening, window covering, shades, and other such means are appropriate means of mitigation and may be attached as conditions of approval.
2. The State of Oregon Child Care Division Certification Section shall be notified of the proposed site plans prior to submitting an application to insure that the plans submitted generally address the permitting requirements.
3. Prior to occupancy of the proposed day care, evidence of certification through the State of Oregon Child Care Division shall be provided. (Ord. 02-33) ■

**18.600: COMMUNITY PLAN AREA STANDARDS
LEGISLATIVE NOTES**

This section is essentially a “reserve” section for the City to place special subdistrict development and/or design standards. For example, the new design standards under consideration for the Tigard Triangle Plan could be incorporated here. This is also the logical location for special standards related to subdistrict plans for the Washington Square Regional Center and Tigard Town Center, which are designated on the Metro 2040 Growth Management Functional Plan map to become high-density, transit-supportive nodes within the City. The City has not yet undertaken the planning for these special districts.

**CHAPTER 18.620
TIGARD TRIANGLE DESIGN STANDARDS**

Sections:

- 18.620.010 Purpose and Applicability**
- 18.620.020 Street Connectivity**
- 18.620.030 Site Design Standards**
- 18.620.040 Building Design Standards**
- 18.620.050 Signs**
- 18.620.060 Entry Portals**
- 18.620.070 Landscaping and Screening**
- 18.620.080 Street and Accessway Standards**
- 18.620.090 Design Evaluation**

18.620.010 Purpose and Applicability

- A. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Tigard Triangle. These design standards address several important guiding principals adopted for the Tigard Triangle, including creating a high-quality mixed use employment area, providing a convenient pedestrian and bikeway system within the Triangle, and utilizing streetscape to create a high quality image for the area.
- B. Development conformance. All new developments, including remodeling and renovation projects resulting in uses other than single family residential use, are expected to contribute to the character and quality of the area. In addition to meeting the design standards described in this chapter and other development standards required by the Community Development and Building Codes, such developments will be required to:
 - 1. Dedicate and improve public streets, to the extent that such dedication and improvement is directly related and roughly proportional to an impact of the development;
 - 2. Connect to public facilities such as sanitary sewer, water and storm drainage;
 - 3. Participate in funding future transportation and other public improvement projects in the Tigard Triangle, provided that the requirement to participate is directly related and roughly proportional to an impact of the development.
- C. Conflicting standards. The following design standards apply to all development located within the Tigard Triangle within both the C-G and the MUE zones. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern. (Ord. 99-22)

18.620.020 Street Connectivity

- A. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Chapter 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

1. Design Option

- a. Local street spacing shall provide public street connections at intervals of no more than 660 feet.
- b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

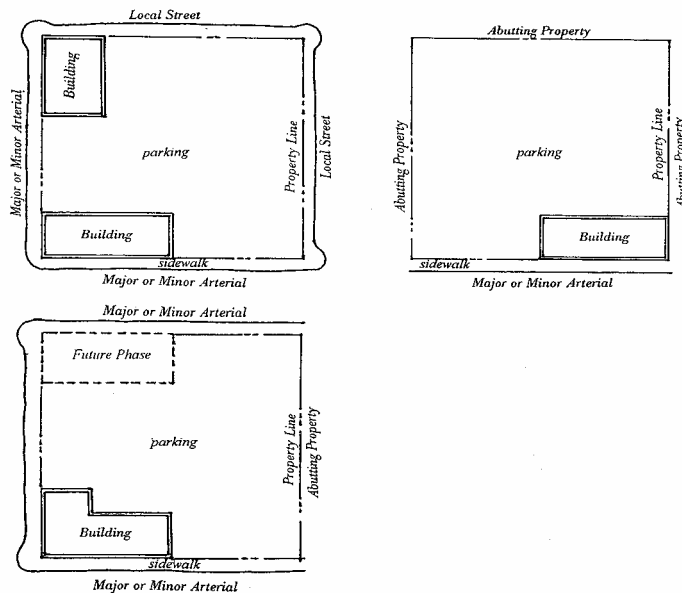
2. Performance Option

- a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.
- b. The shortest vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance.
- c. The shortest pedestrian trip on public right-of-way from a local origin to a collector or greater facility is no more than one and one-half the straight-line distance.

18.620.030 Site Design Standards

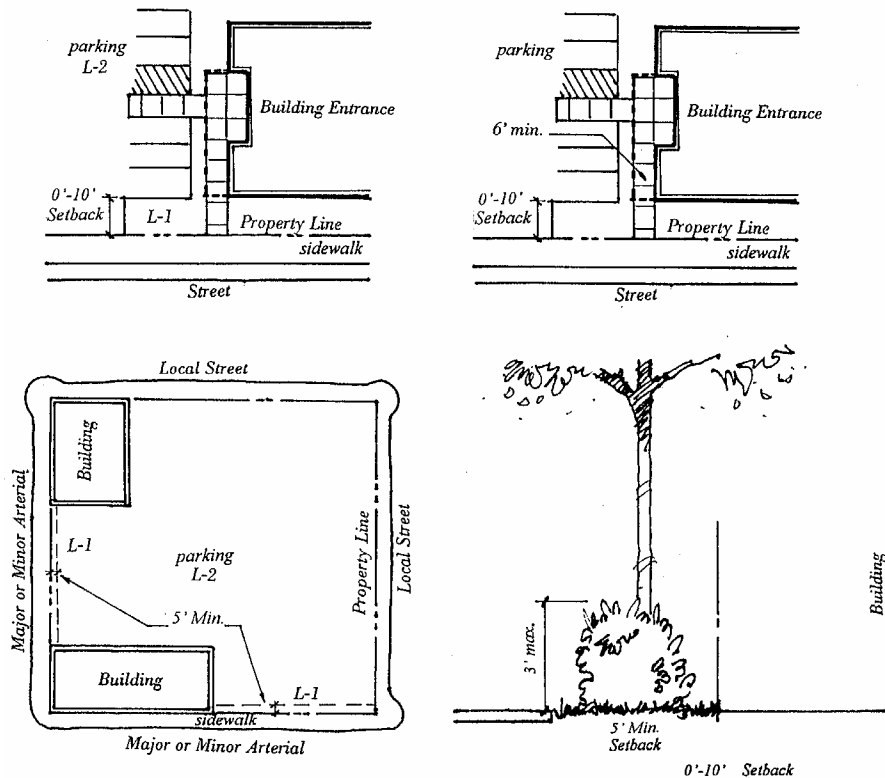
A. Compliance. All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan must be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010 C2, governing criteria for granting a variance, is satisfied.

- 1. Building placement on Major and Minor Arterials - Buildings shall occupy a minimum of 50% of all street frontages along Major and Minor Arterial Streets. Buildings shall be located at public street intersections on Major and Minor Arterial Streets. See Diagram 1 for some examples of how this standard may be met.



Tigard Triangle Street Plan – Diagram 1

2. Building setback - The minimum building setback from public street rights-of-way or dedicated wetlands/buffers and other environmental features shall be 0 feet; the maximum building setback shall be 10 feet.
3. Front yard setback design - Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must 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 encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.
4. Walkway connection to building entrances - A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.
5. Parking location and landscape design - Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. 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. See Diagram 2.



Tigard Triangle Street Plan – Diagram 2

18.620.040 Building Design Standards

- A. Non-residential buildings. All non-residential buildings shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010 C2, criteria for granting a variance, is satisfied.
1. Ground floor windows - All street-facing elevations within the Building Setback (0 to 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.
 2. 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 off-set 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 another design features that reflect the building's structural system. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.
 3. 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. Awnings and canopies shall not be back lit.
 4. Building Materials - Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may 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.
 5. 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.
 6. Roof-mounted equipment - All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.

18.620.050 Signs

- A. Sign standards. In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:
1. Zoning district regulations - Residential only developments within the C-G and MUE zones shall meet the sign requirements for the R-25 zone 18.780.130B; non-residential developments within the C-G zone shall meet the sign requirements for the commercial zones, 18.780.130C; and non-

residential development within the MUE zone shall meet the sign requirements of the C-P zone, 18.780.130D.

2. Sign area limits - The maximum sign area limits found in 18.780.130 shall not be exceeded. No area limit increases will be permitted within the Tigard Triangle.
3. Height limits - The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roof line of the wall on which the sign is located. No height increases will be permitted within the Tigard Triangle.
4. Sign location - Freestanding signs within the Tigard Triangle shall not be permitted within required L-1 landscape areas.

18.620.060 Entry Portals

- A. Required locations. Entry portals shall be required at the primary access points into the Tigard Triangle.
 1. Location - Entry portals shall be located at the intersections of 99W and Dartmouth; 99W and 72nd; I-5 and Dartmouth; Hwy. 217 and 72nd; and at the Hwy. 217 Overcrossing and Dartmouth.
 2. Design - The overall design of entry portals shall relate in scale and detail to both the automobile and the pedestrian. A triangle motif shall be incorporated into the design of entry portals.

18.620.070 Landscaping and Screening

- A. Applicable levels. Two levels of landscaping and screening standards are applicable to the Tigard Triangle. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other sub-sections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.
 1. L-1 Low Screen - For general landscaping of landscaped and screened areas within parking lots and along local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. The L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of 5 feet between the parking lot and a major or minor arterial, trees shall be planted at 3 ½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provided a 3 foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years. Any tree planted in excess of a 2 inch caliper shall be eligible for full mitigation credit.
 2. L-2 General Landscaping - For general landscaping of landscaped and screened areas within parking lots, local collectors and local streets, planting standards of Chapter 18.745, Landscaping and Screening, shall apply. Trees shall be provided at a minimum 2-½ inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years. Any tree planted in excess of a 2-inch caliper shall be eligible for full mitigation credit.

18.620.080 Street and Accessway Standards

A. Tables and diagrams. The following tables and diagrams show street and pedestrian accessway standards for the Tigard Triangle. Landscape and street design details are also included in this section.

**TABLE 18.620.1
STREET CLASSIFICATION AND FUNCTION TABLE: STREETS**

Street	Policy Classification	Street Function	Land Use/ Design Priority	Right-of-Way
72nd Street Hwy 99 to Hwy 217	Major Arterial Transit Access Street Pedestrian-Transit Street Bikeway	Provide access to Triangle destinations Distribute traffic within the Triangle Provide connections between districts Distribute traffic from regional arterials and major collectors to local service streets Local transit service Bicycle mobility	Mixed Use Employ- ment Limited access to off- street parking Enhanced pedestrian environment Boulevard design with two-way traffic Transit-oriented street features Bike lanes Continuity of align- ment and design throughout Triangle	92 feet 66 feet curb-to-curb
Dartmouth Street Hwy 99 to 68 th Ave.	Major Arterial Transit Access Street Pedestrian-Transit Street Bikeway	Provide access to Triangle destinations Distribute traffic within Triangle Provide connections between districts Distribute traffic from regional arterials and major collectors to local service streets Local transit service Bicycle mobility	Mixed Use Employ- ment with Neighbor- hood and Regional retail Limited access to off-street parking Enhanced pedestrian environment	92 feet - 72nd 94 feet - west of 72nd 72 feet - east of 72nd

TABLE 18.620.1 (Con't)

Street	Policy Classification	Street Function	Land Use/ Design Priority	Right-of-Way
68th Avenue Atlanta to Hampton	Minor Arterial Pedestrian-Transit Street	Provide access to local services Distribute local traf- fic Bicycle lanes	Mixed Use Employ- ment Enhanced pedestrian environment Bicycle access	70 feet 46 feet curb-to-curb
217 Over- Crossing West of Dartmouth	Minor Arterial Transit Access Street Pedestrian-Transit Street	Provide access to Triangle destinations Distribute traffic within the Triangle Bicycle lanes Provide connections between districts Distribute traffic from arterials and collector streets to local service streets Local transit service	Mixed Use Employ- ment Enhanced pedestrian environment Transit-oriented street features Bicycle access	70 feet 46 feet curb-to-curb
Hampton St. 68 th to 72nd	Minor Arterial Transit Access Street Pedestrian-Transit Street	Provide access to Triangle destinations Distribute traffic within the Triangle Bicycle lanes Provide connections between districts Distribute traffic from arterials and collector streets to local service streets Local transit service	Mixed Use Employ- ment Enhanced pedestrian environment Transit-oriented street features Bicycle access	70 feet 46 feet curb-to-curb

TABLE 18.620.1 (Con't)

Street	Policy Classification	Street Function	Land Use/ Design Priority	Right-of-Way
Backage Road	Local Collector	Provide access to local services Distribute local traffic Parking access street	Mixed Use Commercial and Retail along 99W Access to off-street parking Enhanced pedestrian environment	60 feet 36 feet curb-to-curb
East-West Streets	Local Service Street	Provide access to local services Distribute local traffic Parking access street	Mixed Use Commercial and Retail along 99W Access to off-street parking Enhanced pedestrian environment	60 feet 34 feet curb-to-curb
North-South Streets	Local Service Street	Provide access to local services Distribute local traffic Parking access street	Mixed Use Commercial and Retail along 99W Access to off-street parking Enhanced pedestrian environment	60 feet 34 feet curb-to-curb

ACCESS WAYS

CLASS I

Function: Auto and parking (on at least one side)
 Access to parking (optional)
 Bicycles (in roadway)
 Pedestrian improvements

Right-of-way 50' - 60'

Ownership: Public dedication

Application: East-west, north-south streets to parking access

CLASS II

Function: Pedestrian and Bicycle
Right-of-way 40' *
Ownership: Public or Private with Public Access Easement

Application: East-west, north-south access ways
Fire Access *
Critical Pedestrian access routes.

* If emergency vehicle access is provided by alternative locations, a lesser dimension to a minimum of 30 feet in width may be allowed with approval of the City Engineer.

CLASS III

Function: Pedestrian
Right-of-way 10' – 25' case-by-case
Ownership: Private with Public Access Easement

Application: East-west, north-south access ways
Connections to meet accessibility standards

CLASS IV

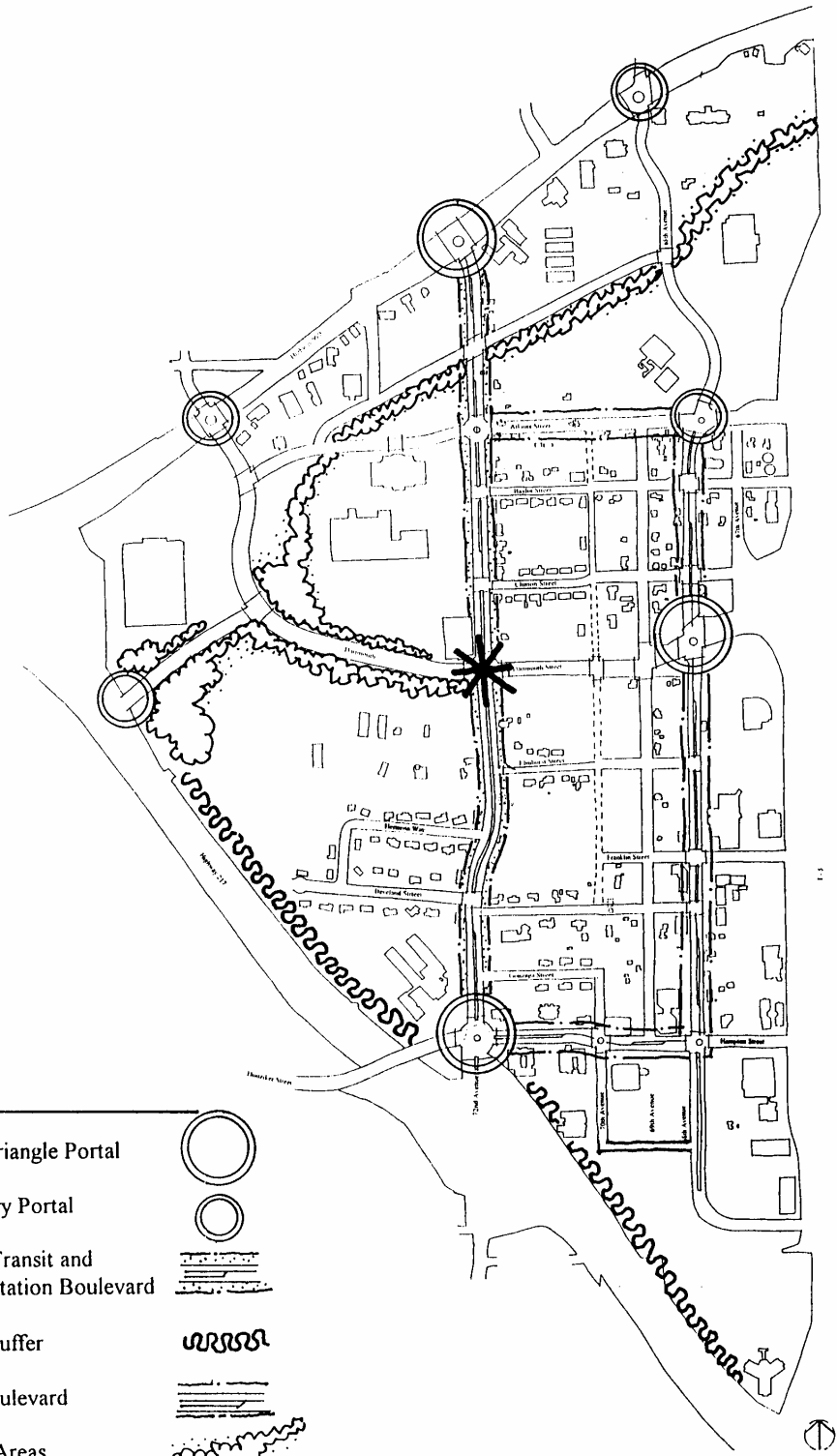
Function: Pedestrian
Right-of-way 10' – 25' case-by-case
Ownership: Private

18.620.090 Design Evaluation








- A. Purpose. It is recognized that the above design standards are to assist in upgrading and providing consistency to development within the Tigard Triangle. It is recognized that different designs may be used to meet the intent of the standards and purpose statement of the Tigard Triangle Standards. With this in mind, applicants for development in the Tigard Triangle may choose to submit proposed projects which demonstrate compliance with the design standards or request adjustments from the Triangle design standards and submit design plans for review and recommendation by a City Design Evaluation Team. This option allows applicants to propose alternative designs to the Tigard Triangle Design Standards that are consistent with the purpose of the standards. When a structure which has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint without receiving an adjustment from design standards.
- B. Design Evaluation Team (DET). Evaluation of the adjustment to allow an alternative design is made by a three-person professional design team contracted by the City for professional design review. The DET shall consist of design professionals with experience in architecture, landscape architecture and civil engineering. This team is charged with balancing the purpose statements, goals and standards of the Tigard Triangle Design process with the alternative proposal submitted by the applicants. The DET shall accept design proposals that vary from any of the Triangle Design Standards. This process is to be applied only to the Tigard Triangle Design Standards. Applicants must comply with all other development code standards according to the regular development review requirements of Title 18 of the City code. The DET will prepare a report outlining conditions and recommendations in response to the applicant's proposal(s) for submission to the Planning Commission within 30 days of meeting on the proposal.
- C. Approval Criteria. For guidance in evaluating the purpose of the design standards, the DET shall refer to the Planning Director's Interpretation that provides purpose statements for the Tigard Triangle design standards. All adjustments to allow an alternative design are subject to the following criteria:
1. Granting the adjustment will continue to meet the purpose of the standard(s) to be modified in an acceptable alternative manner; and
 2. The proposal will not significantly detract from the livability or appearance of an area and the proposal will be consistent with the desired character of the area; and
 3. If more than one adjustment is being requested, the cumulative effect of the adjustments as well as each individual adjustment results in a project which is still consistent with the overall purpose, goals and standards of the zone; and
 4. Granting the adjustment is the minimum necessary to allow the proposed use of the site, and any impacts resulting from the adjustment are mitigated to the extent practical.
- D. Review Process. The following steps must be followed by applicants to gain Design Evaluation Review:
1. Applicants choosing the Design Evaluation process must submit a Design Evaluation and Adjustment request according to a list of requirements provided by the Director.
 2. Members of the Design Evaluation Team are available to meet with applicants as part of the pre-application process; however, applicants shall pay for the entire cost of the review of the Design

Evaluation Team. A deposit of \$1,000 shall be paid upon application. The applicant will be billed for any additional cost. The DET report shall not be issued until all costs are paid. No request for design evaluation review using the alternative design will be accepted until all costs are paid in full;

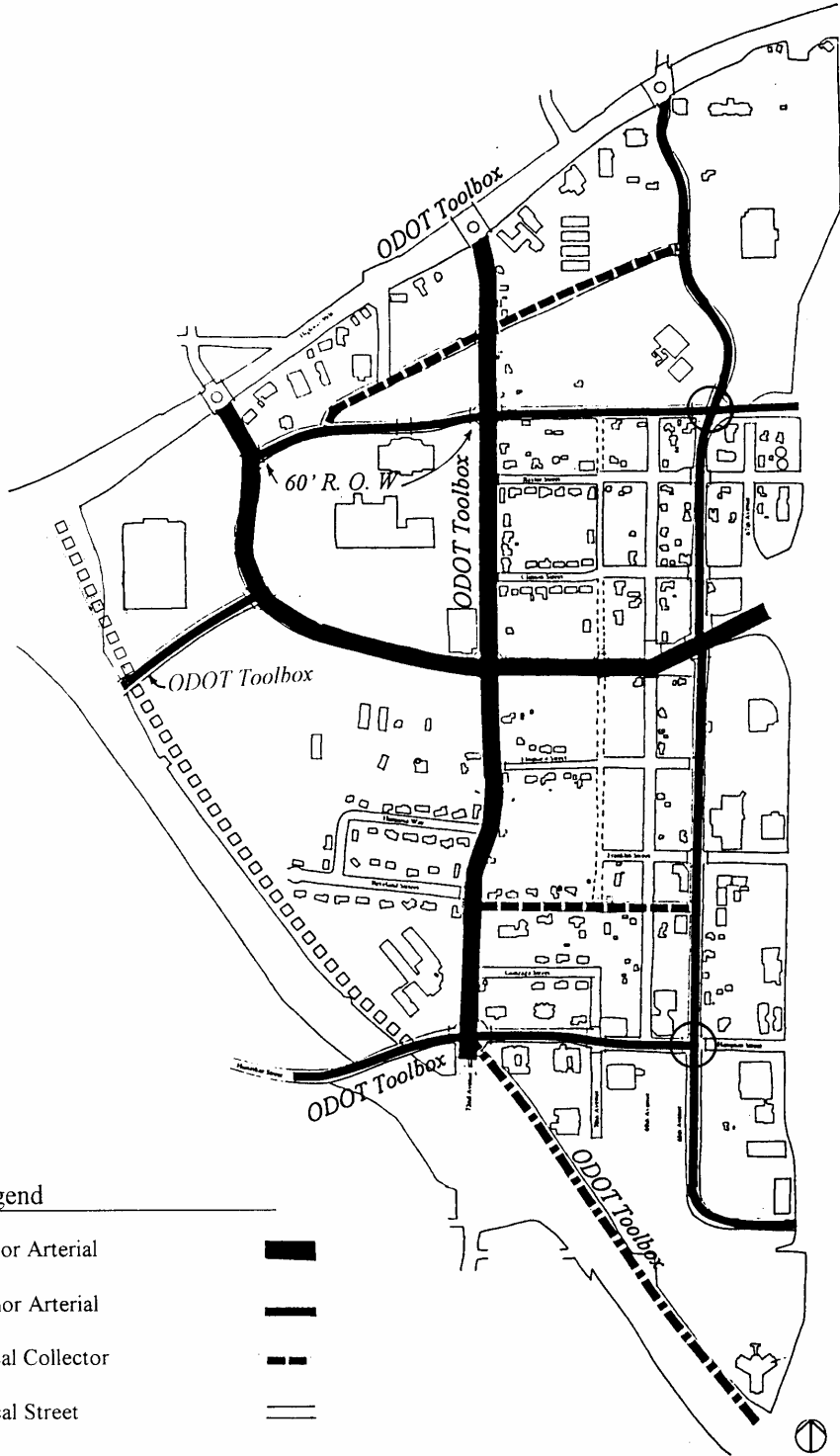
3. The applicant will receive a review date for a DET work session which shall be within 30 days of Subsection 2 above. No public notification is required although the review session is open to the public. The review is designed to allow the applicant to present and explain design intent and adjustment proposals to the Design Evaluation Team. This is not intended to be a public hearing and no public testimony will be taken.
4. Upon completion of the DET review and payment of all costs, the DET will forward a report and recommendations to the Director and the applicant within 30 days of meeting on the proposal. At the request of the applicant, this time period may be extended.
5. The applicant may proceed to schedule and hold a pre-application neighborhood meeting with the adjacent property owners at any time during this process according to the provisions provided by the Director at the Development Review pre-application conference required by Chapter 18.390. It is recommended that the development design to be reviewed at the pre-application neighborhood meeting include the recommendations of the DET;
6. Upon completion of the neighborhood meeting requirements and receipt of the DET report, applicants may proceed to file the appropriate development application according to the provisions of Title 18 of the Municipal Code. Said application shall include the recommendations of the DET.
7. Review of the DET recommended plan and/or conditions shall be made part of the staff report prepared by the Planning Director and shall be made available at a public hearing before the Planning Commission according to the provisions of Chapter 18.390.
8. The Planning Commission may approve, approve with conditions or deny the development application considering the DET recommendation and evaluating the development and the design plan to ensure consistency with the Tigard Triangle Design Standards. Approval of the Planning Commission must also be based on compliance of the development plan with all other development code requirements governing the application.



Legend

- Tigard Triangle Portal 
- Secondary Portal 
- Central Transit and Transportation Boulevard 
- Traffic Buffer 
- Loop Boulevard 
- Natural Areas 
- Focal Point 

Tigard Triangle Street Plan
Urban Design Concept

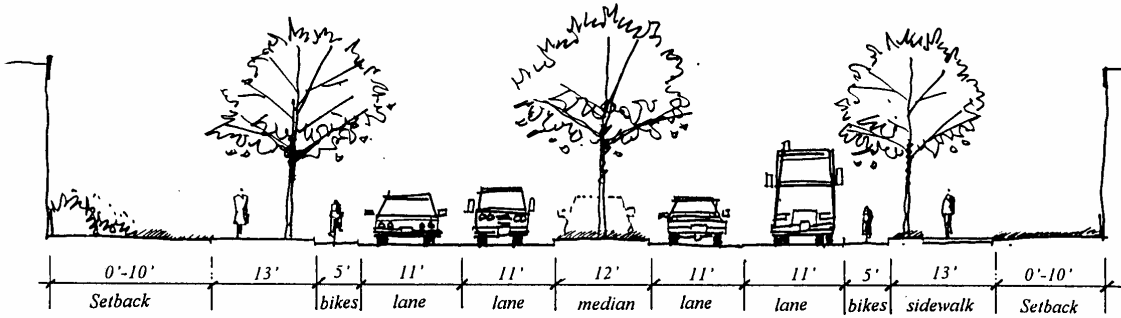


Legend

- Major Arterial
- Minor Arterial
- Local Collector
- Local Street
- Frontage Road
- ODOT Tool Box
- Potential Rotary Locations

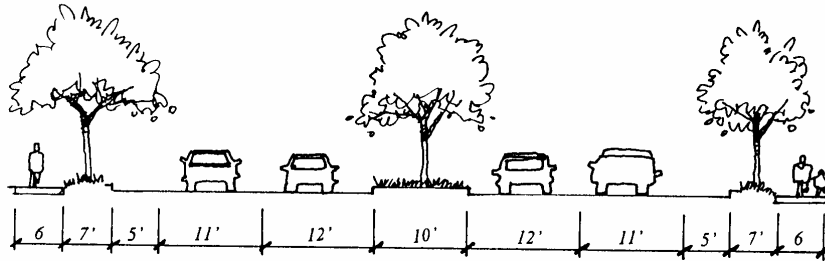
Tigard Triangle Street Plan

Street Widths: 92 Foot Right-of-Way, with Setback - 72nd Avenue

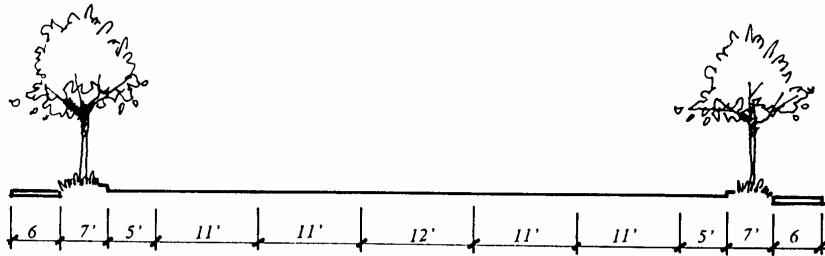


*NOTE: Provide U-turn capability for streets with medians. Locations and configurations to be determined during detail-design.

Street Widths: 94' Right of Way, Dartmouth Road, west of 72nd Ave.

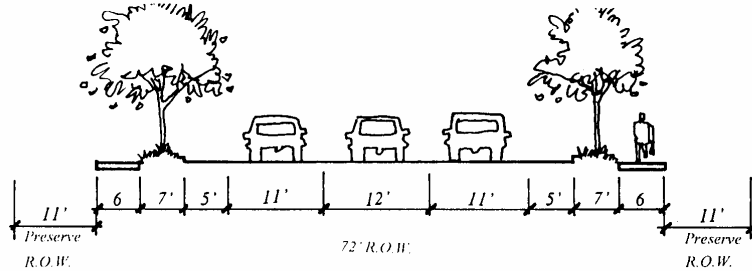


94' R.O.W.



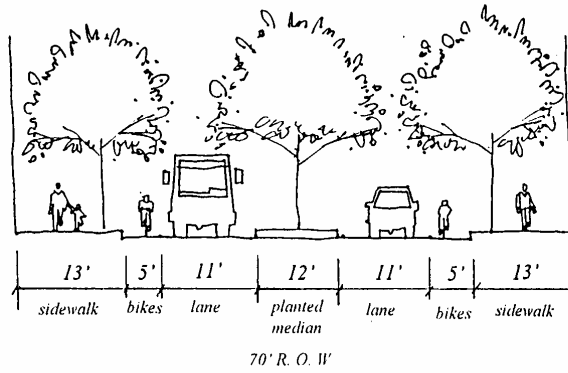
94' R.O.W.

Street Widths: 72' Right of Way, Dartmouth Road, east of 72nd Ave.



Tigard Triangle Street Plan
Street Sections

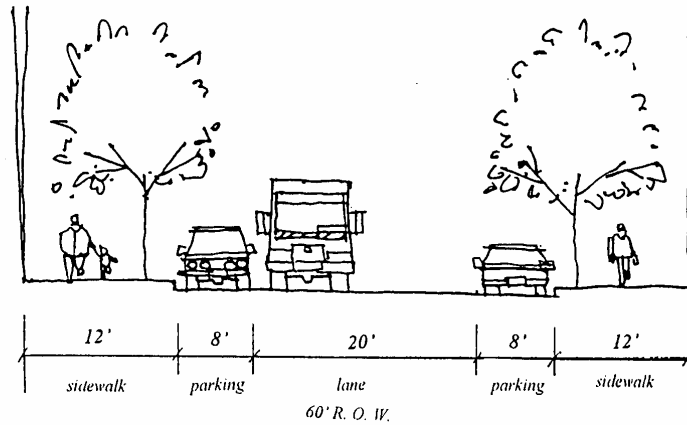
Street Widths: 70 Foot Right-of-Way - 68th Avenue, Hampton and Atlanta*



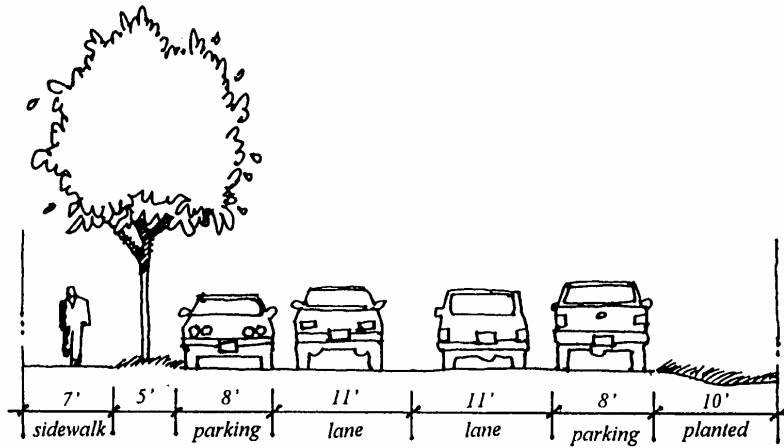
*NOTE: 68th Ave. from Highway 99 to Hampton
 Hampton from 68th Ave. to 72nd Ave.
 Atlanta from 68th Ave. to 72nd Ave.

Provide U-turn capability for streets with medians. Locations and configurations to be determined during detail-design.

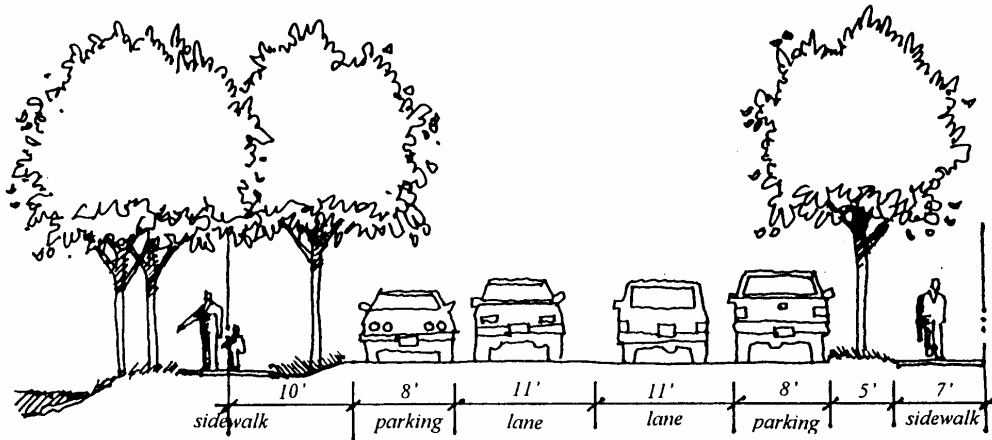
Typical 60 Foot Right-of-Way - Local Street



Tigard Triangle Street Plan
Street Sections



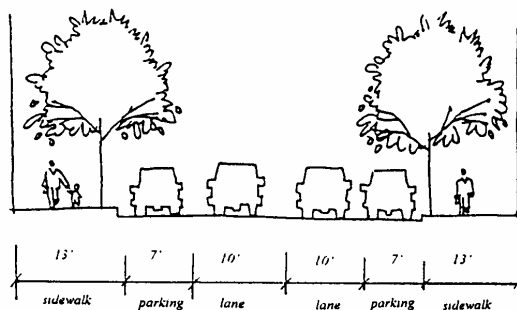
66th Avenue



Backage Road

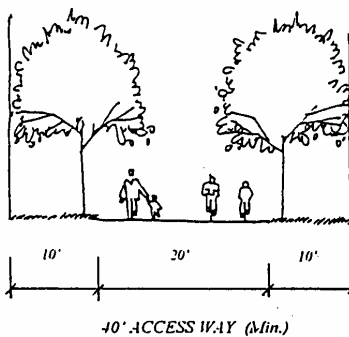
Tigard Triangle Street Plan
Street Sections

Access Way: Sections

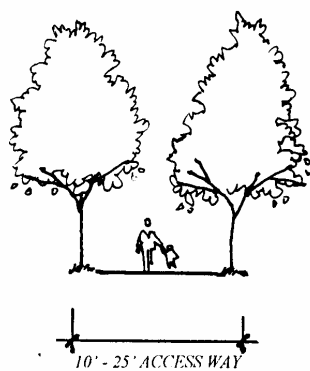


52' - 60' Access Way - 28' curb-to-curb Right-of-Way minimum*

*Public right-of-way includes parking and travel lanes. Single side parking optional.



40' ACCESS WAY (Min.)



NOTE: 10' - 25' Class 3 and Class 4 Access Way sections are dimensionally the same.

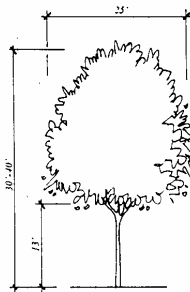
Tigard Triangle Street Plan Street Sections

Landscape and Street Standards

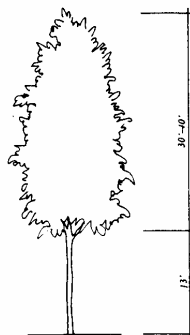
Landscape Standards: Street Trees

Street Name	Street Tree type	Min. Spacing	Location ¹
72 nd Avenue	Broad-spreading Broad-spreading	27 feet o.c. 27 feet o.c.	Between sidewalk and street Center median
Dartmouth Street	Broad-spreading	27 feet o.c.	Between sidewalk and street
68 th Avenue	Columnar Broad-spreading	22 feet o.c. 22 feet o.c.	Between sidewalk and street Center median
Atlanta Street	Columnar Broad-spreading	22 feet o.c. 22 feet o.c.	Between sidewalk and street Center median
Hampton Street	Columnar Broad-spreading	22 feet o.c. 22 feet o.c.	Between sidewalk and street Center median
66 th Avenue	Broad-spreading	27 feet o.c.	Between sidewalk and street on the west side of the street.
Backage Road	Broad-spreading	27 feet o.c.	Between sidewalk and street. Plant trees random and in clumps along the south side of the street. Provide a variety of species.
Local Streets	Spreading to 25 feet	22 feet o.c.	Between sidewalk and street
Portals	Columnar	22 feet o.c.	Plant trees to frame portal features and architecture.
Parking lots	Broad-spreading Broad-spreading Columnar	1 per 7 spaces 27 feet o.c. 22 feet o.c.	In planter islands In setbacks In setbacks where building lines preclude broad-spreading trees.

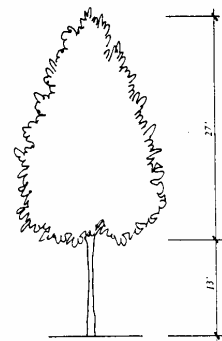
¹All curb-side planting strips and medians shall be planted with lawn of groundcover. Planter strips between the sidewalk and street along 72nd Avenue shall be lawn except where paved areas extend to the curbline and tree grates are provided around trees. Medians on 68th Avenue, Atlanta and Hampton shall have consistent lawn or groundcover plantings for the entire length of the street with accents at intersections.



Broad-spreading Street Tree



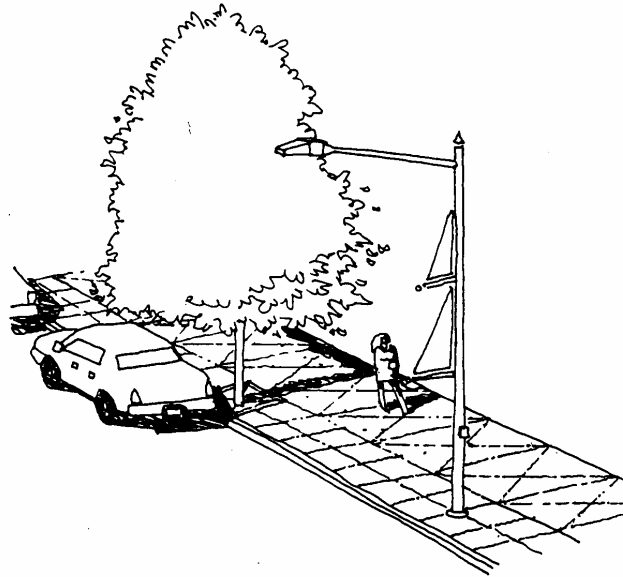
Columnar Street Tree



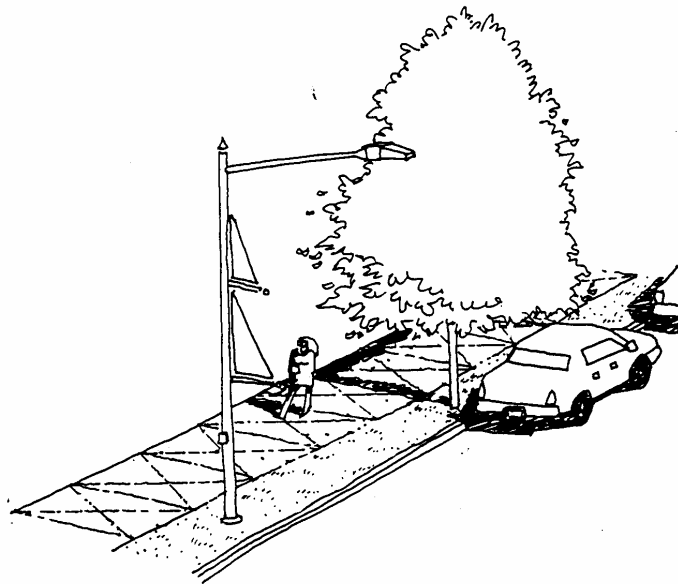
Spreading Street Tree

Tigard Triangle Street Plan Details

Landscape and Street Standards



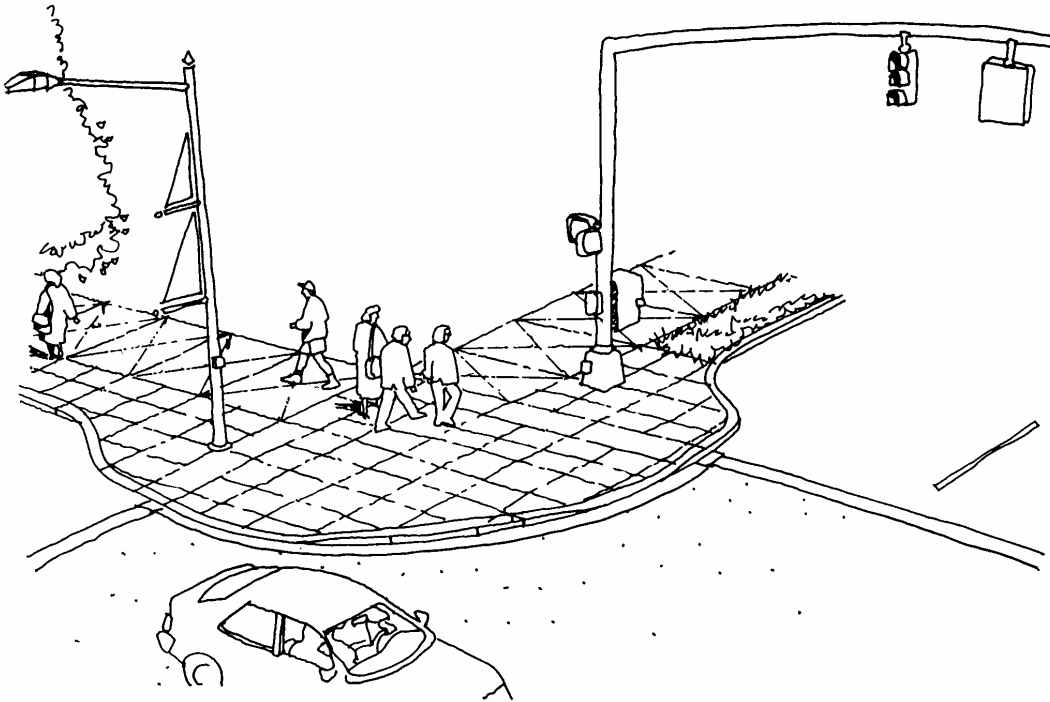
Paving to the curb with street tree grates or groundcover planting, street trees and street lights.



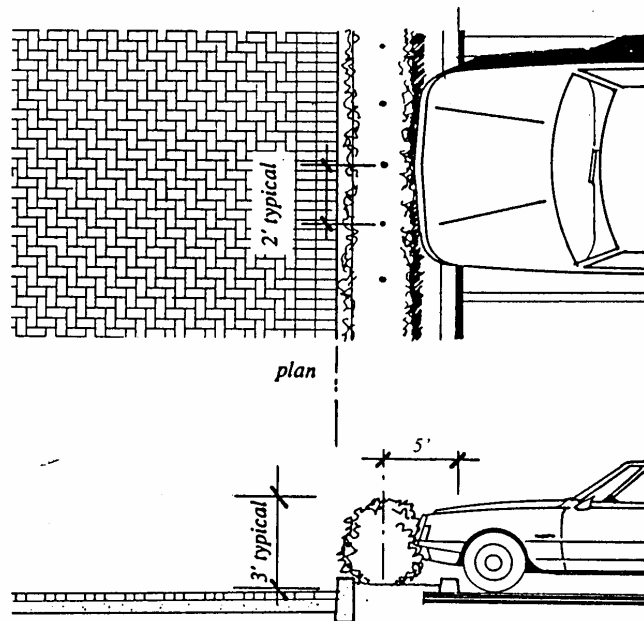
4 Foot Planter Strip

Tigard Triangle Street Plan
Details

Landscape and Street Standards



Curb extension and concrete intersection at intersections on Major and Minor Arterials.



Typical landscape and parking at minimum setback.

Tigard Triangle Street Plan Details

Chapter 18.630
WASHINGTON SQUARE REGIONAL CENTER DESIGN STANDARDS

Sections:

18.630.010	Purpose and Applicability
18.630.020	Development Standards
18.630.030	Pre-existing Uses
18.630.040	Street Connectivity
18.630.050	Site Design Standards
18.630.060	Building Design Standards
18.630.070	Signs
18.630.080	Entry Portals
18.630.090	Landscaping and Screening
18.630.100	Street and Accessway Standards
18.630.110	Design Evaluation

18.630.010 Purpose and Applicability

A. Purpose.

1. This Chapter will implement the vision, concepts and principles contained in the *Washington Square Regional Center Plan, and the recommendations contained in the Phase II Implementation Plan Summary Report*, prepared by a Task Force appointed by the City of Tigard.
2. Metro's Regional Urban Growth Management Functional Plan target growth capacity for the Washington Square Regional Center will be met by permitting mixed use development within the Regional Center at densities appropriate for an urban center.
3. A mixed use Regional Center will contain a variety of districts that vary in scale, predominant use, and character. Distinct districts, connected to each other and to the rest of the region by a multi-modal transportation system, will provide a range of working, living and shopping opportunities.
4. Improved multi-modal transportation links, higher densities, variety of land uses, and enhanced environmental qualities will all contribute to create a desirable, livable community in the face of dramatic population and employment growth.
5. New mixed-use zoning districts, along with existing residential zoning districts in established areas, are appropriate for the Regional Center.

B. Design principles. Design standards for public street improvements and for new development and renovation projects have been prepared for the Washington Square Regional Center. These design standards address several important guiding principals adopted for the Washington Square Regional Center, 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.

C. Development conformance. All new developments, including remodeling and renovation projects resulting in new 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 Development and Building Codes, developments will 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 necessary within the Washington Square Regional Center.

- D. Permitted and Conditional Uses. Permitted and Conditional uses are those uses permitted outright, with restrictions, or conditionally within the MUC, MUE 1, MUE 2, MUR 1 or MUR2 zones pursuant to Section 18.520.030.
- E. Conflicting standards. The following design standards apply to all development located within the Washington Square Regional Center within the MUC, MUE and MUR zones. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern.

18.630.020 Development Standards

- A. Compliance Required. All development must comply with:
 - 1. All applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370, and Sub-Sections C through E of this Section;
 - 2. All other applicable standards and requirements contained in this title.
- B. Development Standards. Development standards which apply within mixed-use zones in the Washington Square Regional Center are contained in Table 18.520.2. Existing developments which do not meet the standards specified for a particular district may continue in existence and be altered subject to the provisions of Section 18.630.030.
- C. Phasing of Development Standards. Projects may use the Site Development Review process (Chapter 18.360) to develop a site by phasing compliance with the development standards established in this Chapter. Such projects must demonstrate how future development of the site, to the minimum development standards established in this Chapter or greater, can be achieved at ultimate build out of the site. The Planning Director may waive or modify the approval period (Section 18.360.030.C) and phased development time schedule (Section 18.360.030.E.1) for projects approved under this section. If a time period greater than that specified in Section 18.360.030.C is necessary, it must be requested at the time of original application with a detailed time line for completion.
- D. Density Requirements for Developments Including or Abutting Riparian Setback. Notwithstanding the density requirements in Table 18.520.2, the maximum residential density and mixed-use and non-residential floor area ratio for developments that include or abut Riparian Setbacks shall be no greater than 110 percent of the minimum residential density and floor area ratios in all Mixed Use Zones, except when the following are met:
 - 1. Wetlands within the development are expanded or enhanced in conformance with the Oregon Division of State Lands Wetlands Restoration and Enhancement Program, and if applicable;
 - 2. Fish Habitat within the development is enhanced in conformance with the Oregon Division of State Lands Fish Habitat Enhancement Program, and if applicable;

3. The overall flood storage capacity of the 100-year floodplain within the development is increased by 10 percent.

If the enhancements described above are approved, or if enhancements are already in existence, the maximum residential density standards shown in Table 18.520 and no maximum floor area ratio standards for mixed use and non-residential developments shall apply.

E. Adjustments to Density Requirements in the Washington Square Regional Center. The density requirements shown in Table 18.520.2 are designed to implement the goals and policies of the Comprehensive Plan. These requirements apply throughout the Washington Square Regional Center zoning districts, but the City recognizes that some sites are difficult to develop or redevelop in compliance with these requirements. The adjustment process provides a mechanism by which the minimum density requirements may be reduced by up to twenty-five percent (25%) of the original requirement if the proposed development continues to meet the intended purpose of the requirement and findings are made that all approval criteria are met. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purpose of the code.

1. Approval criteria. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria a through d below, are met:
 - a. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
 - b. The proposal will be consistent with the desired character of the area;
 - c. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;
 - d. Any impacts resulting from the adjustment are mitigated to the maximum extent possible.
2. Procedure. Requests for an adjustment are processed as a Type I application, along with the development proposal for which the application has been filed.
3. Ineligible regulations. Adjustments are prohibited for the following items:
 - a. To allow a primary or accessory use that is not allowed by the regulations;
 - b. As an exception to any restrictions on uses or development which contain the words "prohibited" or "not allowed";
 - c. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development;
 - d. As an exception to a definition or classification;
 - e. As an exception to the procedural steps of a procedure or to change assigned procedures.

- F. Modifications to Dimensional and Minimum Density Requirements for Developments That Include or Abut Designated Water Resources Overlay District Riparian Setbacks. Notwithstanding the dimensional and minimum density requirements in Table 18.520.2, the minimum and maximum dimensional requirements and the minimum residential density and mixed-use and non-residential floor area ratio for developments that include or abut Riparian Setbacks shall be subject to modification when modification is necessary to assure that environmental impacts are minimized. Modification reviews provide flexibility for unusual situations and allow for alternative ways to meet the purpose of the code, while assuring potential environmental impacts are minimized.
1. Approval criteria. Modification requests will be approved if the review body finds that the applicant has shown that approval criteria a through d below, are met:
 - a. Evidence is provided that the modification(s) are necessary in order to secure approval under any of the following applicable regulations: Federal Endangered Species Act, National Pollutant Discharge Elimination System Permit, Section 404 or 401 of the Federal Clean Water Act, and Oregon Removal-Fill Law;
 - b. The proposal will be consistent with the desired character of the area as specified in the Plan;
 - c. If more than one modification is being requested, the cumulative effect of the modifications results in a project that is still consistent with the overall purpose of the zone;
 - d. The modification(s) proposed are the minimum required to grant the applicable permit(s) listed in criteria a.
 2. Procedure. Requests for a modification are processed as a Type II procedure along with the development proposal for which the application has been filed.
 3. Eligible regulations. Modifications are only available for the dimensional requirements and minimum density requirements shown on Table 18.520.2 and do not circumvent or supercede any local, regional, state or federal requirements in regards to natural resources.

18.630.030 Pre-Existing Uses and Developments within the Washington Square Regional Center Mixed Use Districts

- A. Applicability. Pre-existing housing units in mixed use districts are permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of this Chapter. Notwithstanding the provisions of Section 18.760.040, uses prohibited and structures that would be nonconforming in any of the Regional Center Mixed Use zoning districts that were lawfully in existence at the time of adoption of the Regional Center Mixed Use districts are considered to be approved uses and structures. However, future additions, expansions, or enlargements to such uses or structures, shall be limited to the property area and use lawfully in existence at the time of adoption of this ordinance, February 22, 2002.
1. An addition, expansion, or enlargement of such lawfully preexisting uses and structures up to twenty (20%) of the gross floor area lawfully in existence at the time of adoption of this ordinance will be allowed provided the applicant of such proposed addition, expansion or enlargement demonstrates substantial compliance with all appropriate development standards in this code, or that the applicant demonstrates that the purposes of applicable development standards are addressed to the extent that the proposed addition, expansion or enlargement allows.

2. All additions, expansions, or enlargements of existing uses or structures that take place after using the 20 percent addition, expansion, or enlargement exception shall be in conformance with the development standards of this code. Projects may use the site development review process (Chapter 18.360) to develop a site by phasing compliance with the development standards established in this chapter per Section 18.630.020.C.
3. If a pre-existing use is destroyed by fire, earthquake or other act of God, then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within three (3) years of the date of the loss. The reestablished use shall be in conformance with the development standards of this code. Projects may use the site development review process (Chapter 18.360) to develop a site by phasing compliance with the development standards established in this chapter per Section 18.630.020.C.

18.630.040 Street Connectivity

- A. Purpose. The standards provide a way for creating continuity and connectivity within the Washington Square Regional Center (WSRC). They provide incremental street and accessway development that is consistent with WSRC needs and regional and state planning principles for connectivity. The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets.
- B. Demonstration of standards. All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Section 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.
 1. Design Option.
 - a. Local street spacing shall provide public street connections at intervals of no more than 530 feet.
 - b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more that 330 feet.
 2. Performance Option.
 - a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.
 - b. The shortest vehicle trip over public streets from a major building entrance to a collector or greater facility is no more than twice the straight-line distance.
 - c. The shortest pedestrian trip on public right-of-way from a major building_entrance to a collector or greater facility is no more than one and one-half the straight-line distance.

18.630.050 Site Design Standards

- A. Compliance. All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan may be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, governing criteria for granting a variance, is satisfied.

1. Building placement on Major and Minor Arterials.
 - a. Purpose. Architecture helps define the character and quality of a street and can make a strong statement about the overall community and city at large. The placement and design of buildings provides the framework for the streetscape and defines the edges of the public right-of-way. Architecture and ground floor uses can activate the street, either by its design presence or by those who come and go from it. At intersections, investing in building frontages can create gateways and special places that add to the character of the area.
 - b. Standard. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.
2. Building setback.
 - a. Purpose. Buildings and investment in architecture is most conspicuous when it is visible from the street. The presence of buildings closely sited at the edge of the right-of-way creates an envelope for the street and a sense of permanence.
 - b. Standard. The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.
3. Front yard setback design.
 - a. Purpose. The front yard is the most conspicuous face of a building and requires special attention. Places for people and pedestrian movement helps create an active and safer street. Higher level of landscape anticipates a more immediate visual result.
 - b. Standard. For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must 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 encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040.B and Table 18.520.2.
4. Walkway connection to building entrances.
 - a. Purpose. As density increases and employee and resident populations increase, it is expected that more people will move between businesses within the WSRC. Provisions should be made to encourage people to walk from business to business, and housing to business rather than use automobiles.
 - b. Standard. A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner adjacent to a public street intersection are required. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040.B and Table 18.520.2.

5. Parking location and landscape design.

- a. Purpose. The emphasis on pedestrian access and a high quality streetscape experience requires that private parking lots that abut public streets should not be the predominant street feature. Where parking does abut public streets, high quality landscaping should screen parking from adjacent pedestrian areas.
- b. Standard. Parking for buildings or phases adjacent to public street rights-of-way must 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 by the City where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary 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.

18.630.060 Building Design Standards

- A. All new buildings constructed in the MUC, MUE and MUR zones within the WSRC shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010.C.2, criteria for granting a variance, is satisfied.

1. Ground floor windows.

- a. Purpose. Blank walls along the street frontage tend to be neglected, and are not pedestrian friendly. Windows help keep “eyes on the street” which promotes safety and security, and can help create a lively street frontage by displaying activities and products within the building. Lighting at night from ground floor windows also adds to the presence of activity and the sense that someone is home.
- b. Standard. All street-facing elevations within the Building Setback (0 to 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 the entire requirement is located at a building corner.

2. Building facades.

- a. Purpose. Straight, continuous, unarticulated walls lack interest, character and personality. The standard provides minimum criteria for creating a diverse and interesting streetscape.
- b. Standard. Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (1) a variation in building materials; (2) a building off-set of at least 1 foot; (3) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (4) by another design features that reflect the

- building's structural system. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.
3. Weather protection.
 - a. Purpose. Weather protection is encouraged to create a better year-round pedestrian environment and to provide incentive for people to walk rather than drive.
 - b. Standard. 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.
 4. Building Materials.
 - a. Purpose. High quality construction and building materials suggest a level of permanence and stature appropriate to a Regional Center.
 - b. Standard. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding may 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.
 5. Roofs and roof lines.
 - a. Purpose. Roof line systems that blur the line between the roof and the walls of buildings should be avoided. This standard simply states that roofing materials should be used on the roof and that wall finish materials should be use on building walls. The premise is that future buildings in the WSRC should have a look of permanence and quality.
 - b. Standard. 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.
 6. Roof-mounted equipment.
 - a. Purpose. Roof top equipment, if not screened properly, can detract from views of adjacent properties. Also roofs and roof mounted equipment can be the predominant view where buildings are down slope from public streets.
 - b. Standard. All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.

18.630.070 Signs

- A. Sign standards. In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

1. Zoning district regulations. Residential only developments within the MUC, MUE and MUR zones shall meet the sign requirements for the R-40 zone, Section 18.780.130.B; non-residential developments within the MUC zone shall meet the sign requirements for the commercial zones, Section 18.780.130.C; non-residential development within the MUE zone shall meet the sign requirements of the C-P zone, Section 18.780.130.D and non-residential development within the MUR zones shall meet the sign requirements of the C-N zone, Section 18.780.130.E.
2. Sign area limits. The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted.
3. Height limits. The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted.
4. Sign location. Freestanding signs within the Washington Square Regional Center shall not be permitted within required L-1 landscape areas.

18.630.080 Entry Portals

- A. Required locations. (Reserved)

18.630.090 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 other sub-sections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.
1. L-1 Low Screen. For general landscaping of landscaped and screened areas within parking lots and along local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. In addition the L-1 standard applies to setbacks on major and minor arterials, and where parking lots abut public streets. Where the setback is a minimum of 5 feet between the parking lot and a street, trees shall be planted at 3½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a 3 foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.
 2. L-2 General Landscaping. For general landscaping of landscaped and screened areas within parking lots, and along local collectors and local streets, planting standards of Chapter 18.745, Landscaping and Screening, shall apply. In addition, trees shall be provided at a minimum 2½ inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

18.630.100 Street and Accessway Standards

- A. Functional Classifications and Street Sections. The Recommended Roadway Functional Classification Map and Street Cross Sections in the Washington Square Regional Center Plan shall govern the improvement and construction of major streets within the Washington Square Regional Center.

18.630.110 Design Evaluation

The provisions of Section 18.620.090, Design Evaluation, apply within the Washington Square Regional Center. ■

CHAPTER 18.640
DURHAM QUARRY DESIGN STANDARDS

Sections:

18.640.010	Purpose
18.640.020	Permitted Uses
18.640.030	Conditional Uses
18.640.040	Applicability
18.640.050	Development Standards
18.640.060	Determining Net Acres
18.640.070	Reserved
18.640.080	Reserved
18.640.090	Reserved
18.640.100	Access
18.640.200	Design Standards
18.640.300	Design Compatibility Standards
18.640.400	Landscaping and Screening
18.640.500	Off-Street Parking and Loading
18.640.600	Environmental Standards
18.640.700	Floodplain District
18.640.800	Wetlands Protection District

18.640.010 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 approximately 7 acre portion of the Durham Quarry site that are within the City of Tigard in the Mixed Use Commercial (MUC-1) Planning District. 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 Mixed Use Commercial District.

18.640.020 Permitted Uses

Permitted uses are those uses permitted outright or with restrictions within the MUC-1 base zone pursuant to Section 18.520.030.

18.640.030 Conditional Uses

Conditional uses are those uses allowed conditionally within the MUC-1 base zone pursuant to Section 18.520.030.

18.640.040 Applicability

- A. These design standards are applied in the City of Tigard to the Durham Quarry Site. The boundaries of this site are described by the Intergovernmental Agreement dated March 26, 2002.
- B. Conflicting standards. In addition to the standards of Chapter 18.520 (Commercial Zoning District) and other applicable standards of the Development Code, the following design standards apply to all development located within the Durham Quarry within the MUC-1 zone. If a standard found in this section conflicts with another section in the Development Code, standards in this section shall govern.

18.640.050 Development Standards

- A. Development shall comply with applicable development standards, except where variances and minor variances are granted in accordance with the terms of the Intergovernmental Agreement between Tigard and Tualatin.
- B. Development standards:
1. Minimum lot area: None.
 2. Minimum building setbacks: None.
 3. Except as determined in the Architectural Review process, maximum building setbacks are:
 - a. Commercial: 10 feet front and streetside; 0 interior side and rear, except when the side and rear abut a residential district it is 20 feet.
 - b. 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 streetside.
 4. Minimum building height: Except for theaters and cinemas which can be one story, 20 feet.
 5. Maximum building height: 70 feet.
 6. Density requirements. For determining floor area ratio (FAR) and residential densities, Section 18.640.060 shall be used to establish the lot area.
 - a. 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.
 - b. The minimum density for residential-only projects is 25 dwelling units per net acre. There is no FAR for residential-only projects.
 - c. The maximum density for residential-only projects is 50 dwelling units per net acre.

18.640.060 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):

- A. The following sensitive land areas:
1. Land within the 100-year floodplain;
 2. Land exceeding 25% slope;
 3. Drainage ways; and
 4. Wetlands.
- B. Land dedicated to the public for park purposes;

C. Land dedicated to the public for rights-of-way. When actual information is not available, the following formulas may be used:

1. Single-family development: allocate 20% of gross acres;
2. Multi-family development including but not limited to apartments, condominiums and townhouses: allocate 15% of gross acres; and

D. Land proposed for private streets.

18.640.070 **Reserved**

18.640.080 **Reserved**

18.640.090 **Reserved**

18.640.100 **Access**

Except as provided below, no lot shall be created without provision for access to the public right-of-way in accordance with Chapter 18.705. 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.

18.640.200 **Design Standards**

A. Purpose and Applicability.

1. Design Principles. Design standards for public street improvements for the Durham Quarry site 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.
2. 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 Development and Building Codes, developments will 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 Durham Quarry site.

B. Site Design Standards. Development shall meet the following site design standards.

1. 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.
2. Building setbacks. See Section 18.640.050.B.
3. 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.

4. 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.
5. 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. See Section 18.640.200.D.

C. Building Design Standards.

1. Non-residential buildings shall comply with the following:
 - a. 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.
 - b. Building facades. Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features:
 - (1) A variation in building materials;
 - (2) A building off-set of at least 1 foot;
 - (3) A wall area that is entirely separated from other wall areas by a projection, such as an arcade;
 - (4) By other design features that reflect the building's structural system; or
 - (5) No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.
 - c. Weather protection. Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrances. Weather protection is encourage 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.
 - d. Building materials. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board 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.

- e. 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.
 - f. 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.
2. Residential-only and Mixed-Use Buildings where at least 50.1% of the gross floor area of the building is residential shall comply with Section 18.640.300.

D. Landscaping and Screening.

1. 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 Section 18.640.400. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.
- a. L-1 Low Screen. For general landscaping of landscaped and screened areas within parking lots and along local collectors and local streets, planting standards in Chapter 18.745, Landscaping and Screening shall apply. In addition the L-1 standard applies to setbacks on Major and Minor Arterials. Where the setback is a minimum of 5 feet between the parking lot and a Major or Minor Arterial, trees shall be planted at 3 ½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a 3 foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years.
 - b. L-2 General Landscaping. For general landscaping of landscaped and screened areas within parking lots, and along local collectors and local streets, planting standards in Chapter 18.745, Landscaping and Screening shall apply. In addition, trees shall be provided at a minimum 2 ½ inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years.

18.640.300 Design Compatibility Standards

- A. 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.
- B. 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.
- C. 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.

- D. 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.
- E. 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).
- F. 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.
- G. 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:
 - 1. In a garage that is attached to the primary structure;
 - 2. In a detached accessory structure located at least 50 feet from the front property line; or
 - 3. In a parking area at the side or rear of the site.
- H. Pedestrian circulation.
 - 1. The on-site pedestrian circulation system shall be continuous and connect the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Common buildings such as laundry and recreation facilities;
 - c. Parking areas;
 - d. Shared open space and play areas;
 - e. Abutting transit stops; and
 - f. Any pedestrian amenity such as plazas, resting areas and viewpoints.
 - 2. There shall be at least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage.

18.640.400 Landscaping and Screening, See Chapter 18.745

18.640.500 Off-Street Parking and Loading, See Chapter 18.765

18.640.600 Environmental Standards. See Chapter 18.725

18.640.700 Floodplain District, See Chapter 18.775

18.640.800 Wetlands Protection District, See Chapter 18.775



18.700: SPECIFIC DEVELOPMENT STANDARDS LEGISLATIVE NOTES

This section contains all of the chapters from the existing code which have contain development standards for specific uses or activities above and beyond those required for uses in the underlying district zoning district. Theses are arranged in alphabetical order to facilitate use.

There are two generic changes reflected throughout the chapters in this section:

- List of detailed requirements for site plans and related submission requirements have been removed from the text of the code to be replaced by hand-outs available from the planning staff. There are nearly 20 places in the current code where these requirements appear. The planning staff argues that this information is often duplicative, takes up a substantial amount of space and requires a legislative text change for even minor modifications. To protect applicants from the establishment of arbitrary submission requirements, the Director is not permitted to modify the hand-outs summarizing submission requirements more than once a year; see Section 18.390.
- All detailed information about permits and other land use actions have been consolidated in 18.300, Land Use Decisions. This includes information about generic process types (I-IV) contained in Chapter 18.390, and information about specific conditions of approval and related information in Chapters 18.320 - 18.385. This information is cross-referenced in the Chapters in 18.700. A typical cross-reference reads as follows: “The permit for the removal of a tree shall be processed by means of a Type I procedure, as governed by Chapter 18.390 [Decision-making Procedures], using approval criteria contained in Section 18.385.060 [Miscellaneous Permits].” (Section 18.790.050A)

Other than these generic changes, several of these chapters are virtually the same as the text in the existing code, as it has been determined that the current regulations are adequate. They have merely been re-formatted and appropriately edited for grammar and readability. These chapters include:

- 18.705: Access, Egress and Circulation (existing 18.108)
- 18.725: Environmental Performance Standards (existing 18.90)
- 18.740: Historic Overlay (existing 18.82)
- 18.742 Home Occupations (existing 18.142)
- 18.750: Manufactured/Mobile Home Regulations (existing 18.94)
- 18.755: Mixed Solid Waste and Recyclable Storage (existing 18.116)
- 18.775: Sensitive Lands (existing 18.84)
- 18.780: Signs (existing 18.114)
- 18.785: Temporary Uses (existing 18.140)
- 18.790: Tree Removal (existing 18.150)
- 18.795: Visual Clearance Areas (existing 18.102)

Several existing chapters have been moderately to significantly altered. A brief explanation of these changes is summarized below:

- 18.715: Density Computations (existing 18.92):
 - Formula to calculate minimum density in residential zones has been added to Section 18.715.020;
 - Reference to residential density transition (18.92.020C) eliminated because this concept, which requires gradual tapering of densities on higher-density residentially-zoned parcels in “developing” areas which abut lower-density residentially-zoned parcels in “established” areas,

has been eliminated from 18.40.040 (Zoning Administration). A related chapter, 18.138, Established Area/Developing Area Classification, also is proposed for elimination. To ensure that lower-density uses are protected from the potential impacts of adjacent higher-density uses, these provisions have been replaced by increased buffering/screening standards (Chapter 18.745) and a new chapter, Design Compatibility Standards (18.720), both of which are described in greater detail below.

- 18.730: Exceptions to Development Standards: Consolidates three of four existing chapters which provide additional or exemptions to development standards, including Additional Yard Setback Requirements and Exceptions (18.96); Building Height Limitations: Exceptions (18.98); and Zero Lot Line Setback Standards (18.148). Otherwise, there is virtually no change in these chapters.
- 18.745: Landscaping and Screening (existing 18.100): Adopts simplified screening and buffering matrices, which govern the depth and composition of vegetative and/or masonry buffers between adjacent properties in different zones, to minimize the impacts of more intense/higher-density uses on less intense/lower-density uses.
- 18.760: Nonconforming Uses (existing 18.132): In Section 18.760.020, creates an explicit process for a “determination of nonconforming status” which permits owners of property with legal nonconforming uses to obtain explicit City recognition of this nonconforming situation. This permits the owner to 1) modify and/or expand the property within the limits of the regulations; and 2) guarantee a new owner that he/she can continue the nonconforming use legally indefinitely if the use is not interrupted more than six months.
- 18.765: Off-Street Parking and Loading Requirements (existing 18.106): Significant modification of this chapter has been undertaken to meet the requirements of the 2040 Growth Management and current planning practice. These include
 - Adds incentives for shared use parking and provision of pedestrian, bicycle and transit facilities. (Section 18.765.030)
 - Adds additional development standards for bicycle parking facilities. (Section 18.765.050)
 - Includes design standards for parking structures, which are not regulated in the existing code. However, with rising land costs, more parking structures will be constructed in the City, e.g., a recently-constructed structure at Washington Square. (Section 18.765.060)
 - Updates the minimum parking ratios, where appropriate as these have not been reviewed in many years. Where feasible, converts standards into the standardized X spaces/1,000 gross square feet (gsf) which are easier to calculate.
 - Adds maximum parking ratios for all non-residential land uses, as required by the State Transportation Planning Rule (TPR) and Metro 2040 Growth Management Functional Plan. Metro dictates the ratios for 12 non-residential uses; the remainder are basically set at 150% of minimum. The purposes of minimum and maximum parking ratios is to establish a reasonable range of parking for each land use which insures there is an adequate but not excessive number of parking spaces. (Table 18.765.2)

There are several new chapters:

- 18.710: Accessory Residential Units: This section spells out the restrictions upon the development of accessory residential units, i.e., small living units incorporated in existing or new single-family homes which are sometimes referred to as “granny flats”. Local jurisdictions are required by the Metro 2040 Growth Management Functional Plan to permit the creation of such units in all single-family houses, subject to “reasonable” restrictions. With the assistance of the Title 18 Citizens Advisory Committee (CAC), the consulting staff developed eight standards which must be met before an accessory unit will be permitted. Some of these include requirements that the unit be an integrated part of the house (as opposed to being located in a freestanding structure), either the main or accessory unit must be occupied by the property owner, and an additional off-street parking space must be provided. In Table 18.510.1, Uses in Residential Zones, accessory residential units are listed as a “restricted” (“R”) use for single-family residences in all zones, subject to the development standards in this chapter.
- 18.720: Design Compatibility Standards: The design and development standards in this chapter apply to multi-family residential projects which are constructed immediately adjacent to parcels which are zoned for lower-density development. The standards include requirements for screening/buffering, height restrictions and building design and orientation which are designed to mitigate the visual impacts of higher-density projects in existing neighborhoods. This chapter replaces the density transition requirements, which requires a gradation of density from the property line shared with a property zoned for lower density, which are currently contained in 18.140.040 and Chapter 18.138. This approach is favored because it mitigates potential impacts through good design rather than the loss of housing units, which results from strict interpretation of the existing regulations. Moreover, the existing regulations apply only at the boundary of “established” and “developed” areas, whereas these regulations will apply to any multi-family project built adjacent to a single-family area anywhere in the city.
- 18.797: Water Resources Overlay District: This chapter was developed by the City’s consultants, Winterowd Planning Group, to comply with changes in the State’s LCDC Goal 5 requirements, governing water resources. With the assistance of the Title 18 consulting team, these regulations have been translated into the proposed format.
- 18.798: Wireless Communication Facilities: This is a new chapter governing the location and design of cellular telephone towers and related equipment. Currently, there are five companies which have been granted licenses by the FCC to provide cellular telephone and paging services with additional licenses due to be let. As each company requires development of a system of transmitters/receivers, which can be affixed to existing buildings, water towers and utility poles as well as dedicated freestanding transmission towers, there has been a proliferation of land use applications in every local jurisdiction within the Portland metropolitan area. These regulations are designed to give the City maximum flexibility to regulate these facilities within strict Federal guidelines. Key provisions are designed to encourage providers to “collocate” on existing buildings or other providers’ towers to minimize the number of new towers constructed.

Finally, four existing chapters have been eliminated:

- Accessory Structures (18.44): Eliminated as a separate chapter because these uses can be regulated through definitions and zoning district use tables.
- Established Area/Development Area Classification (18.138): Eliminated because the base concept, residential density transition, which drives the definitions in this chapter is being eliminated in favor

of tougher development and design standards for multi-family projects which are adjacent to single-family developments; see description of Chapter 18.720, Design Compatibility Standards, above.

- Flexible Setback Standards (18.146): To be replaced by Chapter 18.370, Variances and Adjustments.
- Fuel Tank Installations (18.104): Already addressed in the Uniform Building Code. ■

Chapter 18.705
ACCESS, EGRESS, AND CIRCULATION

Sections:

- 18.705.010 Purpose**
- 18.705.020 Applicability of Provisions**
- 18.705.030 General Provisions**

18.705.010 Purpose

- A. Purpose. The purpose of this chapter is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site.

18.705.020 Applicability of Provisions

- A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. Change or enlargement of use. Should the owner or occupant of a lot or building change or enlarge the use to which the lot or building is put, thereby increasing access and egress requirements, it is unlawful and is a violation of this title to begin or maintain such altered use until the provisions of this chapter have been met if required or until the appropriate approval authority has approved the change.
- C. When site design review is not required. Where the provisions of Chapter 18.360, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this chapter in conjunction with another permit or land use action.
- D. Conflict with subdivision requirements. The requirements and standards of this chapter shall not apply where they conflict with the subdivision rules and standards of this title.

18.705.030 General Provisions

- A. Continuing obligation of property owner. The provisions and maintenance of access and egress stipulated in this title are continuing requirements for the use of any structure or parcel of real property in the City.
- B. Access plan requirements. No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The Director shall provide the applicant with detailed information about this submission requirement.
- C. Joint access. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided:

1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and
 2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.
- D. Public street access. All vehicular access and egress as required in Sections 18.705.030H and 18.705.030I shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.
- E. Curb cuts. Curb cuts shall be in accordance with Section 18.810.030N.
- F. Required walkway location. On-site pedestrian walkways shall comply with the following standards:
1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments;
 2. Within all attached housing (except two-family dwellings) and multi-family developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities;
 3. Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum 6-inch vertical separation (curbed) or a minimum 3-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards;
 4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.
- G. Inadequate or hazardous access.
1. Applications for building permits shall be referred to the Commission for review when, in the opinion of the Director, the access proposed:
 - a. Would cause or increase existing hazardous traffic conditions; or

- b. Would provide inadequate access for emergency vehicles; or
 - c. Would in any other way cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.
2. Direct individual access to arterial or collector streets from single-family dwellings and duplex lots shall be discouraged. Direct access to collector or arterial streets shall be considered only if there is no practical alternative way to access the site. If direct access is permitted by the City, the applicant will be required to mitigate for any safety or neighborhood traffic management (NTM) impacts deemed applicable by the City Engineer. This may include, but will not be limited to, the construction of a vehicle turnaround on the site to eliminate the need for a vehicle to back out onto the roadway.
 3. In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley. Single-family and duplex dwellings are exempt from this requirement.

H. Access Management

1. An access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO (depending on jurisdiction of facility.)
2. Driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.
3. The minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet.
4. The minimum spacing of local streets along a local street shall be 125 feet.

I. Minimum access requirements for residential use.

1. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multi-family residential uses shall not be less than as provided in Table 18.705.1 and Table 18.705.2;

**TABLE 18.705.1
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
RESIDENTIAL USE (6 OR FEWER UNITS)**

Number Dwelling Unit/Lots	Minimum Number of Driveways Required	Minimum Access Width	Minimum Pavement Width
1 or 2	1	15'	10'
3-6	1	20'	20'

**TABLE 18.705.2
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
MULTI-FAMILY RESIDENTIAL USE**

Dwelling Units	Minimum Number of Driveways Required	Minimum Access Required	Minimum Pavement Sidewalks, Etc.
1-2	1	15'	10'
3-19	1	30'	24' if two-way, 15' if one-way: Curbs and 5' walkway required
20-49	1 or 2	30'	24' if two-way 15' if one-way: Curbs and 5' walkway required
50-100	2	30'	24' Curbs and 5' walkway required

2. Vehicular access to multi-family structures shall be brought to within 50 feet of the ground floor entrance or the ground floor landing of a stairway, ramp, or elevator leading to the dwelling units;
3. Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code;
4. Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus by one of the following:
 - a. A circular, paved surface having a minimum turn radius measured from center point to outside edge of 35 feet;
 - b. A hammerhead-configured, paved surface with each leg of the hammerhead having a minimum depth of 40 feet and a minimum width of 20 feet;.
 - c. The maximum cross slope of a required turnaround is 5%.
5. Vehicle turnouts, (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet), may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length;
6. Where permitted, minimum width for driveway approaches to arterials or collector streets shall be no less than 20 feet so as to avoid traffic turning from the street having to wait for traffic exiting the site.

J. Minimum access requirements for commercial and industrial use.

1. Vehicle access, egress and circulation for commercial and industrial use shall not be less than 21 as provided in Table 18.705.3;

**TABLE 18.705.3
VEHICULAR ACCESS/EGRESS REQUIREMENTS:
COMMERCIAL AND INDUSTRIAL USES**

Required Parking Spaces	Minimum Number of Driveways Required	Minimum Access Width	Minimum Pavement
0-99	1	30'	24' curbs required
100+	2	30'	24' curbs required
	or 1	50'	40' curbs required

2. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances;
 3. Additional requirements for truck traffic may be placed as conditions of site development review.
- K. One-way vehicular access points. Where a proposed parking facility indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.
- L. Director's authority to restrict access. The Director has the authority to restrict access when the need to do so is dictated by one or more of the following conditions:
1. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:
 - a. Cause or increase existing hazardous traffic conditions; or
 - b. Provide inadequate access for emergency vehicles; or
 - c. Cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.
 2. To eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections;
 3. To facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connections, as feasible, between neighboring developments or land uses;
 4. A decision by the Director per 18.705.030 K.1.-3. above may be appealed by means of a Type II procedure, as regulated by Section 18.390.040, using criteria contained in Section 18.370.020 C3. (Ord. 06-20, Ord. 02-33)

Chapter 18.710
ACCESSORY RESIDENTIAL UNITS

Sections:

18.710.010 Purpose
18.710.020 Standards
18.710.030 Approval

18.710.010 Purpose

- A. Purpose. This chapter provides clear and objective standards for the establishment of accessory residential units in detached single-family residences to achieve the following:
1. Increase energy efficiency in large and/or older homes;
 2. Increase the number of affordable housing units;
 3. Increase residential densities with minimal impact on the quality or character of existing neighborhoods;
 4. Allow small households to retain large houses as residences;
 5. Permit young households to achieve home ownership;
 6. Provide needed space for elderly family members, teenagers and/or returning adult children.

18.710.020 Standards

- A. Location. As noted in the use tables (18.510.1 and 18.520.1), accessory residential units are permitted as limited uses in all zones where a detached, single-family dwelling units are permitted.
- B. Limitations. An accessory residential unit is permitted providing there is compliance with all of the following standards:
1. An accessory residential unit may be created within or as an addition to a detached single-family dwelling. For the purposes of this chapter, “addition” means the sharing of a common wall with the primary residence. A garage may not be converted to an accessory residential unit unless it is rebuilt as part of the primary structure;
 2. An accessory residential unit may not exceed 50% of the size of the primary unit, up to a maximum of 800 square feet;
 3. The number of residents permitted to inhabit the accessory residential unit is regulated by the Uniform Building Code;
 4. Either the primary or accessory residential unit must be owner-occupied;
 5. A primary residence in which an accessory residential unit has been created may have only one home occupation;

6. In addition to the number of parking spaces required for the primary residence, as established in Chapter 18.765, one parking space shall be provided for the accessory residential unit. This parking space shall be paved and/or covered;
7. The front door of the accessory residential unit shall not be located on the front facade of the primary unit unless the door is already existing;
8. There shall be compliance with all development standards established in the base zone.

18.710.030 Approval

- A. Approval process. To obtain approval to create an accessory residential unit, the applicant must demonstrate compliance with all of the requirements in Section 18.710.020 above by means of a Type I procedure, as governed by Section 18.390.030.■

Chapter 18.715
DENSITY COMPUTATIONS

Sections:

- 18.715.010 Purpose**
- 18.715.020 Density Calculation**
- 18.715.030 Residential Density Transfer**

18.715.010 Purpose

- A. Purpose. The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted.

18.715.020 Density Calculation

- A. Definition of net development area. Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property to be developed:

1. All sensitive land areas:
 - a. Land within the 100-year floodplain;
 - b. Land or slopes exceeding 25%;
 - c. Drainage ways; and
 - d. Wetlands.
 - e. Optional: Significant habitat areas, as designated on the City of Tigard “Significant Habitat Areas Map.”
2. All land dedicated to the public for park purposes;
3. All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:
 - a. Single-family development: allocate 20% of gross acreage;
 - b. Multi-family development: allocate 15% of gross acreage.
4. All land proposed for private streets; and
5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

- B. Calculating maximum number of residential units. To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.

- C. Calculating minimum number of residential units. As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in Subsection B above by 80% (0.8).

18.715.030 Residential Density Transfer

A. Rules governing residential density transfer.

1. The units per acre calculated by subtracting land areas listed in Section 18.715.020 A. 1a - c from the gross acres may be transferred to the remaining buildable land areas subject to the following limitations:
 - a. The number of units which can be transferred is limited to the number of units which would have been allowed on 25 percent of the unbuildable area if not for these regulations; and
 - b. The total number of units per site does not exceed 125 percent of the maximum number of units per gross acre permitted for the applicable comprehensive plan designation.
 2. Wetlands. Units per acre calculated by subtracting land areas listed in Section 18.715.020 A. 1d. from the gross acres may be transferred to the remaining buildable land areas on land zoned R-12, R-25, and R-40 subject to the following limitations:
 - a. The number of units which can be transferred is limited to the number of units which would have been allowed on the wetland area, if not for these regulations;
 - b. The total number of units per site does not exceed the maximum number of units per gross acre permitted for the applicable comprehensive plan designation.
- B. Underlying development standards. All density transfer development proposals shall comply with the development standards of the applicable underlying zoning district unless developed under the provisions of Chapter 18.440, Planned Development. (Ord. 06-20)■

Chapter 18.720
DESIGN COMPATIBILITY STANDARDS

Sections:

- 18.720.010 Purpose**
- 18.720.020 Applicability of Provisions**
- 18.720.030 Design Standards**

18.720.010 Purpose

- A. Purpose. The purpose of this chapter is to establish standards and regulations for design compatibility between multi-family residential or attached single-family residential when abutting detached single-family districts to achieve the following objectives:
1. Ensure that structures that do not present excessive visual mass or bulk from public rights-of-way or to adjoining properties;
 2. Achieve building design that relates to human scale;
 3. Encourage aesthetically pleasing, interesting and functional architecture and site design; and
 4. Encourage architectural design that integrates well with adjoining development.

18.720.020 Applicability of Provisions

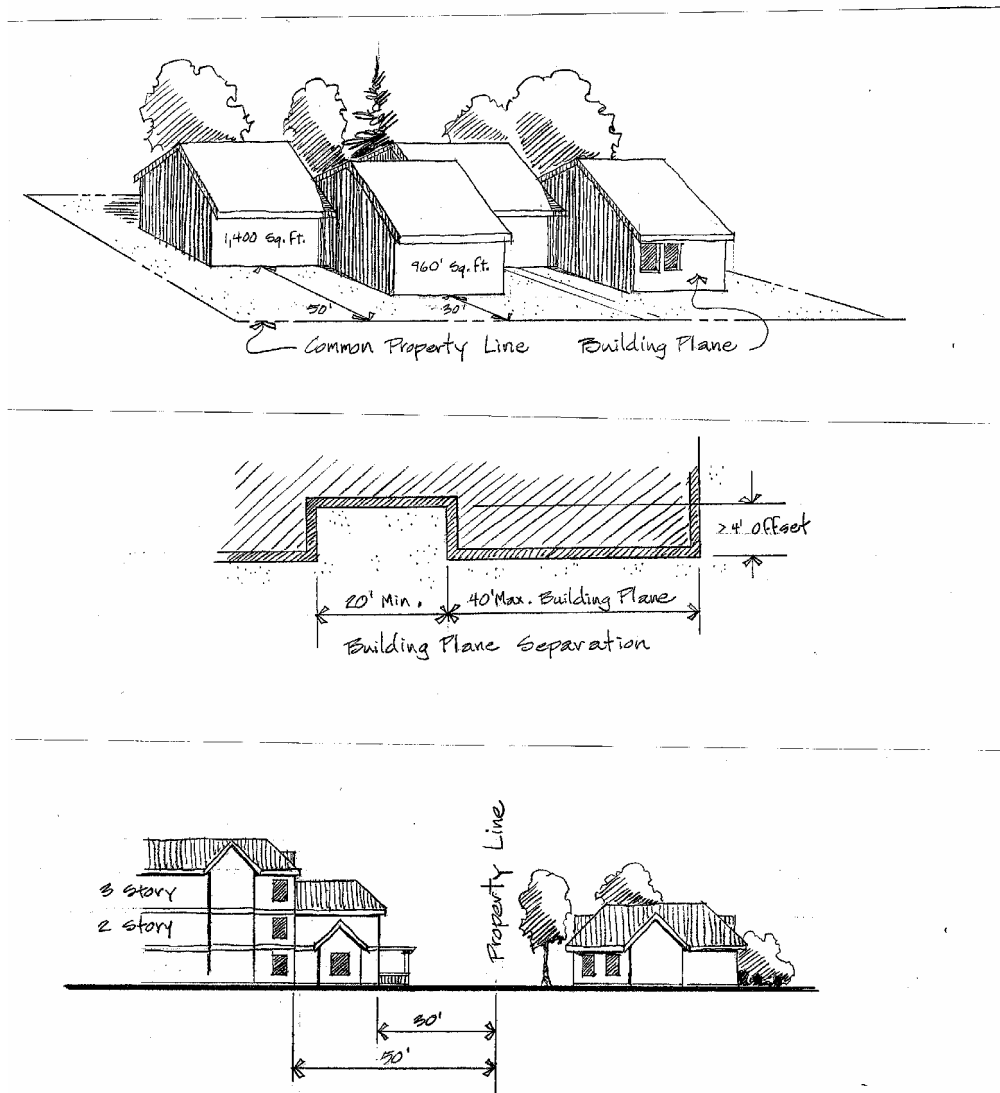
- A. When provisions apply. These provisions apply to all multi-family and attached single-family residential projects in zoning districts R-4.5 through R-40 that abut property zoned for single-family residential development.
- B. Site design review. All residential development to which these provisions apply shall be subject to site design review. In addition to the design standards of this chapter, the development requirements of the underlying zone and Chapter 18.360, Site Development Review, shall apply.
- C. Conflict with subdivision requirements. The requirements and standards of this chapter shall not apply where they conflict with the regulations contained in Chapter 18.430, Subdivisions.

18.720.030 Design Standards

- A. Density transition. When a multi-family or attached single-family project abuts property zoned for detached single-family, the following design standards shall apply:
1. Building height shall not exceed two stories or 25 feet within 30 feet of the property line or three stories or 35 feet within 50 feet of the property line;
 2. Building planes for multi-family dwellings within 50 feet of the common property line(s) and abutting public rights-of-way shall be subject to the following standards:
 - a. No building plane that faces the common property line shall exceed 960 square feet within 30 feet or 1,400 square feet within 50 feet of the property line;

- b. No building plane shall have a dimension greater than 40 feet in length or 35 feet in height;
- c. If more than one building plane faces a property line and building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For purposes of this standard, "common distance" shall be defined as within 12 feet;
- d. Building plane is defined as a surface that includes a building wall that extends from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. The plane does not include roof area. When a structure along a wall juts out from the wall, or is off-set from an adjacent part less than four feet, the structure is considered part of the building plane of the wall behind it. If the structure protrudes more than four feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distances are measured. These concepts are illustrated in Figure 18.720.1.

**FIGURE 18.720.1
ILLUSTRATION OF DESIGN CONCEPTS**



- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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).
- G. 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.
- H. 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:
1. In a garage that is attached to the primary structure;
 2. In a detached accessory structure located at least 50 feet from the front property line; or
 3. In a parking area at the side or rear of the site.
- I. Pedestrian circulation.
1. The on-site pedestrian circulation system shall be continuous and connect the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Common buildings such as laundry and recreation facilities;
 - c. Parking areas;
 - d. Shared open space and play areas;

- e. Abutting transit stops; and
 - f. Any pedestrian amenity such as plazas, resting areas and viewpoints.
2. There shall be at least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage.■

Chapter 18.725
ENVIRONMENTAL PERFORMANCE STANDARDS

Sections:

- 18.725.010 Purpose**
- 18.725.020 General Provisions**
- 18.725.030 Performance Standards**

18.725.010 Purpose

- A. Purpose. The purpose of this chapter is to apply the federal and state environmental laws, rules and regulations to development within the City of Tigard.

18.725.020 General Provisions

- A. Compliance with applicable state and federal regulations. In addition to the regulations adopted in this chapter, each use, activity or operation within the City of Tigard shall comply with the applicable state and federal standards pertaining to noise, odor and discharge of matter into the atmosphere, ground, sewer system or stream. Regulations adopted by the State Environmental Quality Commission pertaining to non-point source pollution control and contained in the Oregon Administrative Rules shall by this reference be made a part of this chapter.
- B. Evidence of compliance. Prior to issuance of a building permit, the Director may require submission of evidence demonstrating compliance with state, federal and local environmental regulations and receipt of necessary permits; these include Air Contaminant Discharge Permits (ACDP) or Indirect Source Construction Permits (ISCP).
- C. Continuing obligation. Compliance with state, federal and local environmental regulations is the continuing obligation of the property owner and operator.

18.725.030 Performance Standards

- A. Noise. For the purposes of noise regulation, the provisions of Sections 7.40.130 through 7.40.210 of the Tigard Municipal Code shall apply.
- B. Visible emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.
- C. Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.
- D. Odors. The emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

- E. Glare and heat. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and;
1. There shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and
 2. These regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.
- F. Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.■

Chapter 18.730
EXCEPTIONS TO DEVELOPMENT STANDARDS

Sections:

- 18.730.010 Purpose**
- 18.730.020 Exceptions to Building Height Limitations**
- 18.730.030 Zero Lot Line Setback Standards**
- 18.730.040 Additional Setback Requirements**
- 18.730.050 Miscellaneous Requirements and Exceptions**

18.730.010 Purpose

- A. Purpose. The purpose of this chapter is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530. Flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety.

18.730.020 Exceptions to Building Height Limitations

- A. Projections not used for human habitation. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding TV dish receivers, aerials, flag poles, and other similar objects not used for human occupancy, are not subject to the building height limitations of this title.
- B. Building height exceptions. Any building located in a non-residential zone may be built to a maximum height of 75 feet; provided:
1. The total floor area of the building does not exceed 1-1/2 times the area of the site;
 2. The yard dimensions in each case are equal to at least 1/2 of the building height of the primary structure; and
 3. The structure is not abutting a residential zoning district.
- C. Building heights and flag lots.
1. Limitations on the placement of residential structures on flag lots apply when any of the following exist:
 - a. A flag lot was created prior to April 15, 1985;
 - b. A flag lot is created after April 15, 1985 by an approved partition; or
 - c. A flag lot is created by the approval of a subdivision and the flag lot is located on the periphery of the subdivision so that the lot adjoins other residentially-zoned land.
 2. The maximum height for an attached or detached single-family, duplex, or multiple-family residential structure on a flag lot or a lot having sole access from an accessway,

private drive or easement is 1-1/2 stories or 25 feet, whichever is less, except that the maximum height may be 2-1/2 stories or 35 feet, whichever is less, provided:

- a. The proposed dwelling otherwise complies with the applicable dimensional requirements of the zoning district;
 - b. A 10 feet side yard will be preserved;
 - c. A residential structure on any abutting lot either is located 50 feet or more from the nearest point of the subject dwelling, or the residential structure exceeds 1-1/2 stories or 25 feet in height on any abutting lot; and
 - d. Windows 15 feet or more above grade shall not face dwelling unit windows or patios on any abutting lot unless the proposal includes an agreement to plant trees capable of mitigating direct views, or that such trees exist and will be preserved.
3. Where an agreement is made to plant trees capable of mitigating direct views, the agreement shall be deemed a condition of approval under the provisions of Section 18.390.030 D.
4. The tree planting agreement shall be a condition of Chapter 18.360, Site Development Review, for three or more attached units or a multiple-family residential structure, or, at the time of issuance of building permits, for single detached units, one duplex or two attached residential units.

18.730.030 Zero Lot Line Setback Standards

- A. Applicability and limitations. The provisions of this chapter apply to the R-4.5 and R-7 zoning districts and are limited to single-family detached dwelling units. The provisions of this chapter shall be applied in conjunction with:
1. An application for planned development approval under the provisions of Chapter 18.350, Planned Development;
 2. An application for subdivision approval under the provisions of Chapter 18.430, Subdivision; or
 3. An application for partitioning approval under the provisions of Chapter 18.420, Partition.
- B. Approval criteria and conditions.
1. The approval authority shall approve, approve with conditions or deny an application for a zero lot line development based on findings that:
 - a. There shall be a 10-foot separation between each residential dwelling structure or garage;
 - b. No residential dwelling shall be placed on a lot line which is common to a lot line which is not a part of the overall development;

- c. No structure shall be placed on a lot line which is common to a public or private road right-of-way or easement line; and
 - d. A five-foot non-exclusive maintenance easement shall be delineated on the plan for each lot having a zero setback area:
 - (1) The easement shall be on the adjacent lot and shall describe the maintenance requirements for the zero lot line wall, or deed restrictions must be submitted with the preliminary plat which addresses the maintenance requirements for the zero setback wall of the detached dwellings; and
 - (2) The easement shall be recorded with Washington County and submitted to the City with the recorded final plat prior to the issuance of any building permits within the development.
2. The approval authority requires the following conditions to be satisfied:
- a. Deed restrictions shall be recorded with Washington County which ensure that:
 - (1) The 10-foot separation between the residential structures shall remain in perpetuity; and
 - (2) The 10-foot separation between the residential structures shall be maintained free from any obstructions other than:
 - (a) The eaves of the structure;
 - (b) A chimney which may encroach into the setback area by not more than two feet;
 - (c) A swimming pool;
 - (d) Normal landscaping; or
 - (e) A garden wall or fence equipped with a gate for emergency access and maintenance purposes.
 - b. Easements shall be granted where any portion of the structure or architectural feature projects over a property line; and
 - c. The maximum lot coverage for zero lot line shall not exceed the maximum lot coverage for the base zone.
- C. Application submission requirements. All applications shall be made on forms provided by the Director in accordance with Chapter 18.350, Planned Developments, Chapter 18.430, Subdivisions, or Chapter 18.420, Partitions, and shall be accompanied by:
- 1. Copies of the plat plan indicating building and easement location and dimensions, and necessary data or narrative which explains how the development conforms to the standards;

2. A list of names and addresses of all property owners of record immediately abutting the site;
3. All other requirements of Chapters 18.350, 18.430 and 18.420 shall apply.

18.730.040 Additional Setback Requirements

A. Additional setback from roadways. The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the City's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

B. Distance between multi-family residential structure and other structures on site.

1. To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:
 - a. Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
 - b. Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
 - c. Buildings with opposing blank walls shall have a 10-foot separation;
 - d. Building separation shall also apply to buildings having projections such as balconies, bay windows and room projections; and
 - e. Buildings with courtyards to maintain separation of opposing walls as listed in Subsections 1-3 above for walls in separate buildings.
2. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet.
3. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within eight feet of the ground level:
 - a. Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and
 - b. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet.

C. When no yard setback is required. In zoning districts where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set

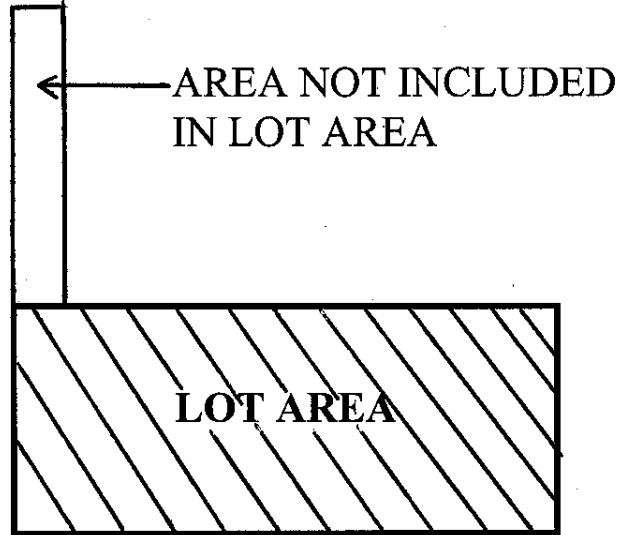
back from the property line by a distance in accordance with the Uniform Building Code requirements. (Ord. 02-33)

18.730.050 Miscellaneous Requirements and Exceptions

- A. When abutting properties have non-conforming front setbacks. If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. When one abutting property has a non-conforming front setback. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- C. Storage in front yard. Boats, trailers, campers, camper bodies, house trailers, recreation vehicles or commercial vehicles in excess of 3/4 ton capacity may be stored in a required front yard in a residential zone subject to the following:
1. No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;
 2. No such unit shall be used for dwelling purposes except that one camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in one calendar year, provided that such unit shall not be connected to any utility, other than temporary electricity hookups and provided that the host person shall receive no compensation for such occupancy or use;
 3. Any such unit parked in the front yard shall have current state license plates or registration and must be kept in mobile condition.
- D. Projections into required yards.
1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet;
 2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet;
 3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches;
 4. Unroofed landings and stairs may project into required front or rear yards only.

E. Lot area for flag lots.

1. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district;
2. The lot area shall be provided entirely within the building site area exclusive of any accessway (see figure following).



- F. Front yard determination. The owner or developer of a flag lot may determine the location of the front yard, provided no side yard setback area is less than 10 feet and provided the requirements of Section 18.730.010C, Building Heights and Flag Lots, are satisfied.

(Ord. 02-33)

**Chapter 18.740
HISTORIC OVERLAY**

Sections:

- 18.740.010 Purpose**
- 18.740.020 Applicability of Provisions**
- 18.740.030 General Provisions**
- 18.740.040 Approval Process**
- 18.740.050 Application Submission Requirements**

18.740.010 Purpose

A. Purposes. The purpose of this chapter is to:

1. Facilitate the protection, enhancement and perpetuation of such improvements and of such districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history;
2. Enhance any registered historic or cultural areas designated in the City;
3. Stabilize and improve property values in such districts;
4. Strengthen the economy of the City;
5. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City; and
6. Implement the applicable provisions of LCD Goal 5 and the City of Tigard Comprehensive Plan.

18.740.020 Applicability of Provisions

A. Designated areas. The historic overlay district shall apply to the following sites and areas:

1. Historic sites and areas;
2. Cultural sites and areas; and
3. Landmarks.

B. Designated activities. The provisions of this chapter apply to:

1. The demolition of structures within an historic overlay zone area, as governed by Section 18.740.030; and
2. The exterior alteration or new construction within the historic overlay zone area, as governed by Section 18.740.030.

18.740.030 General Provisions

- A. Approval of exterior alterations. Except as provided pursuant to Subsection B below, no person shall alter any structure in an historic overlay district in a manner as to affect its exterior appearance, nor may any new structure be constructed in an historic district unless approved by the Director.
- B. Approval of demolition. No person shall demolish a structure located within an historic overlay district unless it is approved by the Director under the provisions of this chapter.
- C. Exemptions.
 - 1. Exterior remodeling, as governed by this chapter, shall include any change or alteration in design or other exterior treatment excluding painting;
 - 2. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any architectural features which do not involve a change in design, material or the outward appearance of such feature which the Building Official shall certify is required for the public safety because of its unsafe or dangerous condition.
- D. Condition of approval. If alteration or demolition of the historic resource is intended, a condition of approval shall be that insofar as feasible and as funds are available, the Washington County Museum shall obtain:
 - 1. A pictorial and graphic history of the resource; and
 - 2. Artifacts from the resource it deems worthy of preservation.

18.740.040 Approval Process

- A. Criteria for historic overlay district designation.
 - 1. Approval of an historic overlay district designation shall be made by means of a Type III-PC procedure, as governed by Section 18.390.050, when the Historic Sites and Districts Committee finds that any of the following criteria have been met:
 - a. The proposed district or landmark would serve the purpose of the historic overlay district as stated in Section 18.740.010, Purpose;
 - b. The site or area proposed for the designation reflects the broad cultural or natural history of the community, state or nation;
 - c. The site or area is identified with historic personages, or with important events in national, state or local history;
 - d. The site or area proposed for the designation embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or
 - e. The proposed site or area is a notable work of a master builder, designer or architect.

2. The age of a specific building is not sufficient in itself to warrant designation as historic.
- B. Criteria for removal of historic overlay district designation. Removal of an historic overlay district designation shall be made by means of a Type III-PC procedure, as governed by Section 18.390.050, when the Historic Sites and Districts Committee finds that any of the following criteria have been met:
1. The original historic overlay district designation was placed on the site in error;
 2. The resource designated with the historic overlay district designation has ceased to exist;
 3. The resource designated with the historic overlay district designation is no longer of significance to the public; or
 4. The historic overlay district designation is causing the property owner to bear an unfair economic burden to maintain the property as an historic or cultural resource.
- C. Criteria for exterior alterations. Approval for exterior alterations of structures in an historic overlay district shall be granted by means of a Type II procedure, as governed by Section 18.390.040, by the Director using the following criteria:
1. The purpose of the historic overlay district as set forth in Section 18.740.010;
 2. The economic use of the structure in a historic overlay district and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
 3. The value and significance of the structure or landmark in an historic overlay district;
 4. The physical condition of the structure or landmark in an historic overlay district;
 5. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture, and materials proposed to be used with an existing structure in an historic overlay district;
- D. Criteria for construction of new structures. Approval for exterior alterations of structures in an historic overlay district shall be granted by means of a Type II procedure, as governed by Section 18.390.040, by the Director using the following criteria:
1. The purpose of the historic overlay district as set forth in Section 18.740.010;
 2. The economic effect of the new structure on the historic value of the district;
 3. The visual effect of the proposed new structure on the architectural character of the district;
 4. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure; and
- E. Criteria for demolition. Approval for demolition of structures in an historic overlay district shall be granted by means of a Type II procedure, as governed by Section 18.390.040, by the Director using the following criteria:

1. The purpose of this chapter as set forth in Section 18.740.010;
2. The criteria used in the original designation of the district in which the property under consideration is situated;
3. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position of the building or structure in relation to public rights-of-way, and to other buildings and structures in the area;
4. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;
5. Whether denial of the permit will subject the City to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this title.

18.740.050 Application Submission Requirements

- A. Submission requirements. All applications shall be made on forms provided by the Director. In addition to the submission requirements required by Chapter 18.390, Decision-Making Procedures, an application for any action governed by this chapter, as defined by Section 18.740.020, must include the following information. Specific information to be contained in each of the following is available from the Director.
1. Site plan;
 2. Architectural drawings;
 3. Landscape plan;
 4. Sign drawings.■

**Chapter 18.742
HOME OCCUPATIONS**

Sections:

- 18.742.010 Purpose**
- 18.742.020 Applicability and Exemptions**
- 18.742.030 Nonconforming Uses**
- 18.742.040 General Approval Criteria and Standards**
- 18.742.050 Type I and Type II Home Occupations Defined**
- 18.742.060 Permit Procedures for Type I and Type II Home Occupations**
- 18.742.070 Revocation and Expiration of Home Occupation Permits**
- 18.742.080 Business Tax Certificate Required**

18.742.010 Purpose

A. Purposes. It is the purpose of this chapter to:

1. Permit residents an opportunity to use their homes to engage in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full-scale enterprise; and
2. Establish approval criteria and standards to ensure that home occupations are conducted as lawful uses which are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

18.742.020 Applicability and Exemptions

A. Compliance with this chapter. No person shall carry on a home occupation, or permit such use to occur on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.

B. Exemptions. Exemptions from the provisions of this chapter are:

1. Garage sales;
2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises. Farming activities shall be consistent with the definition of agriculture/horticulture contained in Chapter 18.130, Use Classifications;
3. Hobbies which do not result in payment to those engaged in such activity;
4. Proven nonconforming home occupations as per Section 18.742.030.

18.742.030 Nonconforming Uses

- A. Nonconforming home occupations. On-going home occupations may be granted nonconforming status provided that they were:
1. Permitted under County authority prior to annexation to the City and have been in continuous operation since initial approval;
 2. Permitted under City authority prior to 1983 and have since been in continuous operation.
- B. Governing regulations. Nonconforming home occupations will be regulated as a nonconforming situation, per the following:
1. A nonconforming situation is further governed by Chapter 18.760, Nonconforming Situations. Such use may continue until the use is expanded or altered so as to increase the level of non-compliance with this title;
 2. The burden of proving a home occupation's nonconforming status rests with the property owner or tenant.
- C. Violations. Home occupations without City or County approval which cannot prove nonconforming status shall be considered in violation of this chapter and shall cease until the appropriate approvals have been granted.

18.742.040 General Approval Criteria and Standards

- A. General criteria. All home occupations except those that have proven nonconforming status shall observe the following criteria in addition to the standards established for Type I and Type II Uses described in Section 18.742.050 of this chapter.
1. Home occupations may be undertaken only by the principal occupant(s) of a residential property;
 2. There shall be no more than three deliveries per week to the residence by suppliers;
 3. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation. Home occupations shall observe the provisions of Chapter 18.725, Environmental Performance Standards;
 4. The home occupation shall be operated entirely within the dwelling unit and a conforming accessory structure. The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed 528 square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than 25% of the combined residence and accessory structure gross floor area, but in no case shall the portion of the home occupation occupying the accessory use exceed 528 feet. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health and housing codes;

5. A home occupation shall not make necessary a change in the Uniform Building Code use classification of a dwelling unit. Any accessory building that is used must meet Uniform Building Code requirements;
6. More than one business activity constituting two or more home occupations shall be allowed on one property only if the combined floor space of the business activities does not exceed the limitation of space imposed in Section 4 above. Each home occupation shall apply for a separate home occupation permit, if required as per this chapter, and each shall also have separate Business Tax Certificates;
7. There shall be no storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals which are engaged in home occupations shall make available to the Fire Marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use.
8. No home occupation shall require any on or off-street parking other than that normally required for a residence;
9. The following uses are not allowed as home occupations:
 - a. Auto-body repair and painting;
 - b. On-going mechanical repair conducted outside of an entirely-enclosed building;
 - c. Junk and salvage operations;
 - d. Storage and/or sale of fireworks.
10. There shall be no exterior storage of vehicles of any kind used for the business except that one commercially licensed vehicle of not more than three-quarters ton gross vehicle weight (GVW) may be parked outside of a structure or screened area.

18.742.050 Type I and Type II Home Occupations Defined

- A. Type I and II home occupations defined. Home occupations shall be administered as either Type I or Type II uses. A separate home occupation permit and/or fee is required for each property on which a Type II home occupation is undertaken. In addition to the general criteria outlined in Section 18.742.040, home occupations shall observe the following additional standards:
1. Type I Home Occupations: The following characteristics of a Type I home occupation shall be prohibited:
 - a. Outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;
 - b. Exterior signs which identifies the property as a business location;

- c. Clients or customers to visit the premises for any reason;
 - d. Exterior storage of materials.
2. Type II Home Occupations: Property on which a Type II home occupation is located may show evidence that a business is being conducted from the premises. Therefore the following is allowed for Type II home occupations:
- a. One non-illuminated sign, not exceeding 1.5 square feet, which shall be attached to the residence or accessory structure or placed in a window;
 - b. No more than one outside volunteer or employee who is not a principal resident of the premises;
 - c. No more than six daily customers or clients. Customers and clients may not visit the business between the hours of 10:00 PM and 8:00 AM and shall not generate excessive traffic or monopolize on-street parking;
 - d. Storage of materials, goods, and equipment which is screened entirely from view by a solid fence. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback.

18.742.060 Permit Procedures for Type I and Type II Home Occupations

- A. Type I home occupation permit. A Type I home occupation permit will be processed by means of a Type I procedure, as governed by Section 18.390.030, after a demonstration that the proposal complies with all development criteria in Sections 18.742.040A and 18.742.050 A1.
- B. Type II home occupation permit. A Type II home occupation permit will be processed by means of a Type II procedure, as governed by Section 18.390.040, after a demonstration that the proposal complies with all development criteria in Sections 18.742.040A and 18.742.050 A2. and subject to the following approval criteria:
 - 1. Is in conformance with the standards contained in this chapter; and
 - 2. Will be subordinate to the residential use of the property; and
 - 3. Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents.
- C. Conditions of approval. The Director may impose conditions upon the approval of a Type II home occupation permit to ensure compliance with the requirements of this chapter. These conditions may include, but are not limited to, the following:
 - 1. Further limiting the hours, days, place and manner of operation;
 - 2. Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
 - 3. Requiring additional building setbacks, and increased lot area, depth or width;

4. Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
5. Designating the size, number, location and design of vehicle access points;
6. Requiring street right-of-way to be free at all times of vehicles associated with the home occupation;
7. Requiring landscaping, buffering and/or screening, of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
8. Requiring storm drainage improvements, and surfacing of parking and loading areas;
9. Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
10. Limiting or setting standards for the location and intensity of outdoor lighting;
11. Requiring and designating the size, height and location of fences and materials used for their construction;
12. Requiring the protection and preservation of existing trees, and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
13. Limiting the type and number of vehicles or equipment to be parked or stored on the site; and
14. Any other limitations which the Director considers to be necessary or desirable to make the use comply with the purposes stated in Sections 18.745.040 and 18.742.050.

18.742.070 Revocation and Expiration of Home Occupation Permits

A. Grounds for revocation. The Director may:

1. Revoke a home occupation approval if the conditions of approval have not been or are not being complied with and the home occupation is otherwise being conducted in a manner contrary to this chapter.
2. The Director shall approve the use as it exists, revoke the home occupation permit, or compel measures to be taken to ensure compatibility with the neighborhood and conformance with this chapter after reviewing a complaint. Complaints may be originated by the City of Tigard or the public. Complaints from the public shall clearly state the objection to the home occupation, such as:
 - a. Generation of excessive traffic;
 - b. Exclusive use of on-street parking spaces;
 - c. Other offensive activities not compatible with a residential neighborhood.

- B. Cessation of home occupation pending review. If it is determined by the Director in exercise of reasonable discretion, that the home occupation in question will affect public health and safety, the use may be ordered to cease pending Hearings Officer review and/or exhaustion of all appeals.
- C. Waiting period for re-application. When a home occupation permit has been revoked due to violation of these standards, a minimum period of one year shall elapse before another application for a home occupation on the subject parcel will be considered.
- D. Invalidation of permit. A home occupation permit shall become invalid if the applicant moves his or her residence.

18.742.080 Business Tax Certificate Required

- A. Granting of business tax certificate. No business tax certificate will be issued for a home occupation until:
 - 1. The person wishing to engage in a Type I home occupation pays the one-time review fee and agrees to comply with the provisions of this chapter; or
 - 2. The applicant for a Type II home occupation has been approved and the application certifies that the home occupation will be operated in strict compliance with the provisions of this chapter and the conditions of approval. ■

Chapter 18.745
LANDSCAPING AND SCREENING

Sections:

- 18.745.010 Purpose**
- 18.745.020 Applicability**
- 18.745.030 General Provisions**
- 18.745.040 Street Trees**
- 18.745.050 Buffering and Screening**
- 18.745.060 Re-vegetation**

18.745.010 Purpose

- A. Purpose. The purpose of this chapter is to establish standards for landscaping, buffering, and screening of land use within Tigard in order to enhance the aesthetic environmental quality of the City:
1. By protecting existing street trees and requiring the planting of street trees in new developments;
 2. By using plant materials as a unifying element;
 3. By using planting materials to define spaces and articulate the uses of specific areas; and
 4. By using trees and other landscaping materials to mitigate the effects of the sun, wind, noise and lack of privacy by the provision of buffering and screening.

18.745.020 Applicability

- A. Applicability. The provisions of this chapter shall apply to all development including the construction of new structures, remodeling of existing structures where the landscaping is nonconforming (Section 18.760.040.C), and to a change of use which results in the need for increased on-site parking or loading requirements or which changes the access requirements.
- B. When site development review does not apply. Where the provisions of Chapter 18.360, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter by means of a Type I procedure, as governed by Section 18.390.030, using the applicable standards in this chapter.
- C. Site plan requirements. The applicant shall submit a site plan. The Director shall provide the applicant with detailed information about this submission requirement.

18.745.030 General Provisions

- A. Obligation to maintain. Unless otherwise provided by the lease agreement, the owner, tenant and his agent, 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:

1. It will not interfere with the maintenance or repair of any public utility;
 2. It will not restrict pedestrian or vehicular access; and
 3. It will not constitute a traffic hazard because of reduced visibility.
- C. Installation requirements. The installation of all landscaping shall be as follows:
1. All landscaping shall be installed according to accepted planting procedures;
 2. The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nurberg Stock (ANSI Z60, 1-1986, and any future revisions); and
 3. Landscaping shall be installed in accordance with the provisions of this title.
- D. Certificate of Occupancy. Certificates 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:
1. The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and
 2. 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 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.

18.745.040 Street Trees

- A. Protection of existing vegetation. All development projects fronting on a public street, private street or a private driveway more than 100 feet in length approved after the adoption of this title shall be required to plant street trees in accordance with the standards in Section 18.745.040.C.
- B. Street tree planting list. Certain trees can severely damage utilities, streets and sidewalks or can cause personal injury. Approval of any planting list shall be subject to review by the Director.

C. Size and spacing of street trees.

1. Landscaping in the front and exterior side yards shall include trees with a minimum caliper of two inches at four feet in height as specified in the requirements stated in Section 18.745.040.C.2 below;
2. The specific spacing of street trees by size of tree shall be as follows:
 - a. Small or narrow-stature trees under 25 feet tall and less than 16 feet wide branching at maturity shall be spaced no greater than 20 feet apart;
 - b. Medium-sized trees 25 feet to 40 feet tall, 16 feet to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart;
 - c. Large trees over 40 feet tall and more than 35 feet wide branching at maturity shall be spaced no greater than 40 feet apart;
 - d. Except for signalized intersections as provided in Section 18.745.040.H, trees shall not be planted closer than 20 feet from a street intersection, nor closer than two feet from private driveways (measured at the back edge of the sidewalk), fire hydrants or utility poles to maintain visual clearance;
 - e. No new utility pole location shall be established closer than five feet to any existing street tree;
 - f. Tree pits shall be located so as not to include utilities (e.g., water and gas meters) in the tree well;
 - g. On-premises utilities (e.g., water and gas meters) shall not be installed within existing tree well areas;
 - h. Street trees shall not be planted closer than 20 feet to light standards;
 - i. New light standards shall not be positioned closer than 20 feet to existing street trees except when public safety dictates, then they may be positioned no closer than 10 feet;
 - j. Where there are overhead power lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines;
 - k. Trees shall not be planted within two feet from the face of the curb; and
 - l. Trees shall not be planted within two feet of any permanent hard surface paving or walkway:
 - (1) Space between the tree and the hard surface may be covered by a nonpermanent hard surface such as grates, bricks on sand, paver blocks and cobblestones; and
 - (2) Sidewalk cuts in concrete for tree planting shall be at least four by four feet to allow for air and water into the root area.

- D. Pruning requirements. Trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 13 feet above local street, 15 feet above collector street, and 18 feet above arterial street roadway surfaces.
- E. Cut and fill around existing trees. Existing trees may be used as street trees if no cutting or filling takes place within the drip-line of the tree unless an adjustment is approved by the Director by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria in Section 18.370.020.C.4.a.
- F. Replacement of street trees. Existing street trees removed by development projects or other construction shall be replaced by the developer with those types of trees approved by the Director. The replacement trees shall be of a size and species similar to the trees that are being removed unless lesser sized alternatives are approved by the Director.
- G. Granting of adjustments. Adjustments to the street tree requirements may be granted by the Director by means of a Type I procedure, as regulated in Section 18.390.030, using approval criteria in Section 18.370.020.C.4.b.
- H. Location of trees near signalized intersections. The Director may allow trees closer to specified intersections which are signalized, provided the provisions of Chapter 18.795, Visual Clearance, are satisfied.

18.745.050 Buffering and Screening

A. General provisions.

1. 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;
2. 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 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix;
3. 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.

1. 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 the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses;
2. A buffer area may only be occupied by utilities, screening, sidewalks and bikeways, 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;

3. A fence, hedge or wall, or any combination of such elements, which are located in any yard is subject to the conditions and requirements of Sections 18.745.050.B.8 and 18.745.050.D;
4. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Table 18.745.1. 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.
5. 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 18.745.2 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 18.745.2 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 18.745.2 shall be constructed to provide a continuous sight obscuring screen.
6. Buffering and screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 18.795;
7. 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;

8. 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 otherwise acceptable by the Director;
- 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.

9. 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 Sections 18.745.050.C.2.a and 18.745.050.C.2.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 as set forth in Chapter 18.795.

C. Setbacks for fences or walls.

1. No fence or wall shall be constructed which exceeds the standards in Section 18.745.050.C.2 except when the approval authority, as a condition of approval, allows that a fence or wall be constructed to a height greater than otherwise permitted to mitigate against potential adverse effects;
2. Fences or 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 Chapter 18.795;
 - b. Are permitted up to six feet in height in front yards adjacent to any designated arterial or collector street. For any fence over three feet in height in the required front yard area, permission shall be subject to administrative review of the location of the fence or wall.
3. All fences or walls shall meet vision clearance area requirements in Chapter 18.795;
4. All fences or walls greater than six feet in height shall be subject to building permit approval.

D. Height restrictions.

1. 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;

2. An earthen berm and fence or wall combination shall not exceed the six-foot height limitation for screening.

E. Screening: special provisions.

1. 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 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 three feet and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.
2. 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;
3. Screening of swimming pools. All swimming pools shall be enclosed as required by City of Tigard Building Code;
4. 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.

1. The Buffer Matrices contained in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts;

2. An application for a variance to the standards required in Tables 18.745.1 and 18.745.2, shall be processed as a Type II procedure, as regulated by Section 18.390.040, using approval criteria in Section 18.370.010. (Ord. 02-33)

18.745.060 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
 1. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and
 2. 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.
 1. 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.■

**TABLE 18.745.1
BUFFER MATRIX**

EXISTING/ABUTTING USE	PROPOSED USE										
	Single Units, Detached; Manufactured Units	Attached Single Units and Multifamily, 1-5 Units; Duplexes	Attached Single Units and Multifamily, 5+ Units	Mobile Home Parks	Commercial Zones (CC, CG, CP, CBD)	Neighborhood Commercial Zone (CN)	Mixed Use Employment	Light Industrial Zones (IP, IL)	Heavy Industrial Zones (IH)	Parking Lots 4-50 spaces 50+ spaces	
Detached Single Units; Manufactured Units	--	A	C	C	D	C	C	E	F	C	D
Attached Single Units and Multifamily, 1-5 Units, Duplexes	A	--	B	C	D	C	C	E	F	C	D
Attached Single Units and Multifamily, 5+ Units	A	A	--	C	D	C	C	E	F	C	D
Mobile Home Parks	A	A	B	--	D	C	C	E	F	C	D
Commercial Zones (CC, CG, CP, CBD)	C	C	C	C	--	A	A	D	D	--	--
Neighborhood Commercial Zone (CN)	C	C	C	C	A	--	A	D	D	--	--
Mixed Use Employment Zone (MUE)	C	C	C	C	A	A	--	D	D	--	--
Light Industrial Zones (IP, IL)	D	D	D	D	A	A	A	--	D	--	--
Heavy Industrial Zone (IH)	D	D	D	D	D	D	D	D	--	--	--
Parking Lots	C	C	C	C	--	--	--	--	--	--	--
Arterial Streets	A	A	A	A	--	--	--	A	D	--	--

Note: See Table 18.745.2 for alternative combinations for meeting these screening requirements.

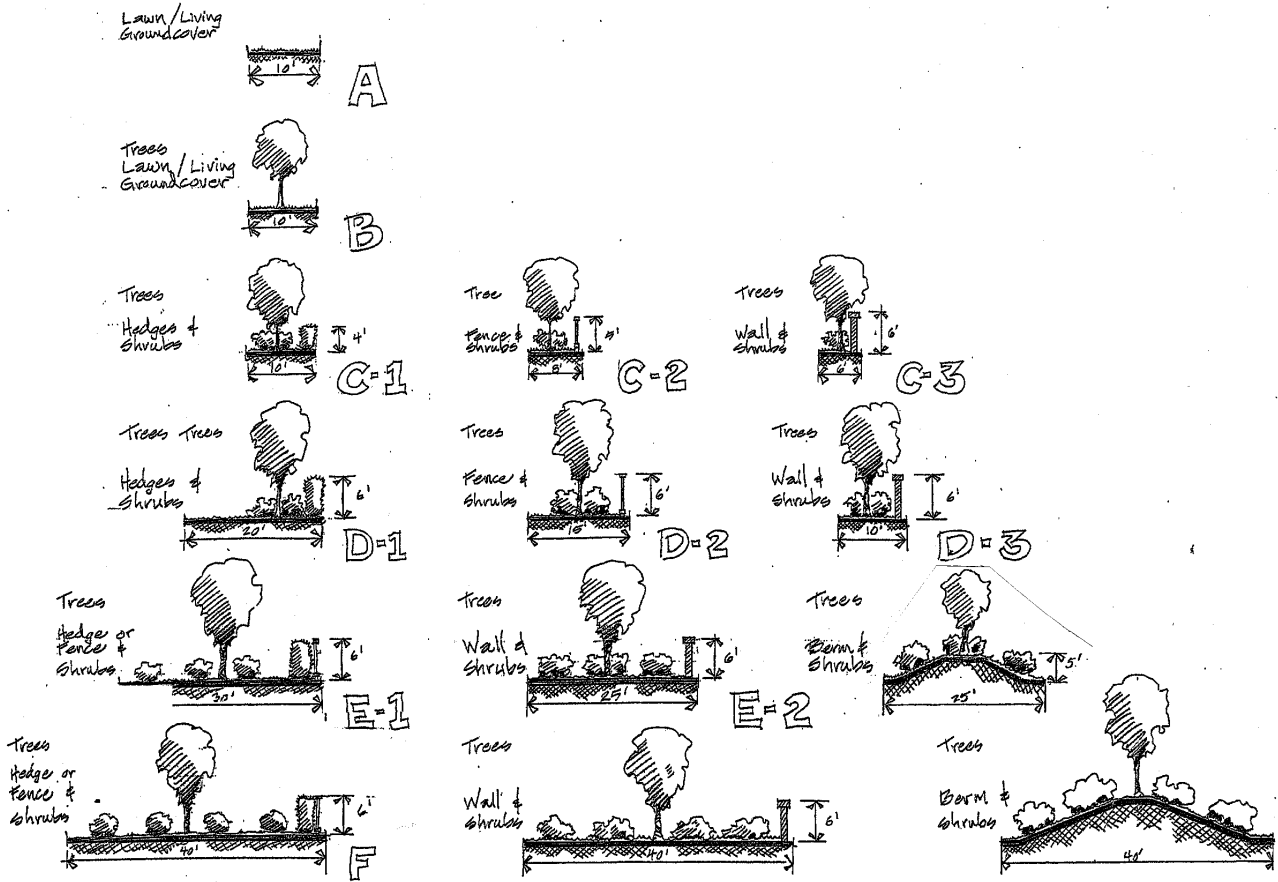
**TABLE 18.745.2
BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING [1]**

	Options	Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	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 Section 18.745.050 A2.

[2] Adjustments from these requirements can be obtained; see Section 18.370.020 C4.

TABLE 18.745.2
BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING [2]



Chapter 18.750
MANUFACTURED/MOBILE HOME REGULATIONS

Sections:

- 18.750.010 Purpose**
- 18.750.020 Mobile Home Subdivision Standards**
- 18.750.030 Manufactured/Mobile Home Park Standards**
- 18.750.040 Manufactured Homes on Individual Building Lots**
- 18.750.050 Nonconforming Mobile Homes**

18.750.010 Purpose

- A. Purpose. The purpose of this chapter is to establish criteria for the placement of manufactured/mobile homes in mobile home subdivisions and park developments and manufactured homes on individual building lots within the City of Tigard.

18.750.020 Mobile Home Subdivision Standards

- A. Additional requirements. In addition to the standards of the zoning district in which the project is located and other standards of this title, a mobile home subdivision proposal shall:
1. Comply with all applicable state standards and other City standards for subdivisions as governed by Chapter 18.430;
 2. Satisfy all the provisions of this chapter; and
 3. Be limited to manufactured/mobile home housing types. All other types of residential units shall not be permitted.

18.750.030 Manufactured/Mobile Home Park Standards

- A. Required reviews. The design of the proposed manufactured/mobile home park shall be submitted to the Planning Director for review in accordance with Chapter 18.360, Site Development Review, and Chapter 18.330, Conditional Use, where applicable.
- B. Compliance with state standards. The design for the manufactured/mobile home park shall conform to all applicable state standards established by the State of Oregon, Department of Commerce mobile home park standards.
- C. Minimum development standards. The manufactured/mobile home park shall:
1. Have a minimum lot gross area of one acre;
 2. Have a minimum frontage of 100 feet;
 3. Have a minimum depth of 150 feet;
 4. Have a front and rear yard setback of at least 25 feet;
 5. Have a side yard setback of at least 10 feet, except on a corner lot the side yards shall be 25 feet;

6. Have a minimum of 60 square feet of outdoor recreation area, suitably improved for recreational use, provided for each unit in addition to required yards. Each recreation area shall have a minimum size of 2,500 square feet;
7. Have landscaping equivalent to 20% of the manufactured/mobile home park area; and
8. Be partially screened from the public right-of-way and adjacent residential areas by a combination of a sight-obscuring fence, vegetation, berm or any combination of the above as approved by the approval authority, except that within the required front yard, any fence shall not exceed three feet in height.

D. Other Standards.

1. Evidence shall be provided that the park will be eligible for a certificate of sanitation required by state law;
2. Each site shall be adequately serviced by public facilities such as water supply, sewers, sidewalks and improved streets;
3. Each unit shall be provided with a water, sewer, and electrical connection. The electrical connection shall provide for 110 and 220 volt service;
4. No manufactured/mobile home, accessory building, or other structure shall be closer than 10 feet from another mobile home, accessory building, or other structure;
5. No structure shall exceed 25 feet in height;
6. Each manufactured/mobile home placed in a manufactured/mobile home park or subdivision shall be inspected by the Building Official and shall meet the following standards:
 - a. A state insignia indicating compliance with Oregon State Mobile Home Construction Standards in effect at the time of manufacture and including compliance for reconstruction of equipment installation made after manufacture shall be displayed on each manufactured/mobile home;
 - b. Each manufactured/mobile home shall be in good repair, notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause;
 - c. Each manufactured/mobile home shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space; and
 - d. Each manufactured/mobile home shall be installed under the provisions of the administrative rules adopted by the Director of Commerce and administered by the State Building Code Division.
7. Each vehicular way in a manufactured/mobile home park shall be named and marked with signs which are similar in appearance to those used to identify public streets, and a map of the named vehicular ways shall be provided to the applicable fire district, the Police Department and the Public Works Department;

8. If a manufactured/mobile home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park shall provide:
 - a. Water supply lines designed with fire hydrants which shall be provided within 500 feet of such space or structure; and
 - b. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to City and the applicable water district standards.
9. Each manufactured/mobile home in a manufactured/mobile home park or subdivision shall have a continuous perimeter skirting installed pursuant to state regulations, which shall be of the same material and finish as the exterior of the manufactured/mobile home;
10. The wheels, tongue and traveling lights of each manufactured/mobile home in a manufactured/mobile home park or subdivision shall be removed upon installation of unit;
11. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park;
12. Accessways or driveways shall be lighted in accordance with City standards;
13. Primary access to the manufactured/mobile home park shall be from a public street and shall be in accordance with Chapter 18.705, Access, Egress and Circulation; and
 - a. Where necessary, additional street right-of-way shall be dedicated to the City to maintain adequate traffic circulation;
 - b. Access driveways connecting units to a public street shall have a width of not less than 36 feet, of which not less than 20 feet shall be paved; and
 - c. Driveways shall be designed to provide for all maneuvering and parking of units without encroaching on a public street.
14. The maximum number of manufactured/mobile homes in the park or subdivision shall not exceed the amount calculated in Chapter 18.720;
15. Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/ bicycle pathway with the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

18.750.040 Manufactured Homes on Individual Building Lots

- A. The establishment, location and use of manufactured homes on individual lots shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential uses in the district, and provided such homes shall meet the following requirements and limitations:
 1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet;

2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the finished first floor of the manufactured home is located not more than 12 inches above grade;
3. The manufactured home shall be securely anchored to the foundation system in accordance with the requirements of the State Building Codes Agency for Manufactured Structures;
4. The manufactured home shall have a pitched roof with a slope of three feet in height for each 12 feet in width;
5. The manufactured home shall have exterior siding and roofing which in material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city as determined by the Building Department. This requirement shall not be interpreted to mean that the City is responsible for enforcing codes, covenants and restrictions of any homeowners' or other association;
6. The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage may be required in lieu of a carport where a garage is consistent with the predominant construction of immediately surrounding dwellings;
7. The manufactured home shall have an exterior thermal envelope in substantial compliance with performance standards equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010, as determined by the Building Department.

18.750.050 Nonconforming Mobile Homes

- A. Nonconforming status. Mobile home parks existing at the adoption of the ordinance codified in this title not meeting the standards set forth in this title shall be considered nonconforming and are subject to the standards set forth in Chapter 18.760.
- B. Replacement of nonconforming units. When nonconforming mobile homes in such parks are moved or destroyed they may be replaced with mobile homes that meet the standards of Section 18.750.030.■

Chapter 18.755
MIXED SOLID WASTE AND RECYCLABLE STORAGE

Sections:

- 18.755.010 Purpose and Applicability**
- 18.755.020 Definitions**
- 18.755.030 Materials Accepted**
- 18.755.040 Methods of Demonstrating Compliance**
- 18.755.050 Location, Design and Access Standards for Storage Areas**

18.755.010 Purpose and Applicability

- A. Purpose. The purpose of this chapter is to ensure that certain new construction incorporates functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclable materials prior to pick-up and removal by haulers.
- B. Applicability. The mixed solid waste and source separated recyclable storage standards shall apply to new multi-unit residential buildings containing five or more units and non-residential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

18.755.020 Definitions

- A. Definitions. The following definitions apply to regulations governing the storage of solid waste and recyclable material contained in this chapter exclusively.
 - 1. “Mixed solid waste” means solid waste that contains a mix of recoverable or recyclable materials and materials that are not capable of being recycled or recovered for further use;
 - 2. “Source-separated recyclable” means, at a minimum, recyclable materials designated “principle recyclable materials” by the State Environmental Quality Commission under ORS 495.025, 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;
 - 3. “Storage area” means the space necessary to store mixed solid waste and source-separated recyclable that accumulate between collection days;
 - 4. “Multi-unit residential building” means a structure that contains five or more dwellings units that share common walls or floors/ceilings with one or more units;
 - 5. “Non-residential building” means a structure that is used for any non-residential function, including but not limited to office, retail wholesale/warehouse/industrial and institutional uses.

18.755.030 Materials Accepted

- A. Materials accepted. Except as provided for in 18.755.040 G and I, the storage area must be able to accept at least all “principle recyclable materials” designated by the Oregon Environmental Quality Commission and other source-separated recyclable the local government identifies by regulation.

18.755.040 Methods of Demonstrating Compliance

- A. Alternative methods of compliance. An applicant shall choose one of the following four methods to demonstrate compliance:
1. Minimum standards;
 2. Waste assessment;
 3. Comprehensive recycling plan; or
 4. Franchised hauler review and sign-off.
- B. Provisions. The following provisions apply to all four methods of demonstrating compliance:
1. Section 18.755.050, Location, Design and Access Standards, except as provided in 18.755.040 G;
 2. The floor area of an interior or exterior storage area required by this chapter shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.
- C. Minimum standards method.
1. Description of method: This method specifies a minimum storage area requirement based on the size and general use category of the new construction;
 2. Typical application of method: This method is most appropriate when the specific use of a new building is not known. It provides specific dimensions for the minimum size of storage areas by general use category;
 3. Application requirements and review procedure: The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this ordinance. Through the site plan review process, compliance with the general and specific requirements set forth below is verified;
 4. General requirements:
 - a. The storage area requirement is based on the predominant use(s) of the building, (i.e. residential, office, retail, wholesale/warehouse/ manufacturing, educational/institutional, or other). If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20% of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.
 - b. Storage areas for multiple uses on a single site may be combined and shared.
 - c. The specific requirements are based on an assumed storage height of 4 feet for solid waste/recyclable. 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% of specific requirements). Where vertical or stacked storage is proposed, the site plan

shall include drawings to illustrate the layout of the storage area and dimensions of containers.

5. Specific requirements:

- a. Multi-unit residential buildings containing 5-10 units shall provide a minimum storage area of 50 square feet. Buildings containing more than 10 residential units shall provide an additional 5 square feet per unit for each unit above 10.
- b. Non-residential buildings shall provide a minimum storage area of 10 square feet, plus:
 - (1) Office: 4 square feet/1,000 square feet gross floor area (GFA).
 - (2) Retail: 10 square feet/1,000 square feet GFA.
 - (3) Industrial: 6 square feet/1,000 square feet GFA.
 - (4) Institutional: 4 square feet/1,000 square feet GFA.
 - (5) Other: 4 square feet/1,000 square feet GFA.

D. Waste assessment method.

1. Description of method: The waste assessment method tailors the storage area size to a waste assessment and management program for the specific users of a new building;
2. Typical application of method: This method 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;
3. Application requirements and review procedures:
 - a. A pre-conference with the solid waste coordinator/plan check staff is required if the waste assessment method is proposed. The applicant shall obtain a waste assessment form from the local jurisdiction;
 - b. The form shall be used to estimate the volumes of source separated recyclable/mixed solid waste 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 site which must be set aside for a storage area;
 - c. The waste assessment form shall be completed and submitted with site plans required by the local jurisdiction. The plans must identify the size and location of interior or exterior storage area(s), specialized equipment, collection schedule, and other features required to accommodate the volumes projected in the waste assessment. The solid waste coordinator for the local jurisdiction shall review and approve the waste assessment as part of the site plan or development review process.

4. Specific requirement: The application shall demonstrate that the mixed solid waste and recyclable volumes expected to be generated can be stored in less space than is required by the minimum standards method.

E. Comprehensive recycling plan method.

1. Description of method: The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use;
2. Typical application of method: This method can be used when a comprehensive recycling plan has been developed for a specific facility. It is most suited to large nonresidential uses such as hospitals, schools and industrial facilities. The comprehensive recycling plan method can be used for new construction or expansion that is subject to full Site Development Review, as governed by Chapter 18.360;
3. Application requirements and review procedure: The comprehensive recycling plan shall be submitted to the local solid waste coordinator at the same time site plans are submitted for site plan review. The applicant shall submit plans and text that show how mixed solid waste and recyclable generated by the proposed development will be served under a comprehensive recycling plan. The location, design and access standards set forth in 18.755.050 are applicable to new storage areas only.

F. Franchised hauler review method.

1. Applicability: The franchised hauler review method is only available in jurisdictions with franchise collection service areas because there is certainty as to which hauler will actually provide service to the proposed development, once it is constructed;
2. Description of method: This method provides for coordinated review of the proposed site plan by the franchised hauler serving the subject property;
3. Typical application of method: This method is to be used when there are unique conditions associated with the site, use or waste stream that make compliance with any of the other three methods infeasible. The objective of this method is to match a specific hauler program (e.g., types of equipment, frequency of collection) to the unique characteristic(s) of the site or development. 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 zone;
 - 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;
 - 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 18.755.040 C. 5b. of this chapter.

4. Application requirements and review procedure: The applicant shall work with the franchised hauler to develop a plan for storage and collection of source-separated recyclable and mixed solid waste expected to be generated from the new building. A narrative describing how the proposed site meets one or more of the unique site conditions described above plus site and building plans showing the size and location of storage area(s) required to accommodate anticipated volumes shall be submitted for Site Development Review, as governed by Chapter 18.360. Additionally, a letter from the franchised hauler shall be submitted at the same time 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.

18.755.050 Location, Design and Access Standards for Storage Areas

A. Applicable standards. The following location, design and access standards for storage areas are applicable to all four methods of compliance, described in 18.755.040 above.

B. Location standards.

1. To encourage its use, the storage area for source-separated recyclable shall be co-located with the storage area for residual mixed solid waste;
2. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements;
3. Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations;
4. Exterior storage areas can be located within interior side yard or rear yard areas. Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street;
5. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users;
6. Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions in 18.755.050 C, design standards;
7. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

C. Design standards.

1. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection;
2. Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area;

3. Exterior storage areas shall be enclosed by a sight-obscuring fence wall, or hedge at least six feet in height. Gate openings which allow access to users and haulers shall be provided. 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;
4. Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

D. Access standards.

1. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service;
2. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered;
3. 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 collection vehicles to safely exit the site in a forward motion. ■

Chapter 18.760
NONCONFORMING SITUATIONS

Sections:

- 18.760.010 Purpose**
- 18.760.020 Determination of Nonconforming Use Status**
- 18.760.030 Pending Building Permits**
- 18.760.040 Criteria for Nonconforming Situations**
- 18.760.050 Repairs and Maintenance**

18.760.010 Purpose

- A. Creation of nonconforming situations. Within the districts established by this title or amendments that may later be adopted, there may exist lots, structures, uses of land, and structures which were lawful before the effective date of the ordinance codified in this title, but which would be prohibited, regulated or restricted under the terms of the ordinance codified in this title or future amendments.
- B. Purpose. It is the purpose and intent of this chapter to permit these nonconforming lots, structures, and uses to continue but to prohibit the enlargement, expansion or extension of such uses. Single-family residences in the CBD zone are exempt from this requirement.
- C. Incompatibility with comprehensive plan. Nonconforming uses are incompatible with the comprehensive plan and with permitted uses in the zoning district involved.

18.760.020 Determination of Nonconforming Use Status

- A. Director's determination. The Director shall make a determination regarding the legal status of a nonconforming use by means of a Type I procedure, governed by Section 18.390.030, using the following criteria:
 - 1. Proof that the use was permitted by this title at the time it was established, by any of the following:
 - a. Copies of building and/or land use permits issued at the time the use was established;
 - b. Copies of zoning code provisions and/or maps;
 - c. Demonstration that the use was established before the first development code for the community was adopted.
 - 2. Proof that the use has been maintained over time. This includes copies of the one or more of the following evidence for every other year from the time the use was established until the current year. Standard evidence that the use has been maintained over time includes:
 - a. Utility bills;
 - b. Income tax records;
 - c. Business licenses;
 - d. Listings in telephone, business and Polk directories;

- e. Advertisements in dated publications, e.g., trade magazines, and/or;
- f. Building, land use or development permits.

B. Director's responsibilities. The Director shall:

- a. Maintain a file of registered nonconforming uses and use classifications; and
- b. Approve a business tax request involving a change of use upon finding the provisions of this chapter are satisfied.

C. Other regulations affecting nonconforming situations. The following regulations apply to all nonconforming situations described in this chapter:

- 1. Ownership: The status of a nonconforming situation is not affected by changes in ownership;
- 2. Change to a nonconforming situation: A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the nonconforming rights are lost and the nonconforming situation may not be re-established;
- 3. Change to a conditional use: A nonconforming use may be changed to a conditional use permitted in the underlying zone if approved through a conditional use review. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.

18.760.030 Pending Building Permits

- A. Vesting of building permit. To avoid undue hardship, nothing in this chapter except as provided in Section 18.760.040 C2 requires any change in the location, plans, construction, size or designated use of any building, structure or part thereof, for which a required City building permit has been granted prior to enactment of this title.
- B. Revocation of building permit. If a building permit is revoked or for any reason becomes void, all rights granted by this chapter are extinguished and the project shall thereafter be required to conform to all the provisions of this title.

18.760.040 Criteria for Nonconforming Situations

A. Development of nonconforming lots of record.

- 1. Except as provided in Subsection A2 and Subsections B and C below, no nonconforming lot of record at the effective date of this title or amendment thereto shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended or reconstructed, except that the enlargement or expansion of a single-family residence will be allowed in the CBD zone only;
- 2. If on the date of adoption of this title a lot does not meet the lot size requirements of the applicable zoning district in which the property is located, the lot may:

- a. Be occupied by one use permitted outright in a commercial zoning district, if the lot is located within a commercial zoning district; or
 - b. Be occupied by single-family residential units and accessory structures if located in a residential zoning district.
3. In any district, construction on a single nonconforming lot of record existing at the effective date of this title or amendment thereto, notwithstanding limitations imposed by other provisions of this title, are subject to the following:
- a. The nonconforming lot shall be in a separate ownership and not contiguous with other lots in the same ownership; and
 - b. All setback, height and other applicable provisions of the zoning district shall be satisfied unless appropriate variances and/or adjustments are obtained.
4. If two or more lots, or combinations of lots and portions of lots in single ownership are of record at the effective date of this title and are made nonconforming as to lot area, width or depth by this title the lots involved shall be considered to be an undivided parcel for the purposes of this title; and:
- a. No portion of the aggregated parcels shall be conveyed, transferred or used in any manner which violates or creates a violation of this title; and
 - b. No division of the parcel shall be made which creates any lot remaining with the area, width or depth which does not meet the requirements of this title.
- B. Nonconforming uses. Where at the time of adoption of this title a lawful use of land exists which would not be permitted by the regulations imposed by this title, and where such use involves no structure or building other than a single sign or accessory structure, the use may be continued as long as it remains otherwise lawful, provided:
- 1. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this title;
 - 2. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this title;
 - 3. The nonconforming use of land is not discontinued for any reason for a period of more than six months;
 - 4. If the use is discontinued or abandoned for any reason for a period of six months any subsequent use of land shall conform to the regulations specified by this title for the zone in which such land is located; and
 - 5. For purposes of calculating the six-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 - a. On the date when the use of land is vacated;

- b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - c. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; and
 - d. On the date a request for final reading of water and power meters is made to the applicable utility districts.
6. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.

C. Nonconforming development.

1. Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be enlarged or altered in a way that satisfies the requirements of this title or will decrease its nonconformity; or
 - b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 60% of its current value as assessed by the Washington County assessor, it shall not be reconstructed except in conformity with the provisions of this title; and
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

D. Nonconforming use of structures.

1. If a single lawful use contained in a single structure involving that structure or structure and premises in combination (except for a single, accessory structure) existed as of March 16, 1983, it would not be allowed in the zoning district in which it is located, or which is nonconforming because of inadequate off-street parking, landscaping or other deficiency (under the terms of this title or amendment thereto), the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No existing structure devoted to a use not permitted by this title in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located;
 - b. Any nonconforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building;

- c. A change of use for a single use in a single structure may occur under the following conditions:
 - (1) The nonconforming use status was registered with the Director in the manner provided by Subsection 3 for the purpose of establishing the use classification as listed in any of the permitted use subsections of this title;
 - (2) The new use is within the registered permitted use classification; and
 - (3) The new use conforms to the zoning ordinance provisions.
 - d. When a nonconforming use of a structure and premises is discontinued or abandoned for six months the structure and premises shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:
 - (1) On the date when the structure or premises is vacated;
 - (2) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - (3) On the date of termination of any lease or contract under which the nonconforming use has occupied the premises; or
 - (4) On the date a request for final reading of water and power meters is made to the applicable utility districts.
 - e. Where a nonconforming use status applies to a structure and premises, removal or destruction of the structure shall eliminate the nonconforming use status of the land:
 - (1) Destruction for the purpose of this subsection is defined as damage to an extent of more than 60 percent of its current assessed value by the Washington County assessor; and
 - (2) Any subsequent use shall conform fully to all provisions of the zoning district in which it is located.
2. If a single structure or a structure and premises containing a number of lawful uses (except for a single accessory structure) existed as of March 16, 1983, and those uses would not be allowed in the zoning district in which they are located, or which are nonconforming because of inadequate off-street parking, landscaping or other deficiency (under the terms of this chapter or amendment thereto), the lawful uses may be continued so long as they remain otherwise lawful, subject to the following provisions:
- a. No existing structure devoted to a use not permitted by this title in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located;
 - b. Any nonconforming use may be extended throughout any existing parts of a building which was manifestly arranged or designed for such use as of March 16, 1983, but no such use shall

be extended to occupy any land outside such building except as limited by Subsection (e) below;

c. A change of use may occur as follows:

- (1) The nonconforming use status was registered with the Director in the manner provided by Subsection 3 below for the purpose of establishing the use classification as listed in any of the permitted use subsections of this title;
- (2) The new use is within the registered use classifications;
- (3) The new use does not cause an increase in the total number of square feet in the registered use classification; or
- (4) The new use conforms to the zoning ordinance provisions.

d. Where a structure had vacant units as of March 16, 1983, such vacant spaces shall be classified with the most restrictive use classification applicable to the structure; and

e. When the use of the structure, including all uses, is discontinued or abandoned for three months, the structure and premises shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:

3. The provisions of Section 18.760.040 shall not be interpreted as granting an owner of a nonconforming use a vested right. The provisions of the section may be revised in a manner which does not change the rights granted by this section under this chapter.

E. Nonconforming Situations in Washington Square Regional Center. For nonconforming uses and developments in the Washington Square Regional Center, the standards of Section 18.630.030 apply.

18.760.050 Repairs and Maintenance

A. Routine repairs and maintenance permitted. On any nonconforming structure or portion of a structure containing a nonconforming situation, normal repairs, or replacement of roofs, non-bearing walls, fixtures, wiring or plumbing may be performed in a manner not in conflict with the other provisions of this chapter.

B. Restoration to safe condition permitted. Nothing in this chapter prevents the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. ■

Chapter 18.765
OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

18.765.010	Purpose
18.765.020	Applicability of Provisions
18.765.030	General Provisions
18.765.040	General Design Standards
18.765.050	Bicycle Parking Design Standards
18.765.060	Parking Structure Design Standards
18.765.070	Minimum and Maximum Off-Street Parking Requirements
18.765.080	Off-Street Loading Requirements

18.765.010 Purpose

- A. Insure adequate vehicle parking. These parking requirements are intended to provide sufficient vehicle parking in close proximity to the various uses for residents, customers and employees, and to establish standards which will maintain the traffic carrying-capacity of nearby streets.
- B. Adequate capacity. These regulations are also intended to establish vehicle parking areas which have adequate capacity and which are appropriately located and designed to minimize any hazardous conditions on the site and at access points.

18.765.020 Applicability of Provisions

- A. New construction. At the time of the erection of a new structure within any zoning district, off-street vehicle parking will be provided in accordance with Section 18.765.070.
- B. Expansion of existing use. At the time of an enlargement of a structure which increases the on-site vehicle parking requirements, off-street vehicle parking will be provided in accordance with Section 18.765.070 subject to the following:
 - 1. On the date of adoption of this title, the number of vehicle parking and loading spaces required shall be based only on floor area or capacity of such enlargement;
 - 2. If the minimum vehicle parking spaces required for the enlargement added to the existing on-site space exceed the maximum number of vehicle parking spaces allowed for the whole project per the maximum parking ratios established in 18.765.070, the applicant may reduce the additional number of spaces provided so that the total spaces on the site do not exceed the maximum spaces allowed.
- C. Change of use. When an existing structure is changed from one use to another use as listed in Section 18.765.070, the following provisions shall apply:
 - 1. If the parking requirements for each use are the same, no additional vehicle parking shall be required;
 - 2. Where a change results in an intensification of use in terms of the number of vehicle parking spaces required, additional vehicle parking spaces shall be provided in an amount equal to the

difference between the number of spaces required for the existing use and the number of spaces required for the more intensive use;

3. Where the change results in a decrease in intensity of use, the applicant may eliminate excess vehicle parking spaces in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the less intensive use.

D. When site design review is not required. Where the provisions of Chapter 18.360, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter by means of a Type I review, as governed by Section 18.390.030.

E. Building permit conditions. The provision and maintenance of off-street vehicle parking and loading spaces are the continuing obligation of the property owner:

1. No building or other permit shall be issued until plans are presented to the Director to show that property is and will remain available for exclusive use as off-street vehicle parking and loading space; and
2. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of vehicle parking and loading space required by this title;
3. Required vehicle parking shall:
 - a. Be available for the parking of operable passenger vehicles of residents, patron and employees only;
 - b. Not be used for storage of vehicles or materials or for the parking of trucks used in conduct of the business or use; and
 - c. Not be rented, leased or assigned to any other person or organization.

18.765.030 General Provisions

A. Vehicle parking plan requirements. No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The Director shall provide the applicant with detailed information about this submission requirement.

B. Location of vehicle parking. The location of off-street parking will be as follows:

1. Off-street parking spaces for single-family and duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwelling(s);
2. Off-street parking lots for uses not listed above shall be located not further than 500 feet from the property line that they are required to serve, measured along the most direct, publicly accessible pedestrian route from the property line with the following exceptions:

- a. Commercial and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 40 spaces up to a distance of 500 feet from the primary site;
 - b. The 40 parking spaces which remain on the primary site must be available for users in the following order of priority:
 - 1) Disabled-accessible spaces;
 - 2) Short-term spaces;
 - 3) Long-term preferential carpool and vanpool spaces;
 - 4) Long-term spaces.
- C. Joint parking. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlay, subject to the following:
1. The size of the joint parking facility shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per Section 18.765.070;
 2. Satisfactory legal evidence shall be presented to the Director in the form of deeds, leases or contracts to establish the joint use;
 3. If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title thereafter apply to each separately.
- D. Parking in mixed-use projects. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula.
1. Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060;
 2. Secondary use, i.e., that with the second largest percentage of total floor area within the development, at 90% of the vehicle parking required for that use in Section 18.765.060;
 3. Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Section 18.765.060;
 4. The maximum parking allowance shall be 150% of the total minimum parking as calculated in D.1.-3. above.
- E. Visitor parking in multi-family residential developments. Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.
- F. Preferential long-term carpool/vanpool parking. Parking lots providing in excess of 20 long-term parking spaces shall provide preferential long-term carpool and vanpool parking for employees,

students and other regular visitors to the site. At least 5% of total long-term parking spaces shall be reserved for carpool/vanpool use. Preferential parking for carpools/vanpools shall be closer to the main entrances of the building than any other employee or student parking except parking spaces designated for use by the disabled. Preferential carpool/vanpool spaces shall be full-sized per requirements in Section 18.765.040.N and shall be clearly designated for use only by carpools and vanpools between 7:00 AM and 5:30 PM Monday through Friday.

- G. Disabled-accessible parking. All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the State of Oregon Uniform Building Code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.
- H. DEQ indirect source construction permit. All parking lots containing 250 spaces or parking structures containing two or more levels shall require review by the Oregon Department of Environmental Quality (DEQ) to:
 - 1. Acquire an Indirect Source Construction Permit;
 - 2. Investigate the feasibility of installing oil and grease separators. (Ord. 02-13)

18.765.040 General Design Standards

- A. Maintenance of parking areas. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.
- B. Access drives. With regard to access to public streets from off-street parking:
 - 1. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site;
 - 2. The number and size of access drives shall be in accordance with the requirements of Chapter, 18.705, Access, Egress and Circulation;
 - 3. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives;
 - 4. Access drives shall have a minimum vision clearance in accordance with Chapter 18.795, Visual Clearance;
 - 5. Access drives shall be improved with an asphalt, concrete, or pervious paving surface. Any pervious paving surface must be designed and maintained to remain well-drained; and
 - 6. Excluding single-family and duplex residences, except as provided by Subsection 18.810.030P, groups of two or more parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way will be required.
- C. Loading/unloading driveways. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other meeting place which is designed to accommodate more than 25 people at one time.

D. On-site vehicle stacking for drive-in use.

1. All uses providing drive-in services as defined by this title shall provide on the same site a stacking lane for inbound vehicles as noted in Table 18.765.1.

**TABLE 18.765.1
STACKING LANE REQUIREMENTS FOR USES WITH DRIVE-IN WINDOWS**

Use	Reservoir Requirement
Drive-in banks	150 feet/service terminal
Automated teller	50 feet/service terminal machines
Drive-up telephones	50 feet
Drive-in cleaners, repair services	50 feet
Drive-in restaurants	200 feet
Drive-in theaters	200 feet
Gasoline service	75 feet between curb cut and nearest pump
Mechanical car washes	75 feet/washing unit
Parking facilities:	
- Free flow entry	25 feet/entry driveway
- Ticket dispense entry	50 feet/entry driveway
- Manual ticket dispensing	100 feet/entry driveway
- Attendant parking	100 feet

2. The Director may reduce the length of the inbound stacking lane by means of a adjustment to be reviewed through a Type I procedure, as governed by Section 18.320.300, using approval criteria contained in Section 18.370.020.C.5.g.
3. Stacking lanes must be designed so that they do not interfere with parking and vehicle, pedestrian and bicycle circulation. Stacking lanes for the purpose of selling food must provide at least one clearly marked parking space per service window for the use of vehicles waiting for an order to be filled.

E. Curb cuts. Curb cuts shall be in accordance with Section 18.810.030.N.

F. Pedestrian access. Pedestrian access through parking lots shall be provided in accordance with Section 18.705.030.F. Where a parking area or other vehicle area has a drop-off grade separation, the property owner shall install a wall, railing, or other barrier which will prevent a slow-moving vehicle or driverless vehicle from escaping such area and which will prevent pedestrians from walking over drop-off edges.

G. Parking lot landscaping. Parking lots shall be landscaped in accordance with the requirements of Chapter 18.745.

H. Parking space surfacing.

1. Except for single-family and duplex residences, and for temporary uses or fleet storage areas as authorized in 18.765.040.H.3 and 4 below, all areas used for the parking or storage or maneuvering of any vehicle, boat or trailer shall be improved with asphalt, concrete, or pervious paving surfaces. Any pervious paving surface must be designed and maintained to remain well-drained;
2. Off-street parking spaces for single and two-family residences shall be improved with an asphalt, concrete, or pervious paving surface. Any pervious paving surface must be designed and maintained to remain well-drained;
3. Parking areas to be used primarily for the storage of fleet vehicles or construction equipment may be surfaced in gravel when authorized by the approval authority at the time the site development approval is given. The Director may require that the property owner enter into an agreement to pave the parking area: a) within a specified period of time after establishment of the parking area; or b) if there is a change in the types or weights of vehicles utilizing the parking area; or c) if there is evidence of adverse effects upon adjacent roadways, water courses, or properties. Such an agreement shall be executed as a condition of approval of the plan to establish the gravel parking area. Gravel-surfaced parking areas may only be permitted consistent with the following:
 - a. Gravel parking areas shall not be permitted within 100 feet of any residentially-zoned or residentially-developed area;
 - b. Gravel access and/or parking areas shall not be allowed within 100 feet of any water course;
 - c. Gravel parking areas shall not be allowed within 100 feet of any public right-of-way; and
 - d. A driveway which connects a gravel parking area with any public street shall be paved; and
4. Parking areas to be used in conjunction with a temporary use may be surfaced in gravel when authorized by the approval authority at the time the permit is approved. The approval authority shall consider the following in determining whether or not the gravel-surfaced parking is warranted:
 - a. The request for consideration to allow a parking area in conjunction with the temporary use shall be made in writing concurrently with the Temporary Use application per the requirements of Section 18.385.050;
 - b. The applicant shall provide documentation that the type of temporary use requested will not be financially viable if the parking space surface area requirement is imposed; and
 - c. Approval of the gravel-surfaced parking area will not create adverse conditions affecting safe ingress and egress when combined with other uses of the property.

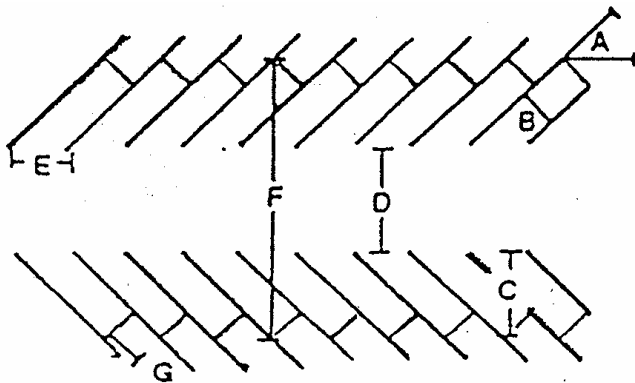
I. Parking lot striping.

1. Except for single-family and duplex residences, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked; and
 2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.
- J. Wheel stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall. The front three feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.
- K. Drainage. Off-street parking and loading areas shall be drained in accordance with specifications approved by the City Engineer to ensure that ponds do not occur except for single-family and duplex residences, off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.
- L. Lighting. A lights providing to illuminate any public or private parking area or vehicle sales area shall be arranged to direct the light away from any adjacent residential district.
- M. Signs. Signs which are placed on parking lots shall be designed and installed in accordance with Chapter 18.780, Signs.

N. Space and aisle dimensions. (Figure 18.765.1)

FIGURE 18.765.1												
OFF-STREET SURFACE PARKING MATRIX												
Required Space and Aisle Dimensions in Feet												
COMPACT							STANDARD					
A	B	C	D	E	F	G	B	C	D	E	F	G
45°	7.50	15.5	13.0	10.61	44.0	2.0	8.5	17.5	13.0	12.0	48.0	2.0
	7.75	15.5	12.0	10.96	43.0	2.0	9.0	17.5	12.0	12.7	47.2	2.0
	7.75	15.5	11.0	10.96	42.0	2.0	9.5	17.5	11.0	13.4	46.0	2.0
	8.00	15.5	11.0	11.32	42.0	2.0	10.0	17.5	11.0	14.1	46.0	2.0
60°	7.50	17.0	18.0	8.62	48.0	2.5	8.5	19.0	18.0	9.80	56.0	2.5
	7.75	17.0	16.0	9.01	46.0	2.5	9.0	19.0	16.0	10.4	54.0	2.5
	7.75	17.0	15.0	9.01	54.0	2.5	9.5	19.0	15.0	11.0	53.0	2.5
	8.00	17.0	14.0	9.20	44.0	2.5	10.0	19.0	14.0	11.6	52.0	2.5
75°	7.50	17.5	25.5	7.73	60.5	2.5	8.5	19.5	25.5	8.80	64.0	2.5
	7.75	17.5	23.0	7.99	58.0	2.5	9.0	19.5	23.0	9.30	62.0	2.5
	7.75	17.5	22.0	7.99	57.0	2.5	9.5	19.5	22.0	9.80	61.0	2.5
	8.00	17.5	21.0	8.25	56.0	2.5	10.0	19.5	21.0	10.3	60.0	2.5
90°	7.50	16.5	28.0	7.50	61.0	3.0	8.5	18.5	28.0	8.50	65.0	3.0
	7.75	16.5	26.0	7.75	60.0	3.0	9.0	18.5	26.0	9.00	63.0	3.0
	7.75	16.5	25.0	7.75	59.0	3.0	9.5	18.5	25.0	9.50	62.0	3.0
	8.00	16.5	24.0	8.00	58.0	3.0	10.0	18.5	24.0	10.0	61.0	3.0

Stall width dimensions may be distributed as follows: 50% standard spaces, 50% compact spaces. All compact spaces shall be labeled as such.



- A** Parking Angle
- B** Stall Width
- C** Stall Depth (no bumper overhang)
- D** Aisle Width Between Stall Lines (5)
- E** Stall Width Parallel to Aisle
- F** Module Width (no bumper overhang)
- G** Bumper Overhang

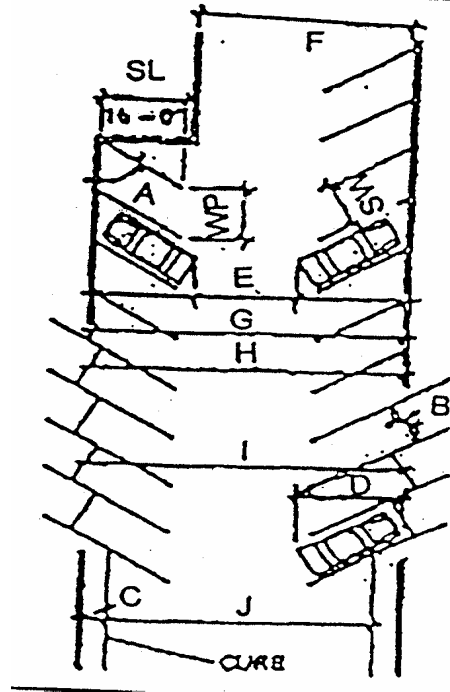
1. Except as modified for angled parking in Figures 18.765.1 and 18.765.2, the minimum dimensions for parking spaces are:
 - a. 8.5' x 18.5' for a standard space;
 - b. 7.5' x 16.5' for a compact space; and
 - c. As required by applicable State of Oregon and federal standards for designated disabled person parking spaces;
 - d. The width of each parking space includes a stripe which separates each space.
2. Aisles accommodating two direction traffic, or allowing access from both ends, shall be 24 feet in width;
3. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined as noted in Figure 18.765.2. (Ord. 06-20)

FIGURE 18.765.2
PARKING STRUCTURE MATRIX
 Required Space and Aisle Dimensions in Feet

COMPACT									
Angle A	Interlock Reduction B	Overhang C	Vehicle Projection D	Width E	F	G	Module Widths		
							H	I	J
45°	2.0	1.41	15.25	11.5	26.75	42.0	40.0	38.0	39.16
60°	1.41	1.75	16.08	13.33	29.66	46.0	44.58	43.16	42.5
75°	0.75	1.91	16.5	16.0	32.5	49.0	48.25	47.5	45.16
90°	0.0	2.0	15.5	20.0	35.5	51.0	51.0	51.0	47.0

STANDARDS									
Angle A	Interlock Reduction B	Overhang C	Vehicle Projection D	Width E	F	G	Module Widths		
							H	I	J
45°	2.4	2.08	18.0	13.0	31.0	49.0	46.66	46.33	44.83
60°	1.66	2.58	19.5	16.0	35.5	55.0	51.33	51.66	49.16
75°	0.83	2.91	19.75	20.0	39.75	59.5	58.66	57.83	53.66
90°	0.0	3.0	18.66	24.66	43.33	62.0	62.0	62.0	56.0

- A Parking angle
- B Interlock reduction
- C Overhang clearance
- D Projected vehicle length measured perpendicular to aisle
- E Aisle width
- F Parking module width (wall to wall), single loaded aisle
- G Parking module width (wall to wall), double loaded aisle
- H Parking module width (wall to interlock), double loaded aisle
- I Parking module width (interlock to interlock), double loaded aisle
- J Parking module width (curb to curb), double loaded aisle
- SL Stall Length
- SW Stall Width
- WP Stall width parallel to aisle



18.765.050 Bicycle Parking Design Standards

- A. Location and access. With regard to the location and access to bicycle parking:
1. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures;
 2. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways;
 3. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate the parking area;
 4. Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.
- B. Covered parking spaces.
1. When possible, bicycle parking facilities should be provided under cover.
 2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.
- C. Design requirements. The following design requirements apply to the installation of bicycle racks:
1. The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;
 2. Bicycle racks must be securely anchored to the ground, wall or other structure;
 3. Bicycle parking spaces shall be at least 2½ feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;
 4. Each required bicycle parking space must be accessible without moving another bicycle;
 5. Required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement;
 6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.

- D. Paving. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete, other pervious paving surfaces, or similar material. This surface must be designed and maintained to remain well-drained.
- E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.768.2 in Section 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The Director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.370.020.C.5.e.

18.765.060 Parking Structure Design Standards

- A. Ground-floor windows/wall openings. All parking structures shall provide ground floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas equal to at least 20% of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows shall have a sill no more than four (4) feet above grade. Where the interior floor level prohibits such placement, the sill may be raised to allow it to be no more than two (2) feet above finished floor wall up to a maximum sill height of six (6) feet above grade.
- B. Exit warning bell. A warning bell or other signal must be provided for exits from parking structures that cross public sidewalks where a standard vision clearance area cannot be provided.
- C. Other standards. Parking structures must comply with all standards of the Uniform Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting and fire/safety requirements and disabled accessibility.
- D. Parking layout and internal circulation. The layout of parking within a parking structure shall be subject to the requirements contained in Figure 18.765.2. An applicant may request approval of an alternative layout and internal circulation by means of a Type II adjustment, as governed in Section 18.370.010, using the approval criteria in Section 18.370.020.C.5.f.

18.765.070 Minimum and Maximum Off-Street Parking Requirements

- A. Parking requirements for unlisted uses.
 - 1. The Director may rule that a use, not specifically listed in Section 18.765.070.H, is a use similar to a listed use and that the same parking standards shall apply. If the applicant requests that the Director's decision be rendered in writing, it shall constitute a Director's Interpretation, as governed by Section 18.340;
 - 2. The Director shall maintain a list of approved unlisted use parking requirements which shall have the same effect as an amendment to this chapter.
- B. Choice of parking requirements. When a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the use which requires the greater number of parking spaces shall govern.

- C. Measurements. The following measurements shall be used in calculating the total minimum number of vehicle parking spaces required in Section 18.765.070.H:
1. Fractions. Fractional space requirements shall be counted as a whole space;
 2. Employees. Where employees are specified for the purpose of determining the minimum vehicle parking spaces required, the employees counted are those who work on the premises during the largest shift at the peak season;
 3. Students. When students are specified for the purpose of determining the minimum vehicle parking spaces required, the students counted are those who are on the campus during the peak period of the day during a typical school term;
 4. Space. Unless otherwise specified, where square feet are specified, the area measured shall be gross floor area under the roof measured from the faces of the structure, excluding only space devoted to covered off-street parking or loading.
- D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in Section 18.765.070.H:
1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except; Religious Institutions may count on-street parking around the perimeter of the use provided that the following criteria have been satisfied:
 - a. The on-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way;
 - b. The street where on-street parking is proposed is not located on local residential streets.
 2. Fleet parking. Required vehicle parking spaces may not be used for storage of fleet vehicles, except when a use can show that employee and fleet parking spaces are used interchangeably, e.g., the employee drives the fleet vehicle from home, or the spaces are used for fleet storage only at night and are available for employee use during the day. For the purposes of this title, space exclusively devoted to the storage of fleet vehicles will be considered as outdoor storage.
- E. Exceptions to maximum parking standards. When calculating the maximum vehicle parking allowed as regulated by Section 18.765.080.H, the following exception shall apply:
1. The following types of parking shall not be included:
 - a. Parking contained in a parking structure either incorporated into a building or free-standing;
 - b. Market-rate paid parking;
 - c. Designated carpool and/or vanpool spaces;
 - d. Designated disabled-accessible parking spaces;
 - e. Fleet parking.

2. If application of the maximum parking standard would result in less than six parking spaces for a development with less than 1,000 gross square feet of floor area, the development shall be allowed up to six parking spaces. If application of the maximum parking standard would result in less than 10 vehicle parking spaces for a development between 1,000 and 2,000 gross square feet, the development will be allowed up to 10 vehicle parking spaces.
- F. Reductions in minimum required vehicle parking. Reductions in the required number of vehicle parking spaces may be permitted as follows:
1. The Director may reduce off-street vehicle parking spaces per Section 18.765.070.H by up to 20% in new developments for the incorporation of transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.370.020.C.5.b. Applicants who qualify for this adjustment may also apply for further parking reductions per 18.765.070.F.2. below;
 2. The Director may reduce the total required off-street vehicle parking spaces per Section 18.765.070.H by up to a total of 20% by means of parking adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in Section 18.370.020.C.5.a.
 3. The Director is authorized to reduce up to 10% of existing required parking spaces at a conversion ratio of one parking space for each 100 square feet of transit facility for developments which incorporate transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented development or other transit-related facilities through a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Section 18.370.020.C.5.c.
- G. Increases in maximum required vehicle parking. The Director may increase the total maximum number of vehicle spaces allowed in Section 18.765.070.H by means of a parking adjustment to be reviewed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in section 18.370.020.C.5.d.
- H. Specific requirements. (See Table 18.765.2) (Ord. 02-13)

18.765.080 Off-Street Loading Requirements

- A. Off-street loading spaces. Commercial, industrial and institutional buildings or structures to be built or altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows:
1. A minimum of one loading space is required for buildings with 10,000 gross square feet or more;
 2. A minimum of two loading spaces for buildings with 40,000 gross square feet or more.
- B. Off-street loading dimensions.
1. Each loading berth shall be approved by the City Engineer as to design and location;

2. Each loading space shall have sufficient area for turning and maneuvering of vehicles on the site. At a minimum, the maneuvering length shall not be less than twice the overall length of the longest vehicle using the facility site;
3. Entrances and exits for the loading areas shall be provided at locations approved by the City Engineer in accordance with Chapter 18.710;
4. Screening for off-street loading facilities is required and shall be the same as screening for parking lots in accordance with Chapter 18.745.

Table 18.765.2 Minimum and Maximum Required Off-street Vehicle and Bicycle Parking Requirements

	MINIMUM	MAXIMUM ^[1]		
		ZONE A	ZONE B	BICYCLE ^[2]
RESIDENTIAL				
Household Living				
Single Units, Attached	See Multifamily (M)	none (M)	none (M)	none
Single Units, Detached	1.0/DU	none (M)	none (M)	none
Accessory Units	1.0/DU	none	none	none
Duplexes				none
Multifamily Units	DU<500 sq ft: 1.0/DU (M) 1 bedroom: 1.25/DU (M) 2 bedroom: 1.5/DU (M) 3 bedroom: 1.75/DU (M)	none (M)	none (M)	1.0/2 DUs except elderly, which is 1.0/20 DUs
Manufactured Units	1.0/DU (M)	none (M)	none (M)	none
Mobile Home Parks	1.0/DU (M)	none (M)	none (M)	none
Group Living	1.0/room 1.0/2.5 beds	none 2.7/1,000 ^[3]	none none	1.0/5 beds
Transitional Housing	1.0/2.5 beds	none	none	1.0/5 beds
Home Occupation	none	none	none	none
CIVIC				
Basic Utilities	none	none	none	none
Colleges	1.0/5 students/staff (M)	1.0/3.3 students/staff (M)	1.0/3.3 students/staff (M)	1.0/3.0 students/staff
Community Recreation	2.0/1,000	2.5/1,000	4.0/1,000	0.3/1,000
Cultural Institutions	2.5/1,000	3.5/1,000	4.5/1,000	1.0/1,000
Day Care	Home: none Commercial: 2.0/classroom	none 2.7/1,000	none 3.2/1,000	Home: none Commercial: 1.5/classroom
Emergency Services	3.0/1,000	3.5/1,000	4.5/1,000	0.5/1,000
Medical Centers	2.0/1,000 ^[4]	2.7/1,000 ^[4]	3.2/1,000 ^[4]	0.2/1,000

NA: Not Addressed

^[1] To be determined by the City of Tigard based on Metro criteria.

DU: Dwelling Unit

^[2] Required bicycle parking shall be required per the ratios below except in no case shall there be fewer than two space provided.

(M): Metro Requirement

^[3] Refers to 1,000 sq. ft. of floor area, unless otherwise noted.

^[4] Does not include outpatient clinics or medical offices; see Medical/Dental Offices.

Table 18.765.2 Minimum and Maximum Required Off-street Vehicle and Bicycle Parking Requirements (Cont.)

	MAXIMUM ¹			
	MINIMUM	ZONE A	ZONE B	BICYCLE ²
Postal Services	2.5/1,000	3.0/1,000	4.5/1,000	0.3/1,000
Public Support Facilities	none	none	none	none
Religious Institutions	1.0/3 ^[6] seats in main assembly area (M)	1.0/1.7 seats in main assembly area (M)	1.0/1.3 seats in main assembly area (M)	1.0/20 seats in main assembly area
Schools	Preschool: 5.0+1/classroom Elementary/JR: 2.0/classroom SR: 1.0/5 students/staff (M)	Preschool: 7.0+1.0 classroom Elementary/JR: 2.5/classroom SR: 1.0/3.3 students/staff (M)	Preschool: 10.0+1/classroom Elementary/JR: 3.5/classroom SR: 1.0/3.3 students/staff (M)	Preschool: 1.0/classroom Elementary/JR: 6.0/classroom SR: 6.0/classroom
Social/Fraternal Clubs/Lodges	10.0/1,000 main assembly area	12.0/1,000 main assembly area	14.0/1,000 main assembly area	2.0/1,000 main assembly area
COMMERCIAL^[5]				
Commercial Lodging	1.0/room	1.2/room	1.4/room	1.0/10 rooms
Eating and Drinking Establishments	Fast food: 9.9/1,000 (M) other: 15.3/1,000 (M)	12.4/1,000 (M) 19.1/1,000 (M)	14.9/1,000 (M) 23.0/1,000 (M)	All: 1.0/1,000
Entertainment - Oriented				
Major Event Entertainment	1.0/3 seats or 1.0/6' bench	1.0/2.5 seats or 1.0/5' bench	1.0/2 seats or 1.0/4' bench	1.0/10 seats or 40' bench
Outdoor Entertainment	4.0/1,000 (M)	4.5/1,000	5.0/1,000	0.4/1,000
Indoor Entertainment	4.3/1,000 (M) Theater: 1.0/3 seats (M)	5.4/1,000 (M) Theater: 1.0/2.5 seats (M)	6.5/1,000 (M) Theater 1.0/2.0 seats (M)	0.5/1,000 1.0/10 seats
Adult Entertainment	2.5/1,000 1.0/3 seats (M)	3.5/1,000 1.0/1.25 seats (M)	4.5/1,000 1.0/2.0 seats (M)	0.5/1,000 1.0/20 seats
General Retail				
Sales - Oriented	3.7/1,000 (M)	5.1/1,000 (M)	6.2/1,000 (M)	0.3/1,000
Personal Services	2.5/1,000 Bank with drive in: 4.3/1,000(M)	3.0/1,000 5.4/1,000 (M)	4.5/1,000 6.5/1,000 (M)	1.0/1,000 1.0/1,000
Repair - Oriented	3.3/1,000	4.0/1,000	4.5/1,000	0.3/1,000
Bulk Sales	1.0/1,000 but no less than 10.0	1.3/1,000	2.0/1,000	0.3/1,000
Outdoor Sales	1.0/1,000 sales area	1.3/1,000 sales area	2.0/1,000 sales area	0.1/1,000 sales area
Animal - Related	3.3/1,000	4.0/1,000	4.5/1,000	0.3/1,000

^[5]Existing buildings directly abutting Main Street are not required to add additional off-street parking for a change of use except for entertainment uses. New buildings or existing buildings that undergo remodeling provided the original square footage of the buildings remain the same also are not required to add additional off-street parking. Entertainment uses and construction of new buildings abutting Main Street require parking according to the standards of Table 18.765.2.

^[6]Religious Institutions may provide 1 space for every 4 seats on site in the main assembly area provided that they supply the city with a parking plan that demonstrates that the peak parking demand of 1 space for every 3 seats is met utilizing any combination of the alternatives mentioned in this chapter. Adjustments to the minimum parking of 1 space for every 3 seats may be granted per applicable provisions of the code, but shall not decrease the amount of required on-site parking to less than 1 space for every 4 seats (unless the cumulative value of all adjustments granted results in an adjusted requirement of less than 1 space for every 4 seats).

Table 18.765.2 Minimum and Maximum Required Off-street Vehicle and Bicycle Parking Requirements (Cont.)

	MAXIMUM ¹			
	MINIMUM	ZONE A	ZONE B	BICYCLE ²
Motor Vehicle Related				
Motor Vehicle Sales/Rental	1.0/1,000 but no less than 4.0	1.3/1,000 but no less than 4.0	2.0/1,000 but no less than 4.0	0.2/1,000 sales area
Motor Vehicle Servicing/Repair	2.0/1,000 but no less than 4.0	2.3/1,000 but no less than 4.0	2.6/1,000 but no less than 4.0	0.2/1,000
Vehicle Fuel Sales	3.0+2.0/service bay	4.0+2.0/service bay	4.0+2.5/service bay	0.2/1,000
Office	2.7/1,000 (M) 3.9/1,000 (M)	3.4/1,000 (M) 4.9/1,000 (M)	4.1/1,000 (M) 5.9/1,000 (M)	0.5/1,000 0.4/1,000
Self-Service Storage	1.0/4 storage units	1.0/4 storage units	1.0/2 storage units	1.0/40 storage units
Non-Accessory Parking	none	none	none	none
INDUSTRIAL				
Industrial Services	0.8/1,000	1.2/1,000	1.8/1,000	0.1/1,000
Manufacturing and Production				
Light Industrial	1.6/1,000 (M)	none	none	0.1/1,000
General Industrial	1.6/1,000 (M)	none	none	0.1/1,000
Heavy Industrial	1.6/1,000 (M)	none	none	0.1/1,000
Railroad Yards	none	none	none	none
Research and Development	2.0/1,000	3.0/1,000	3.8/1,000	0.5/1,000
Warehouse/Freight Movement	≤150,000 sq ft: 0.5/1,000 >150,000 sq ft: 0.3/1,000 (M)	0.8/1,000 0.4/1,000 (M)	1.2/1,000 0.5/1,000 (M)	0.1/1,000
Waste-Related	5.0	7.0	10.0	none
Wholesale Sales	0.8/1,000	1.2/1,000	1.8/1,000	0.1/1,000

Table 18.765.2 Minimum and Maximum Required Off-street Vehicle and Bicycle Parking Requirements (Cont.)

	MINIMUM	MAXIMUM ¹		
		ZONE A	ZONE B	BICYCLE ²
OTHER				
Agriculture/Horticulture	2.5/1,000 sales area but no less than 4.0	none	none	none
Cemeteries	Exempt	Exempt	Exempt	none
Detention Facilities	1.0/2.5 beds	none	none	1.0/2.5 beds
Heliports	none	none	none	none
Mining	<5.0	none	none	none
Wireless Communication Facilities	none	none	none	none
Rail Lines/Utility Corridors	none	none	none	none

(Ord. 02-13)

Chapter 18.775
SENSITIVE LANDS

Sections:

- 18.775.010 Purpose**
- 18.775.020 Applicability of Uses: Permitted, Prohibited, and Nonconforming**
- 18.775.030 Administrative Provisions**
- 18.775.040 General Provisions for Floodplain Areas**
- 18.775.050 General Provisions for Wetlands**
- 18.775.060 Expiration of Approval: Standards for Extension of Time**
- 18.775.070 Sensitive Land Permits**
- 18.775.080 Application Submission Requirements**
- 18.775.090 Special Provisions for Development Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek**
- 18.775.100 Adjustments to Underlying Zone Setback Standards**
- 18.775.110 Density Transfer**
- 18.775.120 Variances to Section 18.775.090 Standards**
- 18.775.130 Plan Amendment Option**

18.775.010 Purpose

- A. Maintain integrity of rivers, streams, and creeks. Sensitive land regulations contained in this chapter are intended to maintain the integrity of the rivers, streams, and creeks in Tigard by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential.
- B. Implement comprehensive plan and floodplain management program. The regulations of this chapter are intended to implement the comprehensive plan and the city's flood plain management program as required by the National Flood Insurance Program, and help to preserve natural sensitive land areas from encroaching use and to maintain the February 18, 2005, zero-foot rise floodway elevation.
- C. Implement Clean Water Service (CWS) Design and Construction Standards. The regulations of this chapter are intended to protect the beneficial uses of water within the Tualatin River Basin in accordance with the CWS "Design and Construction Standards", as adopted February 7, 2000.
- D. Implement the Metro Urban Growth Management Functional Plan. The regulations of this chapter are intended to protect the beneficial water uses and functions and values of resources within water quality and flood management areas and to implement the performance standards of the Metro Urban Growth Management Functional Plan.
- E. Implement Statewide Planning Goal 5 (Natural Resources). The regulations in this chapter are intended to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule pertaining to wetland and riparian corridors.
- F. Protect public health, safety, and welfare. Sensitive land areas are designated as such to protect the public health, safety, and welfare of the community through the regulation of these sensitive land areas.

G. Location. Sensitive lands are lands potentially unsuitable for development because of their location within:

1. The 100-year floodplain or 1996 flood inundation line, whichever is greater;
2. Natural drainageways;
3. Wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, or are designated as significant wetland on the City of Tigard “Wetland and Stream Corridors Map”;
4. Steep slopes of 25% or greater and unstable ground; and
5. Significant fish and wildlife habitat areas designated on the City of Tigard “Significant Habitat Areas Map.” (Ord. 06-20, Ord. 05-01)

18.775.020 Applicability of Uses: Permitted, Prohibited, and Nonconforming

A. CWS Stormwater Connection Permit. All proposed “development”, must obtain a Stormwater Connection Permit from CWS pursuant to its “Design and Construction Standards”. As used in this chapter, the meaning of the word “development” shall be as defined in the CWS “Design and Construction Standards”: All human-induced changes to improved or unimproved real property including:

1. Construction of structures requiring a building permit, if such structures are external to existing structures;
2. Land division;
3. Drilling;
4. Site alterations resulting from surface mining or dredging;
5. Grading;
6. Construction of earthen berms;
7. Paving;
8. Excavation; or
9. Clearing when it results in the removal of trees or vegetation which would require a permit from the local jurisdiction or an Oregon Department of Forestry tree removal permit.
10. The following activities are not included in the definition of development:
 - a. Farming activities when conducted in accordance with accepted farming practices as defined in ORS 30.930 and under a Senate Bill 1010 water quality management plan;

- b. Construction, reconstruction, or modification of a single family residence on an existing lot of record within a subdivision that was approved by the City or County after September 9, 1995 (from ORS 92.040(2)); and
 - c. Any development activity for which land use approvals have been issued pursuant to a land use application submitted to the City or County on or before February 4, 2000, and deemed complete or before March 15, 2000.
- B. Outright permitted uses with no permit required. Except as provided below and by Sections 18.775.020.D, 18.775.020.F, and 18.775.020.G, the following uses are outright permitted uses within the 100-year floodplain, drainageways, slopes that are 25% or greater, and unstable ground when the use does not involve paving. For the purposes of this chapter, the word “structure” shall exclude: children’s play equipment, picnic tables, sand boxes, grills, basketball hoops and similar recreational equipment.
1. Accessory uses such as lawns, gardens, or play areas; except in (a) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS “Design and Construction Standards”, or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.
 2. Farm uses conducted without locating a structure within the sensitive land area; except in (a) a Water Quality Sensitive Area or Vegetative Corridor, as defined in CWS “Design and Construction Standards”, or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.
 3. Community recreation uses, excluding structures; except in (a) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS “Design and Construction Standards”, or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.
 4. Public and private conservation areas for water, soil, open space, forest, and wildlife resources.
 5. Removal of poison oak, tansy ragwort, blackberry, English ivy, or other noxious vegetation.
 6. Maintenance of floodway excluding re-channeling; except in (a) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS “Design and Construction Standards”, or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.
 7. Fences; except in (a) the floodway area, (b) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CSW “design and Construction Standards”, or (c) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.
 8. Accessory structures which are less than 120 square feet in size; except in (a) the floodway area, (b) a Water Quality Sensitive Area or Vegetative Corridor, as defined in the CWS “Design and Construction Standards”, or (c) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.
 9. Land form alterations involving up to 10 cubic yards of material; except in (a) the floodway area, (b) a Water Quality Sensitive Area or Vegetative Corridor, as defined in the CWS “Design and

Construction Standards”, or (c) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in Section 18.775.090.

C. Exemptions. When performed under the direction of the City, and in compliance with the provisions of the City of Tigard Standards and Specifications for Riparian Area Management, on file in the Engineering Division, the following shall be exempt from the provisions of this section:

1. Responses to public emergencies, including emergency repairs to public facilities;
2. Stream and wetlands restoration and enhancement programs;
3. Non-native vegetation removal;
4. Planting of native plant species; and
5. Routine maintenance or replacement of existing public facilities projects.

D. Jurisdictional wetlands. Landform alterations or developments which are only within wetland areas that meet the jurisdictional requirements and permit criteria of the U.S. Army Corps of Engineers, Division of State Lands, CWS, and/or other federal, state, or regional agencies, and are not designated as significant wetlands on the City of Tigard “Wetland and Streams Corridors Map”, do not require a sensitive lands permit. The City shall require that all necessary permits from other agencies are obtained. All other applicable City requirements must be satisfied, including sensitive land permits for areas within the 100-year floodplain, slopes of 25% or greater or unstable ground, drainageways, and wetlands which are not under state or federal jurisdiction.

E. Administrative sensitive lands review.

1. Administrative sensitive lands permits in the 100-year floodplain, drainageway, slopes that are 25% or greater, and unstable ground shall be obtained from the appropriate community development division for the following:
 - a. The City Engineer shall review the installation of public support facilities such as underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights, and driveway aprons by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;
 - b. The City Engineer shall review minimal ground disturbance(s) or landform alterations involving 10 to 50 cubic yards of material, except in the floodway area, for land that is within public easements and rights-of-way by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;
 - c. The Director shall review minimal ground disturbance(s) or landform alterations involving 10 to 50 cubic yards of material, except in the floodway area by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;
 - d. The Director shall review the repair, reconstruction, or improvement of an existing structure or utility, the cost of which is less than 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in

the floodway by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;

- e. The Building Official shall review building permits for accessory structures which are 120 to 528 square feet in size, except in the floodway area; and
 - f. The Director shall review applications for paving on private property, except in the floodway area by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter.
2. The responsible community development division shall approve, approve with conditions, or deny an application for a development permit, as described above, based on the standards set forth in Sections 18.775.050, 18.775.070, and 18.775.080.

F. Sensitive lands permits issued by the Director.

1. The Director shall have the authority to issue a sensitive lands permit in the following areas by means of a Type II procedure, as governed in Section 18.390.040, using approval criteria contained in Section 18.775.070:
 - a. Drainageways;
 - b. Slopes that are 25% or greater or unstable ground; and
 - c. Wetland areas which are not regulated by other local, state, or federal agencies and are designated as significant wetlands on the City of Tigard “Wetland and Streams Corridors Map”.
2. Sensitive lands permits shall be required for the areas in Section 18.775.020.F.1 above when any of the following circumstances apply:
 - a. Ground disturbance(s) or land form alterations involving more than 50 cubic yards of material;
 - b. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction;
 - c. Residential and non-residential structures intended for human habitation; and
 - d. Accessory structures which are greater than 528 square feet in size, outside floodway areas.

G. Sensitive lands permits issued by the Hearings Officer.

1. The Hearings Officer shall have the authority to issue a sensitive lands permit in the 100-year floodplain by means of a Type IIIA procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.775.070.
2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:

- a. Ground disturbance(s) or landform alterations in all floodway areas;
 - b. Ground disturbance(s) or landform alterations in floodway fringe locations involving more than 50 cubic yards of material;
 - c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;
 - d. Structures intended for human habitation; and
 - e. Accessory structures which are greater than 528 square feet in size, outside of floodway areas.
- H. Other uses. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on sensitive land areas.
- I. Nonconforming uses. A use established prior to the adoption of this title, which would be prohibited by this Chapter or which would be subject to the limitations and controls imposed by this Chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 18.760. (Ord. 06-20)

18.775.030 Administrative Provisions

- A. Interagency Coordination. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.
- 1. As governed by CWS “Design and Construction Standards”, the necessary permits for all “development”, as defined in Section 18.775.020.A above, shall include a CWS Service Provider Letter, which specifies the conditions and requirements necessary, if any, for an applicant to comply with CWS water quality protection standards and for the Agency to issue a Stormwater Connection Permit.
- B. Alteration or relocation of water course.
- 1. The Director shall notify communities adjacent to the affected area and the State Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - 2. The Director shall require that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.
- C. Apply Standards. The appropriate approval authority shall apply the standards set forth in Sections 18.775.040, and 18.775.070 when reviewing an application for a sensitive lands permit.
- D. Elevation and flood-proofing certification. The appropriate approval authority shall require that the elevations and flood-proofing certification required in Section 18.775.030.E below be provided prior to permit issuance and verification upon occupancy and final approval.

E. Maintenance of records.

1. Where base flood elevation data is provided through the Flood Insurance Study, the Building Official shall 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;
2. For all new or substantially improved flood-proofed structures, the Building Official shall:
 - a. Verify and record the actual elevation (in relation to mean sea level); and
 - b. Maintain the flood-proofing certifications required in this chapter.
3. The Director shall maintain for public inspection all other records pertaining to the provisions in this chapter.

18.775.040 General Provisions for Floodplain Areas

- A. Permit review. The appropriate approval authority shall review all permit applications to determine whether proposed building sites will minimize the potential for flood damage.
- B. 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 of the City of Tigard,” effective February 18, 2005, with accompanying Flood Insurance Rate Maps effective February 18, 2005, is hereby adopted by reference and declared to be a part of this chapter. This Flood Insurance Study is on file at the Tigard Civic Center.
- C. Base flood elevation data. When base flood elevation data has not been provided in accordance with Section 18.775.040.B above, the Director 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 Sections 18.775.040.M and 18.775.040.N below).
- D. Test of reasonableness. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that the potential for flood damage to the proposed construction will be minimized. 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 sensitive land areas may result in higher insurance rates.
- E. Resistant to flood damage. All new construction and substantial improvements, including manufactured homes, shall be constructed with materials and utility equipment resistant to flood damage.
- F. Minimize flood damage. All new construction and substantial improvements, including manufactured homes, shall be constructed using methods and practices that minimize flood damage.
- G. Equipment protection. 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.

- H. Water Supply Systems. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
- I. Anchoring. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- J. Sanitary sewerage systems. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwater.
- K. On-site water disposal systems. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- L. Residential Construction.
1. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated at least one foot above base flood elevation;
 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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:
 - a. 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;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.
 3. Manufactured homes shall be securely anchored to an adequately anchored permanent foundation system. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- M. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:
1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. 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/or review of the structural design, specifications and plans. Such certifications shall be provided to the Building Official as set forth in Section 18.775.030.E.2; and
4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 18.775.040.L.2. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

N. Subdivisions and partitions in 100-year floodplain. Subdivisions and partitions in the 100-year floodplain shall meet the following criteria:

1. The design shall minimize the potential for flood damage;
2. Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed so as to minimize flood damage;
3. Adequate drainage shall be provided to reduce exposure to flood damage; and
4. For subdivisions or partitions which contain more than 50 lots or 5 acres and where base flood elevation data is not available from the Federal Emergency Management Agency (FEMA) or another authoritative source, the applicant shall generate base flood elevation data to be reviewed as part of the application.

O. Recreational vehicles. Recreational vehicles placed on sites within zones A1-A30, AH, and AE on the community's Flood Insurance Rate Map either:

1. Are on the site for fewer than 180 consecutive days;
2. Are fully licensed and ready for highway use:
 - a. Are on wheels or jacking system,
 - b. Are attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c. Meet the requirements of E, F, I, and L above and the elevation and anchoring requirements for manufactured homes. (Ord. 05-01)

18.775.050 General Provisions for Wetlands

A. Code compliance requirements. Wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map", and to a vegetated corridor ranging from 25 to 200 feet wide, measured horizontally, from the defined boundaries of the wetland, per "Table 3.1 Vegetated Corridor Widths" and "Appendix C" Natural Resource Assessments" of the CWS "Design and Construction Standards". Wetland locations may include but are not limited to those areas identified as wetlands in "Wetland Inventory and Assessment for the City of Tigard, Oregon," Fishman Environmental Services, 1994.

- B. Delineation of wetland boundaries. Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

18.775.060 Expiration of Approval: Standards for Extension of Time

- A. Voiding of permit. Approval of a sensitive lands permit shall be void if:
1. Substantial construction of the approved plan has not begun within a one-and-one-half year period; or
 2. Construction on the site is a departure from the approved plan.
- B. Granting of extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year, provided that:
1. No changes are made on the original plan as approved by the approval authority;
 2. The applicant can show intent of initiating construction of the site within the one year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- C. Notice of the decision. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Section 18.390.040.G and 18.390.040.H.

18.775.070 Sensitive Land Permits

- A. Permits required. An applicant, who wishes to develop within a sensitive area, as defined in Chapter 18.775, must obtain a permit in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III permit is required, as delineated in Sections 18.775.020.F and 18.775.020.G. The approval criteria for various kinds of sensitive areas, e.g., floodplain, are presented in Sections 18.775.070.B – 18.775.070.E below.
- B. Within the 100-year floodplain. The Hearings Officer shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:
1. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;
 2. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.120 of the Community Development Code shall be allowed in areas designated residential subject to applicable zoning standards;

3. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;
 4. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the Hearings Officer as untimely;
 5. The plans for the pedestrian/bicycle pathway indicate that no pathway will be below the elevation of an average annual flood;
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained; and
 7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
- C. With steep slopes. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit on slopes of 25% or greater or unstable ground based upon findings that all of the following criteria have been satisfied:
1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
 3. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock; and
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.
- D. Within drainageways. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:
1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;
 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

3. The water flow capacity of the drainageway is not decreased;
 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;
 5. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;
 7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- E. Within wetlands. The Director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:
1. The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the Comprehensive Plan Floodplain and Wetland Map nor is within the vegetative corridor established per “Table 3.1 Vegetative Corridor Widths” and Appendix C: Natural Resources Assessments” of the CWS “Design and Construction Standards”, for such a wetland;
 2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;
 3. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;
 4. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;
 5. All other sensitive lands requirements of this chapter have been met;
 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;
 7. The provisions of Chapter 18.790, Tree Removal, shall be met;
 8. Physical Limitations and Natural Hazards, Floodplains and Wetlands, Natural Areas, and Parks, Recreation and Open Space policies of the Comprehensive Plan have been satisfied.

18.775.080 Application Submission Requirements

- A. Application submission requirements. All applications for uses and activities identified in Sections 18.775.020.A – 18.775.020.G shall be made on forms provided by the Director and must include the following information in graphic, tabular and/or narrative form. The specific information on each of the following is available from the Director:
1. A CWS Stormwater Connection permit;
 2. A site plan;
 3. A grading plan; and
 4. A landscaping plan.

18.775.090 Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and South Fork of Ash Creek

- A. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0030) pertaining to wetlands, all wetlands classified as significant on the City of Tigard “Wetlands and Streams Corridors Map” are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to Section 18.775.130.
- B. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 660-023-0030) pertaining to riparian corridors, a standard setback distance or vegetated corridor area, measured horizontally from and parallel to the top of the bank, is established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek.
1. The standard width for “good condition” vegetated corridors along the Tualatin River is 75 feet, unless wider in accordance with CWS “Design and Construction Standards”, or modified in accordance with Section 18.775.130. If all or part of a locally significant wetland (a wetland identified as significant on the City of Tigard “Wetlands and Streams Corridors Map”) is located within the 75-foot setback area, the vegetated corridor is measured from the upland edge of the associated wetland.
 2. The standard width for “good condition” vegetated corridors along Fanno Creek, Ball Creek, and the South Fork of Ash Creek is 50 feet, unless wider in accordance with CWS “Design and Construction Standards”, or modified in accordance with Section 18.775.130. If all or part of a locally significant wetland (a wetland identified as significant on the City of Tigard “Wetlands and Streams Corridors Map”) is located within the 50 foot setback area, the vegetated corridor is measured from the upland edge of the associated wetland.
 3. The minimum width for “marginal or degraded condition” vegetated corridors along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek is 50% of the standard width, unless wider in accordance with CWS “Design and Construction Standards”, or modified in accordance with Section 18.775.130.
 4. The determination of corridor condition shall be based on the Natural Resource Assessment guidelines contained in the CWS “Design and Construction Standards”.

5. The standard setback distance or vegetated corridor area applies to all development proposed on property located within or partially within the vegetated corridors, except as allowed below:
 - a. Roads, pedestrian or bike paths crossing the vegetated corridor from one side to the other in order to provide access to the sensitive area or across the sensitive area, as approved by the City per Section 18.775.070 and by CWS “Design and Construction Standards”;
 - b. Utility/service provider infrastructure construction (i.e. storm, sanitary sewer, water, phone, gas, cable, etc.), if approved by the City and CWS;
 - c. A pedestrian or bike path, not exceeding 10 feet in width and meeting the CWS “Design and Construction Standards”;
 - d. Grading for the purpose of enhancing the vegetated corridor, as approved by the City and CWS;
 - e. Measures to remove or abate hazards, nuisances, or fire and life safety violations, as approved by the regulating jurisdiction;
 - f. Enhancement of the vegetated corridor for water quality or quantity benefits, fish, or wildlife habitat, as approved by the City and CWS;
 - g. Measures to repair, maintain, alter, remove, add to, or replace existing structures, roadways, driveways, utilities, accessory uses, or other developments provided they are consistent with City and CWS regulations, and do not encroach further into the vegetated corridor or sensitive area than allowed by the CWS “Design and Construction Standards.”

6. Land form alterations or developments located within or partially within the Goal 5 safeharbor setback or vegetated corridor areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek that meet the jurisdictional requirements and permit criteria of the CWS, U.S. Army Corps of Engineers, Division of State Lands, and/or other federal, state, or regional agencies, are not subject to the provisions of Section 18.775.090.B, except where the:
 - a. Land form alterations or developments are located within or partially within a good condition vegetated corridor, as defined in Sections 18.775.090.B.1 and 18.775.090.B.2;
 - b. Land form alterations or developments are located within or partially within the minimum width area established for marginal or a degraded condition vegetated corridor, as defined in Section 18.775.090.B.3.

These exceptions reflect instances of the greater protection of riparian corridors provided by the safe harbor provisions of the Goal 5 administrative rule.

18.775.100 Adjustments to Underlying Zone Standards

Adjustments to dimensional standards of the underlying zone district may be approved by the Planning Director when necessary to further the purpose of this section.

- A. Adjustment option. The Planning Director may approve up to 50% adjustment to any dimensional standard (e.g., setback height or lot area) of the underlying zone district to allow development

consistent with the purposes of this section. The purpose of the adjustment process is to reduce adverse impacts on wetlands, stream corridors, fish and wildlife habitat, water quality and the potential for slope of flood hazards.

- B. Adjustment criteria. A special adjustment to the standards in the underlying zoning district may be requested under Type II procedure when development is proposed within or adjacent to the vegetated corridor area or within or adjacent to areas designated as “Strictly Limit” or “Moderately Limit” on the City of Tigard “Significant Habitat Areas Map.” Verification of significant habitat boundaries shall be done in accordance with the procedures described in Section 18.775.140. In order for the Director to approve a dimensional adjustment to standards in the underlying zoning district, the applicant shall demonstrate that all the following criteria are fully satisfied:
1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to a water resource, riparian setback area or water quality buffer.
 2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on buildable land.
 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of the residence close to the street to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking areas, minimizing hydrologic impacts and garage space.
 4. In no case shall the impervious surface area as a single-family residence (including the building footprint, driveway and parking areas, accessory structures, swimming pools and patios) exceed 3,000 square feet of a vegetated corridor area.
 5. Assurances are in place to guarantee that future development will not encroach further on land under the same ownership within the vegetated corridor area.
 6. Protected vegetated corridor, significant habitat areas and adjacent buffer areas must be:
 - a. Placed in a non-buildable tract or protected with a restrictive easement.
 - b. Restoration and enhancement of habitat and buffer areas required, including monitoring for five years.
- C. Reduction to minimum density requirements for developments that include inventoried significant habitat areas. The minimum number of units required by Section 18.510.040 (Density Calculation) may be waived if necessary to ensure that impacts on habitat areas are minimized.
1. Approval criteria: Reduction requests will be approved if the review body finds that the applicant has shown that the following criteria are met:
 - a. An area of the property lot or parcel to be developed has been identified on the Significant Habitat Areas Map.” Verification of significant habitat boundaries shall be done in accordance with the procedures described in Section 18.775.140.
 - b. The proposal will be consistent with the character of the neighboring area.

- c. This provision may only be applied to properties that were inside the Metro Urban Growth Boundary (UGB) on January 1, 2002.
- d. The proposal will directly result in the protection of significant habitat areas through placement in a non-buildable tract or protected with a restrictive easement.

2. Procedure:

- a. The amount of reduction in the minimum density shall be calculated by subtracting the number of square feet of inventoried significant habitat that is permanently protected from the total number of square feet used to calculate the minimum density requirement.
- b. Requests for a reduction are processed as Type II procedure along with the development proposal for which the application has been filed.

The Planning Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise unbuildable land. (Ord. 06-20)

18.775.110 Density Transfer

Density may be transferred from vegetated corridor areas as provided in Sections 18.715.020 – 18.715.030.

18.775.120 Variances to Section 18.775.090 Standards

Variances to the use provisions of Section 18.775.090 are not permitted. Variances from measurable (dimensional) provisions of this section shall be discouraged and may be considered only as a last resort.

- A. Type II variance option. The Hearings Officer shall hear and decide variances from dimensional provisions of this chapter under Type III procedure, in accordance with the criteria in Chapter 18.370 of the zoning ordinance.
- B. Additional criteria. In addition to the general variance criteria described in Chapter 18.370, all the following additional criteria must be met to grant a variance to any dimensional provision of this chapter:
 - 1. The variance is necessary to allow reasonable economic use of the subject parcel of land, which is owned by the applicant, and which was not created after the effective date of this chapter;
 - 2. Strict application of the provisions of this chapter would otherwise result in the loss of a buildable site for a use that is permitted outright in the underlying zoning district, and for which the applicant has submitted a formal application;
 - 3. The applicant has exhausted all options available under this chapter to relieve the hardship;
 - 4. Based on review of all required studies identical to those described in Section 3.02.5.c Tier 2 Alternatives Analysis of the CWS “Design and Construction Standards”, the variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality;

5. Based on review of all required studies identical to those described in Section 3.02.5 of the CWS “Design and Construction Standards”, no significant adverse impacts on water quality, erosion or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible;
6. Loss of vegetative cover shall be minimized. Any lost vegetative cover shall be replaced on-site, on a square foot for square foot basis, by native vegetation.

18.775.130 Plan Amendment Option

Any owner of property affected by the Goal 5 safeharbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an Alternatives Analysis, as described in Section 3.02.5 of the CWS “Design and Construction Standards”. The applicant shall demonstrate that such an amendment is justified by either of the following:

- A. ESEE analysis. The applicant may prepare an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040.
 1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and the comparison with other comparable sites within the Tigard Planning Area;
 2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;
 3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning area that can meet the specific needs of the proposed use;
 4. The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;
 5. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the “Tigard Wetland and Stream Corridor Map” shall be amended to remove the site from the inventory.
- B. Determination of “insignificance”. In this case, the applicant must demonstrate that the sensitive area site(s) no longer meet(s) the applicable significance threshold defined by the Goal 5 administrative rule, relative to other comparable resources within the Tigard Planning Area.
 1. Significance thresholds are described and applied in the addendum to the City of Tigard Local Wetlands Inventory adopted by reference as part of this chapter.

2. In considering this claim, the City Council shall determine that the decline in identified resource values did not result from a violation of this chapter or any other provision of the Tigard Community Development Code.

18.775.140 Significant Habitat Areas Map Verification Procedures

The Significant Habitat Areas Map shall be the basis for determining the general location of significant habitat areas on or adjacent to the site.

- A. Applicants who concur that the Significant Habitat Areas Map is accurate shall submit the following information to serve as the basis for verifying the boundaries of inventoried habitat areas:

1. Submission requirements.

- a. A detailed property description;
- b. A scale map of the property showing the locations of Significant Habitat Areas, any existing built area, wetlands or water bodies, Clean Water Services' vegetated corridor, the 100-year floodplain, the 1996 flood inundation line, and contour lines (2-foot intervals for slope less than 15% and 10-foot intervals for slopes 15% or greater); and
- c. A current aerial photograph of the property.

2. Decision process. The Planning Director's decision shall be based on consideration of submitted information, site visit information, and other factual information. Should the applicant disagree with the Planning Director's determination on the location of significant habitat areas on the property, the precise boundaries shall be verified by the applicant in accordance with the detailed delineation methodology outlined in Section 18.775.140.B.

- B. Applicants who believe that the map is inaccurate shall submit a detailed delineation conducted by a qualified professional in accordance with the following methodology to verify the precise boundaries of the inventoried habitat areas by means of a Type II procedure.

1. Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:

- a. Locate the Water Feature that is the basis for identifying riparian habitat.

1. Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
2. Locate the 100-year floodplain or 1996 flood inundation line, whichever is greater, within 100 feet of the property.
3. Locate all wetlands within 150 feet of the property. Identified wetlands on the property shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

- b. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.

1. Vegetative cover status shall be as identified on the Metro Vegetative Cover Map.
2. The vegetative cover status of a property may be adjusted only if (1) the property was developed prior to the time the regional program was approved, or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property using summer 2002 aerial photographs and the following definition of vegetative cover types in Table 18.775.1.

**Table 18.775.1
Definitions of Vegetated Cover Types**

Type	Definition
Low structure vegetation or open soils	Areas that are part of a contiguous area one acre or larger of grass, meadow, croplands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, croplands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).
Woody vegetation	Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.
Forest canopy	Areas that are part of a contiguous grove of trees one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

- c. Determine whether the degree that the land slope upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the vegetated corridor measurement methodology as described in Clean Water Services Design and Construction Standards); and
- d. Identify the riparian habitat classes applicable to all areas on the property using Table 18.775.2 and Table 18.775.3.

**Table 18.775.2
Method for Locating Boundaries of Class I and II Riparian Areas**

Distance in feet from Water Feature	Development/Vegetation Status ¹			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II ²	Class I	Class I
100-150		Class II ² if slope > 25%	Class II ² if slope > 25%	Class II ²
150-200		Class II ² if slope > 25%	Class II ² if slope > 25%	Class II ² if slope > 25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100		Class II ²	Class I	Class I
100-150				Class II ²
Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)				
0-100			Class II ²	Class II ²

¹The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as a “forest canopy” the forested area had to be part of a larger patch of forest land at least one acre in size.

²Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro’s Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

**Table 18.775.3
Tualatin Basin “Limit” Decision**

Resource Category	CONFLICTING USE CATEGORY			
	High Intensity Urban	Other Urban	Future Urban (2002 and 2004 additions)	Non-Urban (outside UGB)
Class I & II Riparian Inside Vegetated Corridor	Moderately Limit	Strictly Limit	Strictly Limit	N/A
Class I & II Riparian Outside Vegetated Corridor	Moderately Limit	Moderately Limit	Moderately Limit	Moderately Limit
All other Resource Areas	Lightly Limit	Lightly Limit	Lightly Limit	Lightly Limit
Inner Impact Area	Lightly Limit	Lightly Limit	Lightly Limit	Lightly Limit
Outer Impact Area	Lightly Limit	Lightly Limit	Lightly Limit	Lightly Limit

*Vegetated Corridor standards are applied consistently throughout the District; in HIU areas they supersede the “limit” decision.

2. Verifying boundaries of inventoried upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The “forest canopy” designation is made based on analysis of aerial photographs as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the Significant Habitat Areas Map unless corrected as provided in this subsection.
 - a. Except as provided below, vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232).
 - b. The only allowed corrections to the vegetative cover status of a property area as follows:
 - 1) To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat. The perimeter of an area delineated as “forest canopy” on the Metro Vegetative Cover Map may be adjusted to more precisely indicate the dripline of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the “forest canopy” designation. To assert such errors, applicants shall submit an analysis of the vegetative habitat cover on their property using the aerial photographs that were used to inventory the habitat and the definitions of the different vegetative cover types provided in Table 18.775.1; and
 - 2) To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.
 - c. If the vegetative cover status of any area identified as upland habitat is corrected pursuant to 18.775.140.A.2.b.1. to change the status of an area originally identified as “forest canopy,” then such area shall not be considered upland habitat unless it remains part of a forest canopy opening less than one acre in area completely surrounded by an area of contiguous forest canopy. (Ord. 06-20) ■

Chapter 18.780
SIGNS

Sections:

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18.780.010 Purpose

A. General purposes. The purposes of this chapter are:

1. To protect the health, safety, property and welfare of the public;
2. To promote the neat, clean, orderly and attractive appearance of the community;
3. To accommodate the need of sign users while avoiding nuisances to nearby properties;
4. To insure for safe construction, location, erection and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and
6. To minimize distractions for motorists on public highways and streets.
7. To regulate solely on the basis of time, place and manner of a sign, not on its content.

B. Sign quality. In addition, it is the purpose of this chapter to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights-of-way.

C. Compliance with other laws and regulations. It is not the purpose of this chapter to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance, or state or federal law. (Ord. 04-03)

18.780.012 Effective Date of this Chapter

- A. Effective date. All references made in this chapter to the effective date of this chapter shall mean November 9, 1983, unless otherwise specifically stated in an ordinance revision.

18.780.015 Definitions

- A. Definitions. As used in this title, unless the context requires otherwise, the following words and phrases shall have the meanings set forth in this chapter. The definitions to be used in this chapter are in addition to Chapter 18.110, Definitions, and are as follows:

1. “ ‘A’-frame sign” means any double face temporary rigid sign;
2. “Abandoned sign” means a structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days;
3. “Area” - see Section 18.780.085 for definition of sign area;
4. “Awning sign” means a wall sign incorporated into or attached to an awning;
5. “Balloon” - see “Temporary sign”;
6. “Banner” - see “Temporary sign”;
7. “Bench sign” means a bench designed to seat people which carries a written or graphic message;
8. “Billboard” means a freestanding sign in excess of the maximum size allowed, with adjustments, in the locations where it is located or proposed to be located.
9. “Building official” means officer or designee of the City empowered to enforce the Uniform Building Code;
10. “Business” means all of the activities carried on by the same legal entity on the same premises and includes charitable, fraternal, religious, educational or social organizations. “Legal entity” includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations or joint stock companies;
11. “Construct” means every type of display in the form of letters, figures, characters and/or representations;
12. “Cultural institution auxiliary sign” means a sign placed and maintained by, or on behalf of, a subordinate commercial use in a Cultural Institution.
13. “Cutout” means every type of display in the form of letters, figures, characters and/or representations in cutout or irregular form attached to or superimposed upon a sign;
14. “Development review” means the site development review process set forth in Chapter 18.360;
15. “Directional sign” means a permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed;

16. “Display surface” means the area made available by the sign structure for the purpose of displaying the advertising or identification message;
17. “Electrical sign” means any sign utilizing electrical wiring;
18. “Electronic information sign” means signs, displays, devices or portions thereof with lighted messages that change at intermittent intervals, each lasting more than two seconds, by electronic process or remote control. Electronic information signs are not identified as rotating, revolving or moving signs. Also known as an automatic changeable copy sign or electronic variable message center;
19. “Entryway sign” means a sign placed by the City at an entry to the City.
20. “Face of a building” means all windows and wall areas of a building in one or more parallel planes;
21. “Flashing sign” means any sign which is illuminated by an intermittent or sequential flashing light source whose interval is two seconds or less in duration, or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source;
22. “Flush pitched roof sign” means a sign attached to a mansard or similar type of vertically aligned roof;
23. “Freestanding sign” means a sign erected and mounted on a freestanding frame, mast or pole and not attached to any building;
24. “Freeway interchange” means any intersection of an exit off-ramp of Interstate Highway 5 or State Highway 217 with a surface street;
25. “Freeway-oriented sign” means a sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, these shall be Interstate 5 and Oregon State Highway #217, and shall not include Highway 99W;
26. “Frontage” means the length of the property line of any one premises along a public roadway;
27. “Housing complex” means a grouping of one or more single-family attached residential units or one or more multi-family residential units;
28. “Immediate or serious danger” means:
 - a. Whenever any portion of the structure is damaged by fire, earthquake, wind, flood or other causes, and any member or appurtenance is likely to fail, become detached or dislodged, or to collapse and thereby injure persons or damage property;
 - b. Whenever any portion of the structure is not of sufficient strength or stability or is not so anchored, attached or fastened in place as to be capable of resisting a wind pressure of one-half of that specified in the Uniform Building Code for this type structure or similar structure, and will not exceed the working stresses permitted in the Uniform Building Code for such structures; and

- c. Whenever the location of the sign structure obstructs the view of motorists traveling on the public streets or private property, and thus causes damage to property or thereby injures persons.
29. “Industrial Park” means a parcel of land which complies with the requirements set forth in Chapter 18.530;
30. “Lawn sign” - see “Temporary sign”;
31. “Lighting methods” means:
- a. Direct - exposed lighting or neon tubes on the sign face;
 - b. Flashing - lights which blink on and off randomly or in sequence;
 - c. Indirect or External - the light source is separate from the sign face or cabinet and is directed so as to shine on the sign; and
 - d. Internal - the light source is concealed within the sign.
32. “Maintenance” means normal care needed to keep a sign functional such as cleaning, oiling, changing and repair of light bulbs and sign faces. Does not include structural alteration;
33. “Nonconforming sign” means a sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site;
34. “Non-structural trim” means the moldings, battens, caps, nailing strips and latticing, letters and walkways which are attached to a sign structure;
35. “Painted wall decorations” means displays painted directly on a wall, designed and intended as a decorative or ornamental feature. Decorations may also include lighting;
36. “Painted wall highlights” means painted areas which highlight a building’s architectural or structural features;
37. “Painted wall sign” means a sign applied to a building wall with paint and which has no sign structure;
38. “Person” means individuals, corporations, associations, firms, partnerships and joint stock companies;
39. “Premises” means one or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit;
40. “Projecting sign” means a sign attached to a building other than a wall sign in which the sign face is not parallel to the wall. Such sign shall not project above the wall of the building to which it is attached, except where there is an existing parapet;
41. “Projection” means the distance by which a projecting sign extends from a building;

42. “Reader-board sign” means any sign with changeable copy or a message, except electronic information signs;
43. “Roof line” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections;
44. “Roof sign” means a sign erected fully upon or directly above a roof line or parapet of a building or structure. Exceptions: include approved temporary balloons, signs attached to existing architectural features and flush mounted “roof” signs;
45. “Rotating, revolving or moving sign” means any sign, or portion of a sign, which moves in any manner;
46. “Shopping center” means developments of not less than eight business units;
47. “Shopping plaza” means developments of between two and seven business units;
48. “Sign” means materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, another property or from the air;
49. “Sign structure” means any structure which supports or is capable of supporting any sign as described in the Uniform Building Code. A sign structure may be a single pole and may or may not be an integral part of a building;
50. “Structural alteration” means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts;
51. “Surface street” means a street which does not have limited access and which is not a freeway or expressway;
52. “Temporary sign” means any sign, banner, lawn sign or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or a building:
 - a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children’s balloons, hot and cold air balloons, blimps and other dirigibles;
 - b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework;
 - c. Lawn Sign - temporary signs placed on private property supported by one stick, post, rod, or A-frame in or on the ground. A lawn sign in residential zones is exempt from sign permit requirements provided the size requirements in Subsection 18.780.060 can be met. A lawn sign in commercial or industrial zones is subject to temporary permit requirements as provided for in Subsection 18.780.100.
53. “Tenant Sign” means a sign placed in control of a current tenant or property owner;
54. “Uniform Building Code” means the most recent structural and specialty Oregon Uniform Building Code as adopted by the Oregon Department of Commerce, and which Uniform Building Code, by this reference, is incorporated in this title to the extent of specific citations thereof in this title;

55. “Wall Sign” means any sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

- B. General rule. For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, “shall” is mandatory and not Directory, and “building” includes “structures” except “sign structures.” (Ord. 06-13, Ord. 06-09, Ord. 04-03, Ord. 04-02)

18.780.020 Permits Required

- A. Compliance with regulations. No sign or sign structure shall hereafter be erected, re-erected, constructed, structurally altered or relocated within the City limits except as provided by this title, and a permit for the same sign or sign structure has been issued by the Director.
- B. Separate permits for each sign. A separate permit shall be required for each sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure.
- C. Compliance with UBC. Separate structural permits under the Uniform Building Code shall also apply.
- D. Electrical permit required. An electrical permit shall be obtained for all illuminated signs, from the enforcing agency subject to the provisions of the State Electrical Code.
- E. Retroactive sign permits. The Director may require application for sign permits for all signage at a given address if no existing permits previously had been approved or documented.

18.780.030 Permit Approval Process

- A. Permits for existing signs. Permits for modification of existing signs, or to legalize signs for which a permit was not obtained when it was constructed, will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.
- B. Permits for new signs. Permits for new signs will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.
- C. Site plan. The applicant shall submit a proposed sign site plan. The Director shall provide the applicant with detailed information about this submission requirement.

18.780.040 Expiration of Approval: Standards for Extension of Time

- A. Expiration of approval. Sign permit approval shall be effective for a period of 90 days from the date of approval.
- B. Reasons for lapsing. The sign permit approval shall lapse if:
1. Substantial construction of the approved plan has not begun within the 90 day period; or
 2. Construction on the site is a departure from the approved plan.

- C. Extension of approval. The Director shall, upon written request by the applicant, grant an extension of the approval period not to exceed 90 days provided that:
1. No changes are made on the original sign permit plan as approved;
 2. The applicant can show intent of initiating construction of the sign within the 90 day extension period; and
 3. There have been no changes in the applicable policies and ordinance provisions and Uniform Building Code provisions on which the approval was based.

18.780.050 Inspections

- A. Construction inspection. General requirements for the inspection of signs during and following construction:
1. All construction work for which a permit is required shall be subject to an inspection by the Building Official in accordance with the Uniform Building Code and this title:
 - a. A survey of the lot or proposed location for sign erection may be required by the Building Official to verify compliance of the structure with approved plans; and
 - b. Neither the Building Official nor the jurisdiction shall be liable for expense or other obligations entailed in the removal or replacement of any material required to allow inspection.
- B. Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired.
- C. Required interim inspections.
1. Reinforcing steel or structural framework of any part of the proposed structure shall not be covered or concealed without first obtaining approval of the Building Official;
 2. Foundation inspections shall be made after all required excavations, form work and bolt settings are completed and ready to receive concrete;
 3. All anchorages shall be left exposed for inspection;
 4. Electrical inspection shall be made by the agency issuing electrical permits.
- D. Final inspections. Final inspection shall be called for by the applicant when all work is completed. This inspection shall cover all items required by the Building Official under State law or City ordinances such as the locations, landscaping if required, and general compliance with the approved plans and requirements of this title.
- E. Director's inspection. The Director is authorized and directed to enforce all of the provisions of this chapter:
1. All signs for which permits are required shall be inspected by the Director; and

2. Upon presentation of proper credentials, the Director may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon the position by this chapter.

18.780.060 Permit Exemptions

A. Exemptions from permit requirements. The following signs and operations shall not require a sign permit but shall conform to all other applicable regulations of this chapter and the provisions of Subsection B below:

1. Lawn signs which do not exceed the maximum allowable area on one premise regardless of the number of signs as follows:
 - a. A total of 24 square feet in residential zones;
 - b. A-frame signs shall be no greater than 6 square feet per face in any residential zone. Lawn signs shall not exceed 12 square feet per face in the R-1, R-2, R-3.5, R-4.5, and R-7 zones. Lawn signs shall be placed on private property and not within the public right-of-way nor shall such signs obstruct the clear vision area described in Chapter 18.795. A-frame signs are permitted only between the hours of 8:00 AM and 6:00 PM.
2. Signs not oriented or intended to be legible from a right-of-way, other property or from the air;
3. Signs inside a building, except for strobe lights visible from a right-of-way, other property or from the air;
4. Painted wall decorations;
5. Painted wall highlights;
6. Signs affected by stipulated judgments to which the City is a party, entered by courts of competent jurisdiction;
7. Directional signs;
8. Interior window signs;
9. Nothing in this title shall prevent the erection, location or construction of directional signs on private property when such signs are solely designed to direct pedestrians or vehicular traffic while on the parcel of real property on which the signs are located. No sign permit or fee shall be required for such signs; and
10. Nothing in this title shall prevent the erection, location or construction of signs on private property where such erection, construction or location is required by any law or ordinance, nor shall any public agency or utility be prohibited from erecting signs on private property when otherwise permitted. No sign permit or fee shall be required for such signs.

B. Requirements for exempted signs. All signs exempt from permit requirements under Subsection A above shall meet the following requirements:

1. The sign shall be erected on private property with the consent of the lawful possessor of the property and shall not be placed on utility poles or in the public right-of-way; and
 2. At least one sign shall be permitted per parcel of land; additional signs on such parcel shall be spaced at least 50 feet apart in residential zoning districts and 30 feet apart in nonresidential zoning districts.
- C. Exceptions. The sign permit provisions of this section shall not apply to repair, maintenance or change of copy on the same sign (including, but not limited to the changing of a message on a sign specifically designed and permitted for the use of changeable copy), or unlawfully erected or maintained signs. (Ord. 04-02)

18.780.070 Certain Signs Prohibited

- A. Prohibited display of flags and banners. It is a violation of this chapter to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons and similar devices of carnival character. Exceptions include:
1. National, state and institutional flags properly displayed;
 2. Signs and banners approved as temporary signs; and
 3. Balloons as allowed in Subsection 18.780.090C.
- B. Unsafe signs or improperly maintained signs. No sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand the wind, seismic and other requirements as specified in the Uniform Building Code or this title.
- C. Signs at intersections. No sign shall be erected at intersections of any streets in such a manner as to materially obstruct free and clear vision. All signs shall be consistent with Chapter 18.795 of this title:
1. No sign shall be erected at any location where, by reason of the position, shape or color, that interferes with, obstructs the view of, or could be confused with any authorized traffic signal or device; and
 2. No sign shall be erected which makes use of the word “stop,” “look,” “danger,” or any other similar word, phrase, symbol, or character in such manner as is reasonably likely to interfere with, mislead or confuse motorists.
- D. Obscenity. No sign shall bear or contain statements, words or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.
- E. Traffic obstructing signs. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

- F. Bare light bulbs. Strings of bare lights shall not be constructed, erected, or maintained within view of any private or public street or right-of-way except if designed as part of a structure's architectural design. This subsection shall not apply to lighting displays as described in Subsection 18.780.070.A.2.
- G. Roof signs. Roof signs of any kind are prohibited, including temporary signs with the sole exception of approved temporary balloons.
- H. Revolving signs. Revolving, rotating or moving signs of any kind are prohibited.
- I. Flashing signs. A sign which displays flashing or intermittent or sequential light, or lights of changing degrees or intensity, with each interval in the cycle lasting two seconds or less. Exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights, or similar devices shall be prohibited.
- J. Temporary signs with illumination or changeable copy. A sign not permanently erected or affixed to any sign structure, sign tower or building which is an electrical or internally illuminated sign or a sign with changeable message characteristics.
- K. Right-of-way. Signs in the public right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.
- L. Signs on a vehicle. Any sign placed on or painted on a motor vehicle or trailer, as defined by ORS Chapter 801, with the primary purpose of providing a sign not otherwise allowed for by this chapter.
- M. Billboards. Billboards are prohibited.

18.780.080 Sign Illumination

- A. Surface brightness. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamperes fluorescent light sources spaced not closer than eight inches, center on center.
- B. No exposed incandescent lamps. Any exposed incandescent lamp which exceeds 25 watts shall not be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way with the exception of electronic information signs.

18.780.085 Sign Measurement

- A. Projecting and freestanding signs.
 1. The area of a freestanding or projecting sign shall include all sign faces counted in calculating its area. Regardless of the number of sign cabinets or sign faces, the total allowable area shall not be exceeded;
 2. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not

include embellishments such as pole covers, framing and decorative roofing, provided there is no written advertising copy, symbols or logos on such embellishments;

- b. If the sign is composed of more than two sign cabinets, sign facia or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of the sign measurement if they do not bear written advertising copy, symbols or logos; and
- c. The overall height of a freestanding sign or sign structure is measured from the grade directly below the sign to the highest point of the sign or sign structure and shall include architectural and structural embellishments.

B. Wall Signs.

1. The area of the sign shall be measured as follows:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing and decorative roofing, provided there is no written advertising copy, symbols or logos on such embellishments;
 - b. If the sign is composed of individual letters or symbols using the wall as the background with or without added decoration, the total sign area shall be calculated by measuring the area within the perimeter of all symbols and letters or other decoration including logos;
 - c. Measurement of the wall area pertaining to flush pitched “roof” signs shall be calculated as if the sign were mounted directly on the wall face immediately below the sign; and
 - d. Measurement of the wall area pertaining to awning or canopy signs shall be calculated to include the vertical surface of the awning or canopy on which the sign is to be mounted and the wall surface of the structure to which it is attached.

18.780.090 Special Condition Signs

A. Applicability. Special-condition signs shall have special or unique dimensional, locational, illumination, maximum number or other requirements imposed upon them in addition to the regulations contained in this chapter.

B. Bench signs.

1. Bench signs shall only be permitted at designated transit stops in commercial, industrial and the R-12, R-25 and R-40 zones where no bus shelter exists:
 - a. There shall be no more than one bench sign per allowable transit stop;
 - b. Placement of the bench sign shall not interfere with pedestrian traffic or be located within a vision clearance area or a public right-of-way unless otherwise determined to be permissible by the City Engineer;

- c. Application for a bench sign shall include the signature of the affected property owner, proof of liability insurance and any required permits from the State Highway Division or Washington County, where applicable; and
- d. The sign area shall be limited to a total of 14 square feet.

C. Balloons.

- 1. One inflatable, stationary balloon or one cluster of children's balloons firmly secured shall be allowed only if all of the following conditions are satisfied:
 - a. A City of Tigard sign permit is obtained for each single or cluster of balloons;
 - b. Each owner or legal occupant of property or a building shall be allowed one balloon per year;
 - c. A balloon sign shall be allowed to remain up for a period of no longer than 10 days per year;
 - d. A permit issued for a balloon will serve as one of the three sign permits allowed per business in a calendar year;
 - e. Balloons may be permitted as roof signs with a City sign permit;
 - f. The size of a balloon shall not exceed 25 feet in height; and
 - g. The balloon shall be secured to a structure on the ground and shall not be allowed to float in the air higher than 25 feet above the nearest building roof line.

D. Electronic message centers.

- 1. Electronic Message Center (variable message) sign regulations shall be as follows:
 - a. Electronic message center signs shall be permitted only in the C-G and CBD zones;
 - b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Subsection 18.780.130C;
 - c. An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign;
 - d. One electronic message center sign, either freestanding or wall-mounted, shall be allowed per premises;
 - e. With regard to light patterns:
 - (1) Traveling light patterns ("chaser effect") shall be prohibited;
 - (2) Messages and animation shall be displayed at intervals of greater than two seconds in duration.

E. Free-standing freeway-oriented signs.

1. For signs requiring a permit under the Oregon Motorist Information Act, the City will determine pursuant to a Type 1 process whether the sign meets all applicable City standards and provide that determination to any applicant for a State permit consistent with ORS 377.723.
2. Freeway-oriented signs shall be permitted only in the C-G, I-P, I-L and I-H zoning districts;
3. Freeway-oriented signs shall be permitted to be located within 200 feet of Highway 217 and/or Interstate Freeway No. 5 rights-of-way as shown in the Freeway-Oriented Sign (FOS) overlay zone maps in Figure 1; (Figure 1 is on file in the City Recorder's office.)
4. One freestanding freeway-oriented sign shall be allowed per premises;
5. The maximum height of a freeway-oriented sign shall not exceed 35 feet from the ground level at its base;
6. For freestanding signs a total maximum sign area of 160 square feet per face (320 square feet total) shall be allowed;
7. Freeway-oriented signs shall be oriented to be viewed from the freeway;
8. In addition to a freeway-oriented sign, each parcel, development complex or premises shall be allowed one freestanding sign provided all other provisions of this chapter can be met and both signs are located on separate frontages with different orientations;
9. Freeway-oriented signs are not permitted as roof, tenant, temporary, balloon, wall and awning signs.

F. Awning signs.

1. Awning signs shall be permitted in all zoning districts;
2. The copy on awning signs may not extend above the upper surfaces of the awning structure. They may be hung below the awning if the sign clears the sidewalk by at least 8-1/2 feet;
3. Awning signs may be internally or externally illuminated; and
4. Awning signs may extend into the public right-of-way 6-1/2 feet or 2/3 of the distance to the roadway, whichever is less. However, no sign may extend within two feet of the roadway. State Highway Division approval shall be necessary for awning signs on state highways.

G. Flush pitched "roof" sign.

1. Flush pitched roof signs shall be allowed in all zoning districts except residential;
2. The face of flush pitched roof signs may not extend more than six inches above the roof line;
3. Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall. Such surfaces shall be considered part of a wall surface in the calculation of total wall area;

4. Such signs shall be attached to a mansard or other near vertical roof where the roof angle is greater than 45 from horizontal; and
5. All Code provisions applicable to wall signs shall also be applicable to this type of sign.

H. Painted Wall Signs.

1. Wall signs, including symbols or logos, which are painted directly onto the wall surface shall not exceed in gross wall area that percentage normally allowed for a wall sign in that zoning district; however, the vertical dimension of the sign cannot exceed 20 percent of the height of the wall.

I. Entryway Signs.

1. Entryway signs shall be permitted in all districts.

J. Cultural Institution Auxiliary Signs.

1. Cultural Institution Auxiliary Signs shall be permitted in all zoning districts.
2. Cultural Institution Auxiliary Signs are limited to one sign and must be either within the same sign structure as another free-standing sign on the property where the Cultural Institution is located or on a wall of the primary building of the Cultural Institution. A wall sign must be consistent in structure and materials with any existing wall sign on the Cultural Institution. The sign area of a Cultural Institution Auxiliary Sign shall not exceed four (4) square feet per face. (Ord. 06-13, Ord. 06-09, Ord. 04-03)

18.780.100 Temporary Signs

A. Authorization. The Director shall be empowered to authorize temporary signs not exempted by Section 18.780.060 by means of a Type I procedure, as governed by Section 18.390, using approval criteria contained in Section 18.385. The Director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.

B. Expiration.

1. A temporary sign permit shall terminate within 30 days from the date of issuance; and
2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the Director for two additional permit periods of 30 days each per calendar year.

C. Types and locations. Types and locations of temporary signs shall be as follows:

1. The total number of temporary signs issued by permit shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings. Exempted lawn signs in residential zones are not governed by this provision;
2. The total area of a temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area

for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 24 square feet;

3. See Subsection 18.780.015 A.52 for the types of temporary signs which may be approved;
4. Special event banners to be hung across public right-of-ways may be permitted by the City Manager's designee;
5. A balloon as provided in Subsection 18.780.090 C.

D. Location. The location of a temporary sign requiring a permit shall be as approved by the Director. Exempted lawn signs shall be placed only on private property, outside of the public right-of-way, and may not obstruct the clear vision area.

E. Attachment. Temporary signs may not be permanently attached to the ground, buildings or other structures. (Ord. 04-02)

18.780.110 Nonconforming Signs

A. Applicability. For the purposes of this chapter, non-conforming signs will be defined as follows:

1. Except as provided in this chapter, signs in existence on March 20, 1978, in accordance with Ordinance Nos. 77-89 and 78-16, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which may be continued until March 20, 1988;
2. Signs in existence on January 11, 1971, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, were regarded as nonconforming signs and could be continued for a period of 10 years from January 11, 1971. All such signs which were not brought into compliance with the standards in Ordinance Nos. 77-89 and 78-16 and the extensions granted, are now in violation of this chapter;
3. Signs located on premises annexed into the City after January 11, 1971, which do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of ten years after the effective date of the annexation;
4. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on site or away from the site to a safe condition. Any part of a sign or sign structure for normal maintenance shall be permitted without loss of nonconforming status.

B. Restrictions. For purposes of this title, a sign face or message change shall be subject to the following provisions:

1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
3. No sign permit shall be required for allowable sign face or message changes.

- C. Reconstruction. Should a nonconforming sign or sign structure or nonconforming portion of structure be destroyed or repaired by any means to an extent of more than 50% of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this title.
- D. Requirements for conformance.
 - 1. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs; use of par spotlights or rotating beacons; rotating and revolving signs; flags, banners, streamers, or strings of lights, or temporary or incidental signs; shall be made to conform within 90 days from the effective date of this chapter. (Ord. 04-03)

18.780.120 Sign Removal Provisions: Nonconforming and Abandoned Signs

- A. Conformance required. All signs erected after the effective date of this title, which are in violation of any provisions of this ordinance, shall be removed or brought into conformance upon written notice by the Director.
- B. Removal. All signs which do not comply with this chapter, but were erected prior to the effective date of this ordinance, shall be removed or brought into conformance within 60 days from written notice by certified mail given by the Director.
- C. Enforcement. If the owner of sign, building, structure or premises fails to comply with the written order, the Director may then cite the owner into court subject to Chapter 18.230, Enforcement. The following exceptions apply:
 - 1. Section 18.780.110, Nonconforming Signs, provides for certain time limits and other conditions for certain signs as described therein;
 - 2. Any sign that by its condition or location presents an immediate or serious danger to the public, by order of the Building Official, shall be removed or repaired within the time the Building Official may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the Building Official shall then have the dangerous sign removed and the owner cited for noncompliance and recovery of any damage or expense;
 - 3. All temporary signs shall be removed as provided in Subsection 18.780.100.B.1., or in the case of temporary balloons as provided in Subsection 18.780.090.C.1.
- D. Responsible party for removal. Any person who owns or leases a nonconforming or abandoned sign or sign structure shall remove such sign and sign structure when the expiration of the amortization period for the sign(s) as provided in Section 18.780.110 has occurred or the sign has been abandoned:
 - 1. If the person who owns or leases such sign fails to remove it as provided in this section, the Director shall give the owner of the building, structure or premises upon which such sign is located, 60 days written notice to remove it;
 - 2. If the sign has not been removed at the expiration of the 60 days notice, the Director may remove such sign at cost to the owner of the building, structure or premises;

3. Signs which are in full compliance with City sign regulations, which the successor to a person's business agrees to maintain as provided in this chapter, need not be removed in accordance with this section; and
4. Costs incurred by the City due to removal, may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

18.780.130 Zoning District Regulations

A. In the R-7, R-4.5, R-3.5, R-2 and R-1 zones. No sign of any character shall be permitted in an R-7, R-4.5, R-3.5, R-2 or R-1 zone except the following:

1. Wall sign(s) may not exceed a combined total area of four square feet;
2. Every housing complex shall be allowed one permanent freestanding sign at each entry point to the housing complex from the public right-of-way, with the site properly landscaped, and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
3. Every platted subdivision shall be allowed one permanent, freestanding sign at each entry point to the subdivision from the public right-of-way, with the site properly landscaped and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
4. For non-residential uses, one illuminated or non-illuminated freestanding sign not exceeding six feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process will be permitted. Wall signs may not exceed five percent of the gross area of the wall face on which the sign is mounted;
5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets will be permitted. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
6. The signs specified in Section 18.780.060A shall be allowed, subject to any restrictions imposed by this title;
7. Temporary Signs in accordance with Sections 18.780.090 and 18.780.100;
8. Lawn signs in accordance with Sections 18.780.060 A.1, A.6, and B.2;
9. Special condition signs in accordance with Section 18.780.090; and
10. Additional permitted sign include awning sign(s) and painted wall sign(s).

B. In the R-12, R-25 and R-40 zones. No sign shall be permitted in the R-12, R-25 or R-40 zone except for the following:

1. Wall sign(s) may not exceed a combined total area of one square foot per dwelling unit and may not project from the wall face;
 2. Every housing complex shall be allowed one permanent freestanding sign at each entry point to the housing complex from the public right-of-way, with the site properly landscaped and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
 3. Every platted subdivision shall be allowed one permanent freestanding sign at each entry point to the subdivision from the public right-of-way, with the site properly landscaped, and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the Director considering the purpose of the zone;
 4. For non-residential uses, one illuminated or non-illuminated freestanding sign not exceeding six feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process will be permitted. Wall signs may not exceed five percent of the gross area of the wall face on which the sign is mounted;
 5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets will be permitted. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 6. The signs specified in Section 18.780.060A shall be allowed, subject to any restrictions imposed by this title;
 7. Temporary Signs in accordance with Sections 18.780.090 and 18.780.100;
 8. Lawn signs in accordance with Sections 18.780.060 A.1, A.6, and B.2;
 9. Special condition signs in accordance with Section 18.780.090; and
 10. Additional permitted sign including awning sign(s) and painted wall sign(s).
- C. In the C-G and CBD zones. No sign shall be permitted in the C-G and CBD zones except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties in commercial zones:
 - (a) One multi-faced, freestanding sign shall be permitted subject to conditions and limitations as stated herein;
 - (b) A reader-board assembly may be an integral part of the freestanding sign;
 - (c) The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space;

- (d) The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 90 square feet per face or a total of 180 square feet for all faces; and
- (e) Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 22 feet in height.

2. Wall Signs:

- (a) Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area 15 percent of any building face on which the sign is to be mounted;
- (b) Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached; and
- (c) If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos, and letters.

- 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
- 4. Electronic message centers per Subsection 18.780.090D shall be permitted;
- 5. The signs specified in Section 18.780.060A shall be allowed, subject to any restrictions imposed by this title;
- 6. Temporary Signs in accordance with Sections 18.780.090 and 18.780.100;
- 7. Lawn signs in accordance with Sections 18.780.060 A.1, A.6, and B.2;
- 8. Special condition signs in accordance with Section 18.780.090; and
- 9. Additional permitted sign including awning sign(s), flush pitched "roof" sign(s), freeway-oriented sign(s), tenant sign(s), projecting sign(s), and painted wall sign(s).

D. In the C-P zone. No sign shall be permitted in the C-P zone except for the following:

- 1. Freestanding signs shall have certain limitations and conditions when permitted on properties zoned C-P including:
 - (a) One multifaced, freestanding sign per premises shall be permitted, subject to conditions and limitations as stated herein;

- (b) A reader-board assembly may be an integral part of the freestanding sign;
 - (c) The maximum square footage of freestanding signs shall be 32 square feet per face or a total of 64 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space;
 - (d) The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 52 square feet per face or a total of 104 square feet for all faces; and
 - (e) Freestanding signs located next to the public right-of-way shall not exceed eight feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement whichever is less to a maximum of 10 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties zoned C-P including:
 - (a) Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed 5% in gross area of any wall face on which the sign is to be mounted;
 - (b) Wall signs shall be parallel to the face of the building upon which the sign is located; and
 - (c) If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters.
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary Signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with Sections 18.780.060 A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), flush pitched "roof" sign(s) and painted wall sign(s).
- E. In the C-N and C-C zones. No sign shall be permitted in the C-N and CBG zones except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties zoned C-N or C-C:

- (a) One multifaced, freestanding sign per premises shall be permitted subject to conditions and limitations as stated herein;
 - (b) A reader-board assembly may be an integral part of the freestanding sign;
 - (c) The maximum square footage of freestanding signs shall be 32 square feet per face or a total of 64 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space;
 - (d) The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 52 square feet per face or a total of 104 square feet for all faces; and
 - (e) Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each ten feet of setback from the property line or a point 15 feet from the edge of pavement whichever is less to a maximum of 22 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties zoned C-N or C-C:
 - (a) Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area ten percent of any building face on which the sign is to be mounted;
 - (b) Wall signs shall be parallel to the face of the building upon which the sign is located; and
 - (c) If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50 percent of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters.
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary Signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with Sections 18.780.060 A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), tenant sign(s), flush pitched "roof" sign(s) and painted wall sign(s).
- F. In industrial zones. No signs shall be permitted in an I-P, I-L or I-H zone except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties in industrial zones;

- (a) One multifaced, freestanding sign shall be permitted subject to conditions and limitations as stated herein;
 - (b) A reader-board assembly may be an integral part of the freestanding sign.
 - (c) The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space;
 - (d) The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 90 square feet per face or a total of 180 square feet for all faces; and
 - (e) Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 22 feet in height;
2. Wall Signs shall have certain limitations and conditions when permitted on properties in industrial zones:
 - (a) Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area 15 percent of any building face on which the sign is to be mounted;
 - (b) Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached; and
 - (c) If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50 percent of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters.
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary Signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with Sections 18.780.060 A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), tenant sign(s), freeway-oriented sign(s), projecting sign(s), flush pitched "roof" sign(s), and painted wall sign(s).
- G. Additional requirements in commercial and industrial zones. If it is determined under the site development review process that the sign's visual appeal and overall design quality would be served

while maintaining the intent and purpose of this chapter, an additional 50% of the allowable sign area and 25% of sign height may be permitted. No copy will be permitted in the additional area or height. For purposes of this subsection the word “copy” includes symbols, logos and figures, as well as letters.

1. Each freestanding sign shall be surrounded by an area set aside to protect the sign from vehicles negotiating in the parking area of the business and the area set aside shall be landscaped;
 - a. The size and shape of the area set aside and the landscaping shall be represented on the plot plan required by permit and shall be subject to the review and control of the Director, under the site development review process; and
 - b. On existing sites where a landscape island is not feasible, the minimum clearance between the lowest portion of a freestanding sign and the ground shall be 14 feet in any vehicle maneuvering area.
2. No freestanding sign, nor any portion of any freestanding sign, shall be located or project over any portion of a street, sidewalk or other public right-of-way or property unless an exception has been granted;
3. When a premises contains more than a single tenant but is not defined as a shopping center, the provisions of a freestanding sign shall take into consideration the need for providing a signing system which is harmonious in appearance and legible:
 - a. The building owner shall provide, at his own expense, a common support for all tenant signage; and
 - b. Up to an additional 50% of sign copy area may be permitted under the site development review process so as to adequately identify the separate tenants when determined that the increased sign area will not be inconsistent with the purpose of this chapter.
4. Shopping centers or industrial parks shall establish a single signing format:
 - a. Up to an additional 50% of sign area may be permitted under the development review process to adequately identify the complex when it can be determined that the increased sign area will not be inconsistent with the purposes of this chapter;
 - b. This increase should be judged according to unique identification needs and circumstances which necessitate additional area to make the sign sufficiently legible; and
 - c. When a shopping center or industrial park has more than one main entrance on separate frontages, a second freestanding sign may be allowed under the site development review process. The two allowable signs shall face separate frontages and are not intended to be viewed simultaneously;
5. Legal owners or occupants of properties or buildings which are in shopping plazas and which are directly located or are proposed to be located on a commercially- and industrially-zoned corner property(ies) (one or more contiguous tax lots located at the intersection of two or more public streets), shall be allowed to have one freestanding sign along each street frontage when all of the following are met:
 - a. A sign permit shall be required for each sign prior to its erection;

- b. The total combined height of two freestanding signs on the premises shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district;
 - c. Neither of the signs shall exceed the sign height normally allowed in the zoning district in which the signs are located; (See Subsection 18.780.030.)
 - d. No more than two freestanding signs shall be permitted;
 - e. The two allowable signs shall face separate frontages and are not intended to be viewed simultaneously; and
 - g. All other provisions of this chapter shall apply.
6. Shopping centers in the C-G zoning district shall be entitled to freestanding signage according to the following optional standards:
- a. A maximum of two freestanding signs shall be permitted per roadway frontage provided they can meet both sign area and sign height requirements as set forth in this subsection;
 - b. The combined height of two signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;
 - c. Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the area normally allowed in the same zoning district;
 - d. Neither sign shall pose a vision clearance problem or shall project into the public right-of-way;
 - e. A sign permit shall be required prior to erection of any freestanding sign referred to in this subsection.

18.780.140 Sign Code Adjustments

- A. Adjustments. The Director may grant an adjustment to the requirements of this chapter by means of a Type I or Type II procedure, as governed by Chapter 18.390, using approval criteria in Section 18.370.020 C.6.
- B. If an adjustment is granted, the rights thereby given to the applicant shall continue to exist and to belong to the applicant or any other owner of the land for a period of 1-1/2 years from the date of final approval:
 - 1. If, at the expiration of 1-1/2 years from the date of approval, construction of the structure or initiation of the use giving rise to the need for the adjustment has not begun, the rights given by the adjustment approval shall terminate without further action by the City; and
 - 2. Said rights shall also terminate at or after the expiration of 1-1/2 years from approval if, though commenced within 1-1/2 years, construction ceases and is not resumed within 60 days. ■

Chapter 18.785
TEMPORARY USES

Sections:

- 18.785.010 Purpose**
- 18.785.020 Types of Temporary Uses**
- 18.785.030 Approval Process**
- 18.785.040 Approval Criteria**
- 18.785.050 Application Submission Requirements**

18.785.010 Purpose

- A. Purpose. The purpose of this chapter is to establish standards for the approval of three types of temporary use:
 - 1. Use that is seasonal or directed toward a specific event;
 - 2. Use which is occasioned by an unforeseen event; and
 - 3. Sales offices and model homes in conjunction with the sale of homes.
- B. Disclaimer. This chapter is not intended to be a way to circumvent the strict application of the use districts. Therefore, time limits are to be strictly enforced. This chapter is not intended to apply to garage sales.
- C. Exemptions. This chapter does not apply to seasonal and special events conducted by and totally for the benefit of a Tigard-based nonprofit organization or temporary construction offices in conjunction with the initial development of residential, commercial or industrial property (three or more dwelling units or lots).

18.785.020 Types of Temporary Uses

- A. Seasonal or special event. This type of temporary use is a use which by its nature will last less than one year. Examples of this type of use are those associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction or seasonal use. This type of use does not apply to businesses seeking a temporary or interim location. Examples of this type of temporary use include:
 - 1. Use associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;
 - 2. Use associated with the sale of fresh fruits, produce, and flowers;
 - 3. Use associated with festivals or celebrations or special events;
 - 4. Seasonal activities such as the sale of food at sports events or activities;
 - 5. Use associated with construction such as the storage of equipment during the construction of roads or development, but not a temporary sales office or model home as provided by Section 18.785; and

6. Temporary fund raising and other civic activities in commercial zoning districts.
- B. Unforeseen/emergency situations. This type of temporary use is a use which is needed because of an unforeseen event such as fire, windstorm or flood, unexpected health or economic hardship, or due to an eviction resulting from condemnation or other proceedings. Examples of this type of temporary use include:
1. A mobile home or other temporary structure for a residential purpose in a residential zone;
 2. A mobile home or other temporary structure for a business purpose in a commercial or industrial zone; and
 3. Use of an existing dwelling or mobile or manufactured home during the construction period of a new residence on the same lot.
- C. Temporary sales office/model home. This type of use includes a temporary sales office or offices either in a housing unit or in another temporary building for the purpose of facilitating the sale of real property in any subdivision or tract of land within this City. Related to this is the use of one unit in a subdivision as a "model home" for purposes of showing prospective buyers.
- D. Temporary use in commercial and industrial zones. This type of temporary use includes a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property.

18.785.030 Approval Process

- A. Procedure type. Approval of various temporary uses shall be processed as follows:
1. Seasonal or special event: by means of a Type I procedure, as governed by Section 18.390.040, using approval criteria in Section 18.785.040A;
 2. Unforeseen/emergency situations: by means of a Type I procedure, as governed by Section 18.390.040, using approval criteria in Sections 18.785.040B;
 3. Temporary sales office/model home: by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria in Sections 18.785.040C;
 4. Temporary building in commercial and industrial zones: by means of a Type I procedure, as governed by Section 18.390.040, using approval criteria in Sections 18.785.040D.
- B. Effective period. An approval for a temporary use by the Director shall be effective for a period of one year unless otherwise stipulated by the approval.
- C. Lapsing of approval. An approval for the temporary use by the Director shall lapse if:
1. Substantial construction of the approved plan or onset of the approved activity has not begun within the approval period; and
 2. Construction or activity on the site is a departure from the approved plan.

- D. Renewal of approval. A temporary use approval may be renewed once by the Director for a period not to exceed one year. Notice of the decision shall be provided to the applicant.
- E. Renewal for temporary residential sales office/model homes. A permit for temporary sales offices and model homes may be renewed on an annual basis in the same manner as if it were an original application as long as 50% or less of the total number of dwelling units have been issued occupancy permits.

18.785.040 Approval Criteria

- A. Seasonal and special events. Using a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions or deny based on findings that all of the following criteria are satisfied:
1. The use occurs only once in a calendar year and for no longer a period than 30 days;
 2. The use is permitted in the underlying zoning district;
 3. The applicant has proof of the property-owner's permission to place the use on his/her property;
 4. There will be no parking utilized by the customers and employees of the temporary use which is needed by the property owner to meet his/her minimum parking requirement, as governed by Chapter 18.765, Parking and Loading.
 5. The use will provide adequate vision clearance, as governed by Chapter 18.795, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way.
- B. Unforeseen/Emergency Situations. Using a Type I procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions or deny based on findings that all of the following criteria are satisfied:
1. The need for the use is the direct result of a casualty loss such as fire, wind storm, flood or other severe damage by the elements to a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought; or
 2. The use of a mobile or manufactured home on a lot with an existing dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention who would otherwise be required to receive needed attention from a hospital or care facility; or
 3. The applicant has been evicted within 60 days of the date of the application from a pre-existing occupancy of the premises for which the permit is sought as a result of condemnation proceedings by a public authority, or eviction by abatement of nuisance proceedings, or by determination of a public body or court having jurisdiction that the continued occupancy of the facilities previously occupied constitutes a nuisance or is unsafe for continued use; or
 4. There has been a loss of leasehold occupancy rights by the applicant due to unforeseeable circumstances or other hardship beyond the foresight and control of the applicant; and

5. There exists adequate and safe ingress and egress when combined with the other uses of the property, as required by Chapter 18.705, Access, Egress and Circulation, and Chapter 18.795, Visual Clearance; and
 6. There exists adequate parking for the customers of the temporary use as required by Chapter 18.765, Off-Street Parking; and
 7. The use will not result in congestion on adequate streets; and
 8. The use will pose no hazard to pedestrians in the area of the use; and
 9. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, in a manner which other use allowed outright in the zone, would not affect adjoining use; and
 10. The use can be adequately served by sewer or septic system and water, if applicable.
- C. Temporary sales office or model home. By means of a Type I procedure, as governed by Section 18.390.030, the Director may approve, approve with conditions or deny the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within this City, but for no other purpose, provided the following criteria are satisfied:
1. Temporary sales office:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
 2. Model house:
 - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
 - b. The property to be used for a model house shall be a permanently designed dwelling structure.
- D. Temporary Building. Using a Type I procedure, as governed by Section 18.390.040, The Director may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing the following criteria are satisfied:
1. The temporary trailer shall be located within the boundaries of the parcel of land on which it is located;
 2. The property to be used for a temporary trailer shall already be developed;

3. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by Chapter 18.705, Access, Egress and Circulation, and Chapter 18.795, Visual Clearance;
4. There exists adequate parking for the customers or users of the temporary use as required by 18.765, Off-Street Parking;
5. The use will not result in congestion on adequate streets;
6. The use will pose no hazard to pedestrians in the area of the use;
7. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will effect the adjoining uses in a manner which other uses allowed outright in the zone would not affect the adjoining uses;
8. The use can be adequately served by sewer or septic system and water, if applicable; and
9. The length of time that the temporary building will be used is the maximum needed to address the hardship.

18.785.050 Application Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type I, depending on the type of temporary use for which the approval is sought.
- B. Additional information. In addition to the information described in Subsection A above, the applicant shall provide a site plan, narrative and other information as specified in a detailed hand-out provided by the Director.
- C. Emergency situations. The Director may waive any of the requirements in this chapter or request additional information in accordance with Chapter 18.390 for cases which involve destruction of an existing structure due to fire, natural causes, or other circumstances that are beyond the control of the applicant. An emergency as allowed by this subsection shall not include failure by the applicant to submit a temporary use request as provided in this Chapter.■

**Chapter 18.790
TREE REMOVAL**

Sections:

18.790.010	Purpose
18.790.020	Definitions
18.790.030	Tree Plan Requirement
18.790.040	Incentives for Tree Retention
18.790.050	Permit Applicability
18.790.060	Illegal Tree Removal

18.790.010 Purpose

- A. Value of trees. After years of both natural growth and planting by residents, the City now benefits from a large number of trees. These trees of varied types add to the aesthetic beauty of the community, help clean the air, help control erosion, maintain water quality and provide noise barriers.
- B. Purposes. The purposes of this chapter are to:
1. Encourage the preservation, planting and replacement of trees in the City;
 2. Regulate the removal of trees on sensitive lands in the City to eliminate unnecessary removal of trees;
 3. Provide for a tree plan for developing properties;
 4. Protect sensitive lands from erosion;
 5. Protect water quality;
 6. Provide incentives for tree retention and protection; and
 7. Regulate commercial forestry to control the removal of trees in an urban environment.
- C. Recognize need for exceptions. The City recognizes that, notwithstanding these purposes, at the time of development it may be necessary to remove certain trees in order to accommodate structures, streets utilities, and other needed or required improvements within the development.

18.790.020 Definitions

- A. Definitions. The following definitions apply to regulations governing the preservation and removal of trees contained in this chapter exclusively:
1. “Canopy cover” means the area above ground which is covered by the trunk and branches of the tree;
 2. “Commercial forestry” means the removal of ten or more trees per acre per calendar year for sale. Tree removal undertaken by means of an approved tree removal plan under Section 18.790.030 is not considered commercial forestry under this definition;

3. “Hazardous tree” means a tree which by reason of disease, infestation, age, or other condition presents a known and immediate hazard to persons or to public or private property;
4. “Pruning” means the cutting or trimming of a tree in a manner which is consistent with recognized tree maintenance practices;
5. “Removal” means the cutting or removing of 50 percent (50%) or more of a crown, trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling. “Removal” shall not include pruning;
6. “Tree” means a standing woody plant, or group of such, having a trunk which is six inches or more in caliper size when measured four feet from ground level;
7. “Sensitive lands” means those lands described at Chapter 18.775 of the title.

B. General rule. Except where the context clearly indicates otherwise, words in the present tense shall include the future and words in the singular shall include the plural.

18.790.030 Tree Plan Requirement

A. Tree plan required. A tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a subdivision, partition, site development review, planned development or conditional use is filed. Protection is preferred over removal wherever possible.

B. Plan requirements. The tree plan shall include the following:

1. Identification of the location, size and species of all existing trees including trees designated as significant by the city;
2. Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper. Mitigation must follow the replacement guidelines of Section 18.790.060D, in accordance with the following standards and shall be exclusive of trees required by other development code provisions for landscaping, streets and parking lots:
 - a. Retention of less than 25% of existing trees over 12 inches in caliper requires a mitigation program in accordance with Section 18.790.060D of no net loss of trees;
 - b. Retention of from 25% to 50% of existing trees over 12 inches in caliper requires that two-thirds of the trees to be removed be mitigated in accordance with Section 18.790.060D;
 - c. Retention of from 50% to 75% of existing trees over 12 inches in caliper requires that 50 percent of the trees to be removed be mitigated in accordance with Section 18.790.060D;
 - d. Retention of 75% or greater of existing trees over 12 inches in caliper requires no mitigation.
3. Identification of all trees which are proposed to be removed;
4. A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.

- C. Subsequent tree removal. Trees removed within the period of one year prior to a development application listed above will be inventoried as part of the tree plan above and will be replaced according to Section 18.790.060D.

18.790.040 Incentives for Tree Retention

- A. Incentives. To assist in the preservation and retention of existing trees, the Director may apply one or more of the following incentives as part of development review approval and the provisions of a tree plan according to Section 18.790.030:
1. Density bonus. For each 2% of canopy cover provided by existing trees over 12 inches in caliper that are preserved and incorporated into a development plan, a 1% bonus may be applied to density computations of Chapter 18.715. No more than a 20% bonus may be granted for any one development. The percentage density bonus shall be applied to the number of dwelling units allowed in the underlying zone. This bonus is not applicable to trees preserved in areas of floodplain, slopes greater than 25%, drainageways, or wetlands that would otherwise be precluded from development;
 2. Lot size averaging. To retain existing trees over 12 inches in caliper in the development plan for any land division under Chapter 18.400, lot size may be averaged to allow lots less than the minimum lot size allowed by the underlying zone as long as the average lot area for all lots and private open space is not less than that allowed by the underlying zone. No lot area shall be less than 80% of the minimum lot size allowed in the zone;
 3. Lot width and depth. To retain existing trees over 12 inches in caliper in the development plan for any land division under Chapter 18.400, lot width and lot depth may be reduced up to 20% of that required by the underlying zone;
 4. Commercial/industrial/civic use parking. For each 2% of canopy cover provided by existing trees over 12 inches in caliper that are preserved and incorporated into a development plan for commercial, industrial or civic uses listed in Section 18.765.080, Minimum and Maximum Off-Street Parking Requirements, a 1% reduction in the amount of required parking may be granted. No more than a 20% reduction in the required amount of parking may be granted for any one development;
 5. Commercial/industrial/civic use landscaping. For each 2% of canopy cover provided by existing trees over 12 inches in caliper that are preserved and incorporated into a development plan, a 1% reduction in the required amount of landscaping may be granted. No more than 20% of the required amount of landscaping may be reduced for any one development.
- B. Subsequent removal of a tree. Any tree preserved or retained in accordance with this section may thereafter be removed only for the reasons set out in a tree plan, in accordance with Section 18.790.030, or as a condition of approval for a conditional use, and shall not be subject to removal under any other section of this chapter. The property owner shall record a deed restriction as a condition of approval of any development permit affected by this section to the effect that such tree may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this section should either die or be removed as a hazardous tree. The form of this deed restriction shall be subject to approval by the Director.

- C. Site development modifications granted as incentives. A modification to development requirements granted under this section shall not conflict with any other restriction on the use of the property, including but not limited to easements and conditions of development approval.
- D. Design modifications of public improvements. The City Engineer may adjust design specifications of public improvements to accommodate tree retention where possible and where it would not interfere with safety or increase maintenance costs.

18.790.050 Permit Applicability

- A. Removal permit required. Tree removal permits shall be required only for the removal of any tree which is located on or in a sensitive land area as defined by Chapter 18.775. The permit for removal of a tree shall be processed as a Type I procedure, as governed by Section 18.390.030, using the following approval criteria:
 - 1. Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters or water quality as evidenced by an erosion control plan which precludes:
 - a. Deposits of mud, dirt, sediment or similar material exceeding 1/2 cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion;
 - b. Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site using the techniques of Chapter 5 of the Washington County Unified Sewerage Agency Environmental Protection and Erosion Control rules.
 - 2. Within stream or wetland corridors, as defined as 50 feet from the boundary of the stream or wetland, tree removal must maintain no less than a 75% canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75%.
- B. Effective date of permit. A tree removal permit shall be effective for one and one-half years from the date of approval.
- C. Extension. Upon written request by the applicant prior to the expiration of the existing permit, a tree removal permit shall be extended for a period of up to one year if the Director finds that the applicant is in compliance with all prior conditions of permit approval and that no material facts stated in the original application have changed.
- D. Removal permit not required. A tree removal permit shall not be required for the removal of a tree which:
 - 1. Obstructs visual clearance as defined in Chapter 18.795 of the title;
 - 2. Is a hazardous tree;
 - 3. Is a nuisance affecting public safety as defined in Chapter 7.40 of the Municipal Code;
 - 4. Is used for Christmas tree production, or land registered with the Washington County Assessor's office as tax-deferred tree farm or small woodlands, but does not stand on sensitive lands.

- E. Prohibition of commercial forestry. Commercial forestry as defined by Section 18.790.020 A.2., excluding D.4. above, is not permitted.

18.790.060 Illegal Tree Removal

- A. Violations. The following constitute a violation of this chapter:

1. Removal of a tree:
 - a. Without a valid tree removal permit; or
 - b. In noncompliance with any condition of approval of a tree removal permit; or
 - c. In noncompliance with any condition of any City permit or development approval; or
 - d. In noncompliance with any other section of this title.
2. Breach of a condition of any City permit or development approval, which results in damage to a tree or its root system.

- B. Remedies. If the Director has reason to believe that a violation of this chapter has occurred, then he or she may do any or all of the following:

1. Require the owner of the land on which the tree was located to submit sufficient documentation, which may include a written statement from a qualified arborist or forester, showing that removal of the tree was permitted by this chapter;
2. Pursuant to Section 18.390.050., initiate a hearing on revocation of the tree removal permit and/or any other permit or approval for which this chapter was an approval standard;
3. Issue a stop order pursuant to Section 18.230 of this title;
4. Issue a citation pursuant to Chapter 1.16 of the Municipal Code;
5. Take any other action allowed by law.

- C. Fines. Notwithstanding any other provision of this title, any party found to be in violation of this chapter pursuant to Section 1.16 of the Municipal Code shall be subject to a civil penalty of up to \$500 and shall be required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following:

1. Replacement of unlawfully removed or damaged trees in accordance with Section D below; and
2. Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.

- D. Guidelines for replacement. Replacement of a tree shall take place according to the following guidelines:

1. A replacement tree shall be a substantially similar species taking into consideration site characteristics;

2. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the Director may allow replacement with a different species of equivalent natural resource value;
 3. If a replacement tree of the size cut is not reasonably available on the local market or would not be viable, the Director shall require replacement with more than one tree in accordance with the following formula: The number of replacement trees required shall be determined by dividing the estimated caliper size of the tree removed or damaged by the caliper size of the largest reasonably available replacement trees. If this number of trees cannot be viably located on the subject property, the Director may require one or more replacement trees to be planted on other property within the City, either public property or, with the consent of the owner, private property;
 4. The planting of a replacement tree shall take place in a manner reasonably calculated to allow growth to maturity.
- E. In lieu-of payment. In lieu of tree replacement under Section D above, a party may, with the consent of the Director, elect to compensate the City for its costs in performing such tree replacement.
- F. Exclusivity. The remedies set out in this section shall not be exclusive.■

Chapter 18.795
VISUAL CLEARANCE AREAS

Sections:

- 18.795.010 Purpose**
- 18.795.020 Applicability of Provisions**
- 18.795.030 Visual Clearance Requirements**
- 18.795.040 Computations**

18.795.010 Purpose

- A. Purpose. The purpose of this chapter is to establish standards which will assure proper sight distances at intersections to reduce the hazard from vehicular turning movements.

18.795.020 Applicability of Provisions

- A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. When site development review is not required. Where the provisions of Chapter 18.330, Site Development Review, do not apply, the Director shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter through a Type I procedure, as governed by Section 18.390.030, using the standards in this chapter as approval criteria.

18.795.030 Visual Clearance Requirements

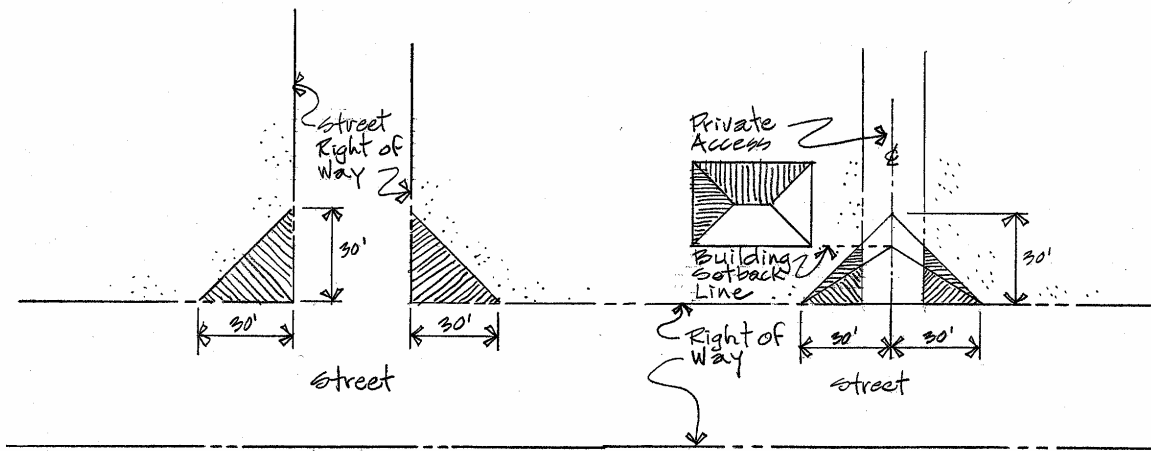
- A. At corners. Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.
- B. Obstructions prohibited. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.
- C. Additional topographical constraints. Where the crest of a hill or vertical curve conditions contribute to the obstruction of clear vision areas at a street or driveway intersection, hedges, plantings, fences, walls, wall structures and temporary or permanent obstructions shall be further reduced in height or eliminated to comply with the intent of the required clear vision area.

18.795.040 Computations

- A. Arterial streets. On all designated arterial streets the visual clearance area shall not be less than 35 feet on each side of the intersection.

B. Non-arterial streets.

1. Non-arterial streets 24 feet or more in width. At all intersections of two non-arterial streets, a non-arterial street and a driveway, and a non-arterial street or driveway and railroad where at least one of the streets or driveways is 24 feet or more in width, a visual clearance area shall be a triangle formed by the right-of-way or property lines along such lots and a straight line joining the right-of-way or property line at points which are 30 feet distance from the intersection of the right-of-way line and measured along such lines. See Figure 18.795.1:



**FIGURE 18.795.1
ILLUSTRATIONS OF VISUAL CLEARANCE REQUIREMENTS**

2. Non-arterial streets less than 24 feet in width. At all intersections of two non-arterial streets, a non-arterial street and a driveway, and a non-arterial street or driveway and railroad where both streets and/or driveways are less than 24 feet in width, a visual clearance area shall be a triangle whose base extends 30 feet along the street right-of-way line in both directions from the centerline of the accessway at the front setback line of a single family and two family residence, and 30 feet back from the property line on all other types of uses. ■

CHAPTER 18.798
WIRELESS COMMUNICATION FACILITIES

Sections:

18.798.010	Purpose
18.798.020	Definitions
18.798.030	Exemptions
18.798.040	Uses Permitted Outright
18.798.050	Uses Subject to Site Development Review
18.798.060	Uses Permitted Subject to Conditional Use Review
18.798.070	Submission Requirements
18.798.080	Collocation Protocol
18.798.090	Abandoned Facilities

18.798.010 Purpose

- A. Purpose. The purpose of these regulations are to ensure that wireless communication facilities are regulated in a manner which 1) minimizes visual impacts; 2) promotes universal service to all customers; 3) encourages collocation of facilities to minimize the number of new facilities required; 4) ensures structural safety; 5) ensures all providers are fairly treated; and 6) protects neighborhood liveability.

18.798.020 Definitions

- A. Definitions. The following definitions apply to facilities regulated by this chapter:

1. “Antenna” means a device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electro-magnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast or building.
2. “Collocation” means the placement of two or more antenna systems or platforms by separate FCC license holders (“providers”) on a structure such as a tower, building, water tank or utility pole.
3. “FAA” means the Federal Aviation Administration.
4. “FCC” means the Federal Communications Commission.
5. “Provider” means a person or company in business of designing, installing, marketing and servicing wireless communication services including cellular telephone, personal communications services (PCS), enhanced/specialized mobile telephones and commercial paging services.
6. “Wireless communication facility” means an unmanned facility for the transmission or 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.
7. “Wireless communication facility, attached” means 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 or light pole, which does not include additional wireless communication support structure.

8. “Wireless communication transmissions towers” means new structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. For the purposes of these regulations, such a support structure will be referred to as a “tower”. Support structure types include:
 - a. “Guyed tower” means a tower which is supported by the use of cables (guy wires) which are permanently anchored;
 - b. “Lattice tower” means a tower characterized by an open framework of lateral cross members which stabilize the tower;
 - c. “Monopole” means a single uptight pole, engineered to be self-supporting and requiring guy wires or lateral cross-supports.

18.798.030 Exemptions

- A. Exemptions. The following uses and activities shall be exempt from these regulations:
 1. Existing towers and antennas and any repair, reconstruction or maintenance of these facilities which do not create a significant change in visual impact;
 2. Ham radio towers, citizen band transmitters and antennas;
 3. Microwave dishes;
 4. Antennas and equipment and other apparatus completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the site.

18.798.040 Uses Permitted Outright

- A. Collocation of antenna(s) on existing towers in commercial and industrial zones. Installing an antenna(s) on an existing communication tower of any height is permitted outright, so long as the additional antenna(s) are no more than 20 feet higher than the existing tower, no more than three providers are collocating on the towers, and the color of the antenna(s) blends with the existing structure or surroundings;
- B. Collocation of antenna(s) on existing non-tower structure in commercial and industrial zones. Installing an antenna(s) on an existing structure other than a tower, such as a building, water tank, sign, light fixture or utility pole, is permitted outright so long as the additional antenna(s) is no more than 20 feet higher than the existing structure, no more than three providers are collocating on the structure, and the color of the antenna(s) blends with the existing structure or surroundings;
- C. Collocation of antenna(s) on existing non-tower structures in residential zones. Installing an antenna(s) on an existing structure other than a tower, such as a building, water tank, sign, light fixture or utility pole, so long as the additional antenna(s) is no more than 10 feet higher than the existing structure, no more than three providers are collocating on the structure, and the color of the antenna(s) blends in with the existing structure and surroundings;

- D. Installation of accessory equipment shelters. Any provider who is authorized to collocate on an existing tower or non-tower structure as provided in Section 18.798.040 A-C above, shall be allowed to install any necessary accessory equipment shelters and related equipment at or near the base of the tower or structure, within the structure, so long as:
1. The accessory equipment shelter and related equipment are either located completely within the existing structure, or are located within the fenced area previously approved;
 2. The equipment shelter and related equipment shall comply with the development standards, such as setbacks, height limitations and lot coverage, of the base zone;
 3. No previously-approved landscaping shall be removed to locate the accessory equipment building and related equipment. If any such landscaping is removed, the applicant shall be required to replace it with the equivalent quantity and type of landscaping on site, in a manner to achieve the original intent, or to achieve sufficient screening of any proposed new shelter and/or equipment if the original intent would no longer be applicable. If any removed landscaping cannot be replaced on site, then the applicant shall be reviewed per Section 18.798.050 below.
- E. Towers in the I-L and I-H zones. Locating a tower of any height, including antennas, other supporting equipment and accessory equipment shelters, is permitted by right in the I-L and I-H zones, providing that such a tower shall be set back from any existing off-site residence by a distance equal to the height of the tower. Any equipment shelter shall comply with the development standards of the base zone.

18.798.050 Uses Permitted Subject to Site Development Review

- A. Uses permitted. The Director shall review the uses subject to Site Development Review, as regulated by Chapter 18.360, using approval criteria contained in Section B below. The following uses are subject to approval under this section:
1. Towers in commercial zones and the I-P zone. A tower, including antennas, other support equipment and/or accessory equipment buildings, in any commercial or I-P district, provided that such a tower shall be set back from any existing off-site residence by a distance equal to the height of the tower;
 2. Public open space. A tower, including antennas, other support equipment and/or accessory equipment buildings, provided that such a tower shall be set back from any existing off-site residence by a distance equal to the height of the tower. A Type II adjustment may be obtained to reduce this setback, subject to criteria of approval contained in Section 18.370.020 C8a;
 3. Collocation in commercial and industrial zones. Collocation of an antenna(s) that extends more than 20 feet above an existing tower or non-tower structure, or when collocating more than three providers in commercial and industrial zones;
 4. Collocation in residential zones. Collocation of an antenna(s) that extends more than 10 feet above a non-tower structure or an existing tower;
 5. Accessory equipment shelter. Installation of additional accessory equipment shelters or related equipment if required existing landscaping is removed and cannot be replaced on the site to achieve the original intent, or to sufficiently screen any proposed new shelter and/or equipment if the original intent is no longer applicable;

6. Towers and antennas in public rights-of-way. Installation of any tower or antenna within any public right-of-way, provided that such tower or antenna shall be set back from any off-site residence by a distance equal to the height of the tower.
- B. Review criteria. Any use subject to Site Development Review per Section A above, shall be evaluated using the following standards:
1. Aesthetic:
 - a. New towers shall maintain a non-reflective grey finish or, if required by the FAA, be painted pursuant to the FAA's requirements;
 - b. If collocation on an existing tower is requested, the design of any antenna(s), accessory structures or equipment shall, to the extent possible, use materials, colors and textures that will match the existing tower or non-tower structure to which the equipment of the collocating provider is being attached;
 - c. If collocation on an existing non-tower structure is requested, the antenna(s) and supporting electrical and mechanical equipment shall be a neutral color that is the same as the color as the supporting structure so as to make the antenna(s) and related equipment as visually unobtrusive as possible.
 2. Setbacks:
 - a. Towers designed to collapse within themselves shall be set back in accordance with the setbacks contained in the base zone;
 - b. Towers not designed to collapse within themselves shall be set back from the property line by a distance equal to the height of the tower.
 3. Tower spacing: No new tower shall be allowed within 500 feet of an existing tower. If, having completed the collocation protocol outlined in Section 18.798.080 without success, the provider will be required to build a tower less than 500 feet from an existing tower, it will be required to obtain a Type I adjustment governed by 18.370.020 C8b;
 4. Tower height: No tower shall exceed 100 feet for a single user or 125 for multiple users;
 5. Lighting: No lighting shall be permitted on a tower except as required by the FAA;
 6. Fencing and security: For security purposes, towers and ancillary facilities shall be enclosed by a minimum six-foot fence;
 7. Landscaping and screening:
 - a. Landscaping shall be placed outside the fence and shall consist of evergreen shrubs which reach six feet in height and 95% opacity within three years of planting;
 - b. When adjacent to or within residentially-zoned property, free-standing towers and accessory equipment facilities shall be screened by the planting of a minimum of four evergreen trees at

least 15 feet in height at the time of planting. The planting of said trees shall be prescribed in number by a plan prepared by a registered arborist in locations that (1) most effectively screen the wireless facilities from residential uses and (2) promote the future survival of the trees while limiting adverse effects of the trees on abutting properties. Existing evergreen trees at least 15 feet in height may be used to meet the screening requirement of this section if the arborist demonstrates that they provide screening for abutting residential uses;

8. Noise: Noise-generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to 50 dBA (day)/40 dBA (night) when adjacent to a noise-sensitive land use and 75 dBA (day)/60 dBA (night) when adjacent to other uses.

C. Other requirements. At the time a provider requests a building permit, it must demonstrate compliance to all applicable state and federal regulations, including, but not limited to, the Oregon Uniform Structural and Building Codes and FAA.

18.798.060 Uses Permitted Subject to Conditional Use Review

A. Uses permitted. The Hearings Officer shall review the uses subject conditional use review, by means of a Type IIIA procedure, as regulated by 18.390.050 using approval criteria contained in Section B below. The following uses are subject to approval under this section:

1. Towers in residential zones. A tower, including antennas, other support equipment and/or accessory equipment buildings, in any residential zone;
2. Towers within areas with historic overlay designation. A tower, including antennas, other support equipment and/or accessory equipment buildings, in areas with historic overlay designation;
3. Towers in excess of 100 feet for a single user and 125 feet for multiple users except those located in the I-L and I-H zones, which are allowed outright per Section 18.798.040E.

B. Review criteria. Any use subject to review per Section A above, shall be evaluated using the following standards:

1. Protection of points of visual interest:
 - a. Views from residential structures located within 250 feet of the proposed wireless communication facility to the following points of visual interest shall be protected to the greatest practical extent:
 - (1) Mountains;
 - (2) Significant public open spaces;
 - (3) Historic structures.
 - b. The following standards, and only the following standards, shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed wireless communication facility to a point of visual interest specifically identified above is significantly affected:

- (1) Investigate other locations within the same lot where such visual impacts can be minimized overall;
 - (2) Investigate alternative tower designs that can be used to minimize the interruption of views from the residence to the point of visual interest;
 - (3) Minimize visual impacts to the point of visual interest referred to above, by demonstrating that collocation or the use of other structures within the applicant's service area is not feasible at this time;
 - (4) Minimize visual impacts by varying the setbacks or landscaping standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good or better than that which would otherwise be required without said variations.
2. Color. Towers shall have a non-reflective surface and a neutral color that is the same or similar color as the supporting structure to make the antennas and related equipment as visually unobtrusive as possible, or, if required by the FAA, be painted pursuant to the FAA's requirements;
 3. Setbacks: Towers shall be set back from the property line by a distance equal to the height of the tower. A Type II adjustment may be obtained to reduce this setback, subject to criteria of approval contained in Section 18.370.020 C8a;
 4. Tower spacing: No new tower in a residential zone shall be allowed within 2,000 feet of an existing tower. No new tower in non-residential zones shall be allowed within 500 feet of an existing tower. If, having completed the collocation protocol outlined in Section 18.798.080 without success, the provider will be required to build a tower less than the distances specified above, it will be required to obtain a Type I adjustment governed by 18.370.020 C8b;
 5. Lighting: No lighting shall be permitted on a tower except as required by the FAA;
 6. Fencing and security: For security purposes, towers and ancillary facilities shall be enclosed by a six-foot fence;
 7. Landscaping and screening.
 - a. Landscaping shall be placed outside the fence and shall consist of evergreen shrubs which reach six-feet in height and 95% opacity within three years of planting.
 - b. When adjacent to or within residentially-zoned property, free-standing towers and accessory equipment facilities shall be screened by the planting of a minimum of four evergreen trees at least 15 feet in height at the time of planting. The planting of said trees shall be prescribed in number by a plan prepared by a registered arborist in locations that (1) most effectively screen the wireless facilities from residential uses and (2) promote the future survival of the trees while limiting adverse effects of the trees on abutting properties. Existing evergreen trees at least 15 feet in height may be used to meet the screening requirement of this section if the arborist demonstrates that they provide screening for abutting residential uses.
 8. Noise: Noise-generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to 50 dBA (day)/40 dBA

(night) when adjacent to a noise-sensitive land use and 75 dBA (day)/60 dBA (night) when adjacent to other uses.

- C. Other requirements. At the time a provider requests a building permit, it must demonstrate compliance to all applicable state and federal regulations, including, but not limited to, the Oregon Uniform Structural and Building Codes and FAA.

18.798.070 Submission Requirements

- A. Submission requirements. All applications for Site Development Review or Conditional Use, shall be made on forms provided by the Director. The Director shall provide the applicant with detailed information about specific submission requirements.

18.798.080 Collocation Protocol

- A. Purpose. The purpose of this requirement is to create a process that will allow providers to equitable share publicly-available, non-proprietary information among themselves, with interested persons and agencies, and with the City, at the time the provider schedules a pre-application conference with the approval authority. This collocation protocol is designed to increase the likelihood that all reasonable opportunities for collocation have been investigated and the appropriate information has been shared among providers.

The City recognizes that collocation is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that collocation of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible collocation opportunities, and will also assure the City that all reasonable accommodations for collocation have been investigated. The code creates strong incentives for collocation because proposals for collocation qualify for a less rigorous approval process.

- B. Applicability. Requirements for the collocation protocol apply only to new towers subject to Site Development Review or Conditional Use.
- C. Pre-application requirement. A pre-application conference is required for all proposed free-standing towers except those in the I-L and I-H zones, which are permitted outright.
- D. Collocation request letter requirement. At the time a pre-application conference is scheduled, the applicant shall demonstrate that the following notice was mailed to all other wireless communication providers licensed to provide service within the City's boundaries:

"Pursuant to the requirements of 18.798.080, [name of wireless provider] is hereby providing you with notice of our intent to meet with representatives of the City of Tigard in a pre-application conference to discuss the location a new free-standing wireless communication facility that would be located at [location]. In general, we plan to construct a [type of tower] of [number] feet in height for the purpose of providing [cellular, PCS] service.

Please inform us whether your company Has any existing or pending wireless facilities located within [distance] of the proposed facility, that may be available for possible collocation opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.

Sincerely [Name of pre-application applicant].”

- E. Applicant’s obligation to analyze feasibility of collocation. If a response to a collocation request letter is received by an applicant indicating an opportunity for collocation on an existing tower of another provider, the applicant shall make a good faith effort to analyze the feasibility of collocation. This analysis shall be submitted with an application for a freestanding tower. A good faith effort to investigate the feasibility of collocation on an existing facility shall be deemed to have occurred if the applicant submits all of the following information:
1. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by collocation at the potential collocation site;
 2. Evidence that lessor of the potential collocation site either agrees or disagrees to collocation on his/her property;
 3. Evidence that adequate site area exists or does not exist at the potential collocation site to accommodate ancillary equipment for the second provider and still meet all of the development standards required in the base zone;
 4. Evidence that adequate access does or does not exist at the possible collocation site.
- F. Result of collocation feasibility analysis. If the applicant has provided information addressing each of the criteria in D above, the collocation protocol shall be deemed complete. The applicant’s tower shall then be permitted subject to the applicable standards and restrictions contained in this chapter.

18.798.090 Abandoned Facilities

- A. Abandonment defined. A wireless communication facility which has been discontinued for a period of six consecutive months or longer is hereby declared abandoned.
- B. Removal of abandoned facilities. Abandoned facilities as defined in Section A above shall be removed by the property owner within 90 days from date of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties per Chapter 7.40 of the Municipal Code.
- C. Extension. Upon written application, prior to the expiration of the six-month period, the Director shall, in writing, grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Director subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development.■

**18.800: STREET AND UTILITY IMPROVEMENT STANDARDS
LEGISLATIVE NOTES**

This section contains only one chapter, Street and Utility Improvement Standards, previously Chapter 18.164. Based on input from both the Engineering and Community Development Departments, it was determined that this chapter needed little substantive modification. A few minor additions are required to bring the City into complete compliance with the State Transportation Planning Rule (TPR) and Metro 2040 Growth Management Functional Plan. Otherwise, the chapter has been re-formatted with only minor editorial corrections.■

Chapter 18.810
STREET AND UTILITY IMPROVEMENT STANDARDS

Sections:

18.810.010	Purpose
18.810.020	General Provisions
18.810.030	Streets
18.810.040	Blocks
18.810.050	Easements
18.810.060	Lots
18.810.070	Sidewalks
18.810.080	Public Use Areas
18.810.090	Sanitary Sewers
18.810.100	Storm Drainage
18.810.110	Bikeways and Pedestrian Pathways
18.810.120	Utilities
18.810.130	Cash or Bond Required
18.810.140	Monuments
18.810.150	Installation Prerequisite
18.810.160	Installation Conformation
18.810.170	Plan Check
18.810.180	Notice to City
18.810.190	City Inspection
18.810.200	Engineer's Certification
18.810.210	Completion Requirements

18.810.010 Purpose

- A. Purpose. The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

18.810.020 General Provisions

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.
- B. Standard specifications. The City Engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Section 7.40 applies. The provision of Section 7.40 of the Tigard Municipal Code shall apply to this chapter.
- D. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be

granted by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Section 18.370.030 C9. (Ord. 99-22)

- E. Except as provided in Section 18.810.030S, as used in this chapter, the term "streets" shall mean "public streets" unless an adjustment under Section 18.810.020.D is allowed. (Ord. 99-22)

18.810.030 Streets

A. Improvements.

1. No development shall occur unless the development has frontage or approved access to a public street.
2. No development shall occur unless streets within the development meet the standards of this chapter.
3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
4. Any new street or additional street width planned as a portion of an existing street shall meet the standards of this chapter;
5. If the City could and would otherwise require the applicant to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.
6. The standards of this chapter include the standard specifications adopted by the City Engineer pursuant to Section 18.810.020.B.

7. The approval authority may approve adjustments to the standards of this chapter if compliance with the standards would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees. The approval authority may also approve adjustments to the standards of this chapter if compliance with the standards would have a substantial adverse impact on existing development or would preclude development on the property where the development is proposed. In approving an adjustment to the standards, the approval authority shall balance the benefit of the adjustment with the impact on the public interest represented by the standards. In evaluating the impact on the public interest, the approval authority shall consider the criteria listed in Section 18.810.030 E.1. An adjustment to the standards may not be granted if the adjustment would risk public safety.

B. Creation of rights-of-way for streets and related purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the Council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the Council for the purpose of general traffic circulation:

1. The Council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the Council to be present:
 - a. Establishment of a street is initiated by the Council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
 - b. The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such dedication is recommended by the Commission to the Council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval:
 - a. The applicant shall submit such additional information and justification as may be necessary to enable the Commission in its review to determine whether or not a recommendation for approval by the Council shall be made;
 - b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title;
 - c. The Commission in submitting the proposal with a recommendation to the Council may attach conditions which are necessary to preserve the standards of this title; and
3. All deeds of dedication shall be in a form prescribed by the City and shall name “the public,” as grantee.

- C. Creation of access easements. The approval authority may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can be created:
1. Access easements shall be provided and maintained in accordance with the Uniform Fire Code Section 10.207;
 2. Access shall be in accordance with Sections 18.705.030.H and 18.705.030.I.
- D. Street location, width and grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:
1. Street grades shall be approved by the City Engineer in accordance with Subsection N below; and
 2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
 - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
 - b. Conform to a plan adopted by the Commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.
- E. Minimum rights-of-way and street widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1.
1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:
 - a. The type of road as set forth in the Comprehensive Plan Transportation Chapter - Functional Street Classification;
 - b. Anticipated traffic generation;
 - c. On-street parking needs;
 - d. Sidewalk and bikeway requirements;

- e. Requirements for placement of utilities;
- f. Street lighting;
- g. Drainage and slope impacts;
- h. Street tree location;
- i. Planting and landscape areas;
- j. Safety and comfort for motorists, bicyclists, and pedestrians;
- k. Access needs for emergency vehicles.

Table 18.810.1
Minimum Widths for Street Characteristics

Type of Street	Right-of-Way Width (Ft)	Paved Width (Ft)	Number of Lanes	Min. Lane Width (Ft)	On-street Parking Width (Ft)	Bike Lane Width (Ft)	Sidewalk Width (Ft)	Landscape Strip Width (Ft) (exclusive of curb)	Median Width (Ft)
Arterial	64'-128'	Varies	2 - 7 (Refer to TSP)	12'	N/A	6' (New Streets) 5'-6' (Existing Streets)	8' (Res. & Ind. Zones) 10' (Comm. Zones)	5'	12' ⁽¹⁾
Collector	58'-96'	Varies	2 - 5 (Refer to TSP)	11'	N/A	6' (New Streets) 5'-6' (Existing Streets)	6' (Res. & Ind. Zones) 8' (Comm. Zones)	5'	12' ⁽¹⁾
Neighborhood Route	50'-58'	28'-36'	2	10'	8'	5'-6'	5'-6' ⁽²⁾	5'	N/A
Local: Industrial/Commercial	50'	36'	2			N/A	5'-6' ⁽²⁾	5'	N/A
Local: Residential									
• Under 1500 ADT	54'/50' ⁽³⁾	32'/28' ⁽³⁾	2		8' (both sides)	N/A	5'-6' ⁽²⁾	5'	N/A
• Under 500 ADT	50'/46' ⁽³⁾	28'/24' ⁽³⁾	2		8' (one side)	N/A			
• Under 200 ADT	46'/42' ⁽³⁾	24'/20' ⁽³⁾	2		(No Parking)	N/A			
Cul-de-sac bulbs in Industrial and Commercial zones	50' radius	42' radius	N/A	N/A		N/A			N/A
Cul-de-sac bulbs in Residential zones	47' radius	40' radius	N/A	N/A		N/A		N/A	N/A
Alley: Residential	16'	16'			N/A	N/A	N/A	N/A	N/A
Alley: Business	20'	20'			N/A	N/A	N/A	N/A	N/A

(Ord. 02-33)

¹ Medians required for 5 and 7 lane roadways. They are optional for 3 lane roadways.

² Sidewalk widths for these streets shall be 5 ft with landscape strip; 6 ft if against curb (if permitted in accordance with 18.810.070.C).

³ "Skinny Street" roadway widths are permitted where cross section and review criteria are met. Refer to corresponding cross sections (Figures 18.810.3, 18.810.4 and 18.810.5) for details and conditions.

Figure 18.810.1
 Arterials Sample Cross Sections
 (Ord. 02-33)

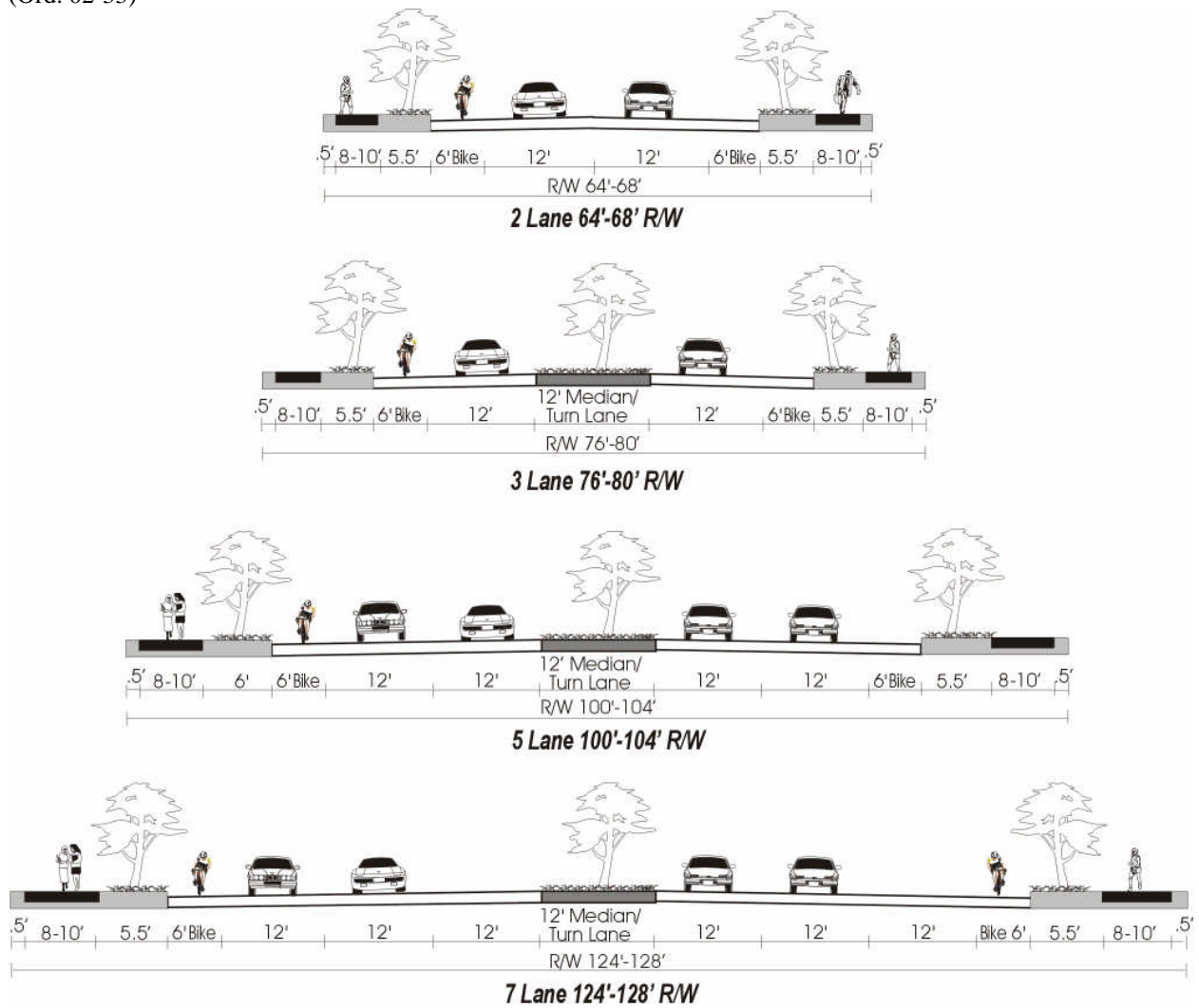


Figure 18.810.2
 Collector Sample Cross Sections
 (Ord. 02-33)

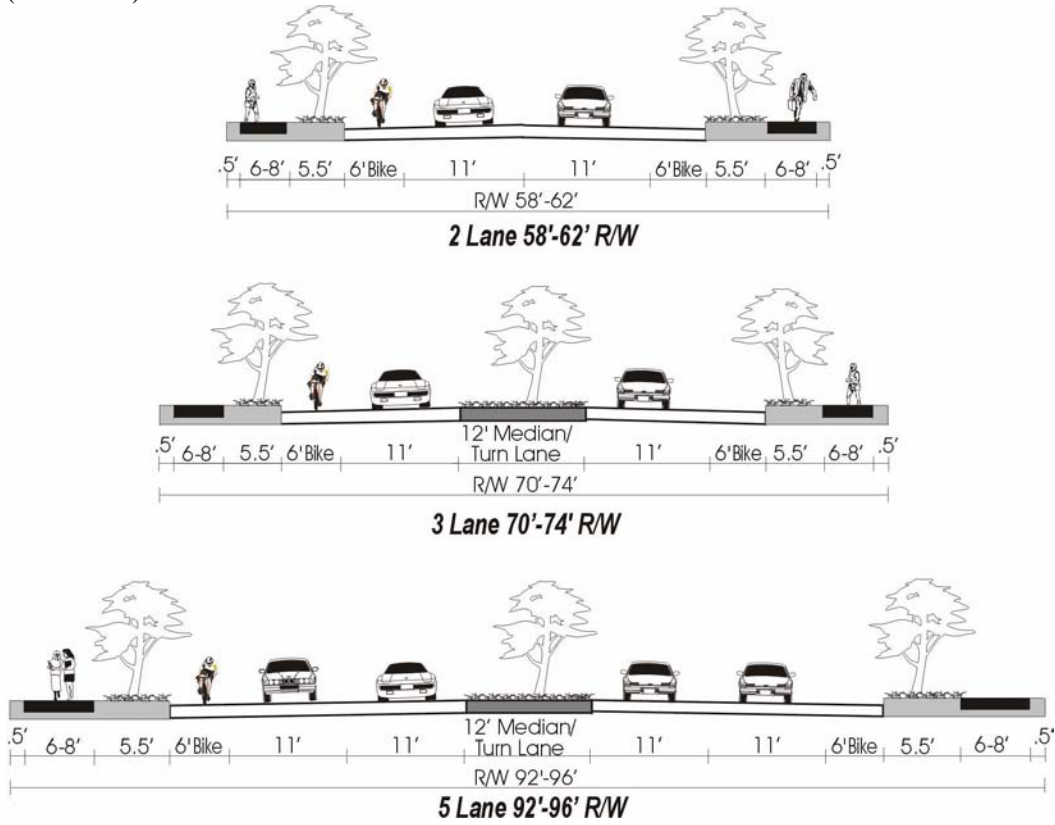


Figure 18.810.3
 Neighborhood Routes
 Sample Cross Sections
 (Ord. 02-33)

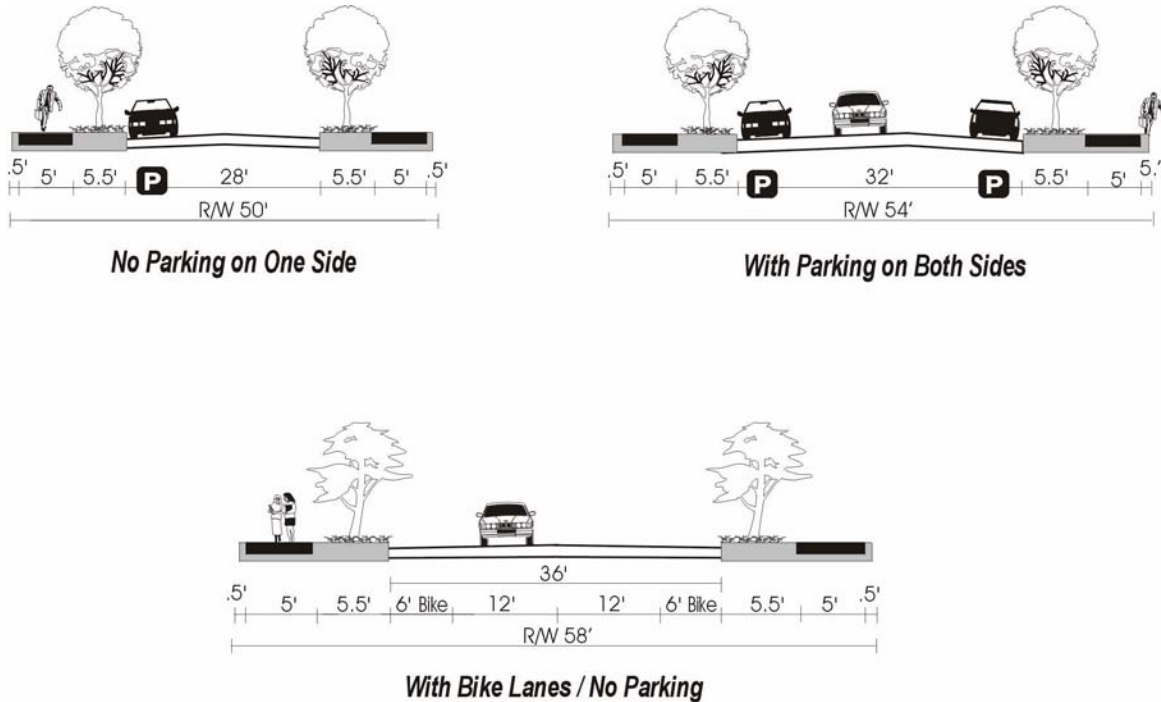


Figure 18.810.4
 Local Residential Streets - <1,500 vpd
 (Ord. 02-33)

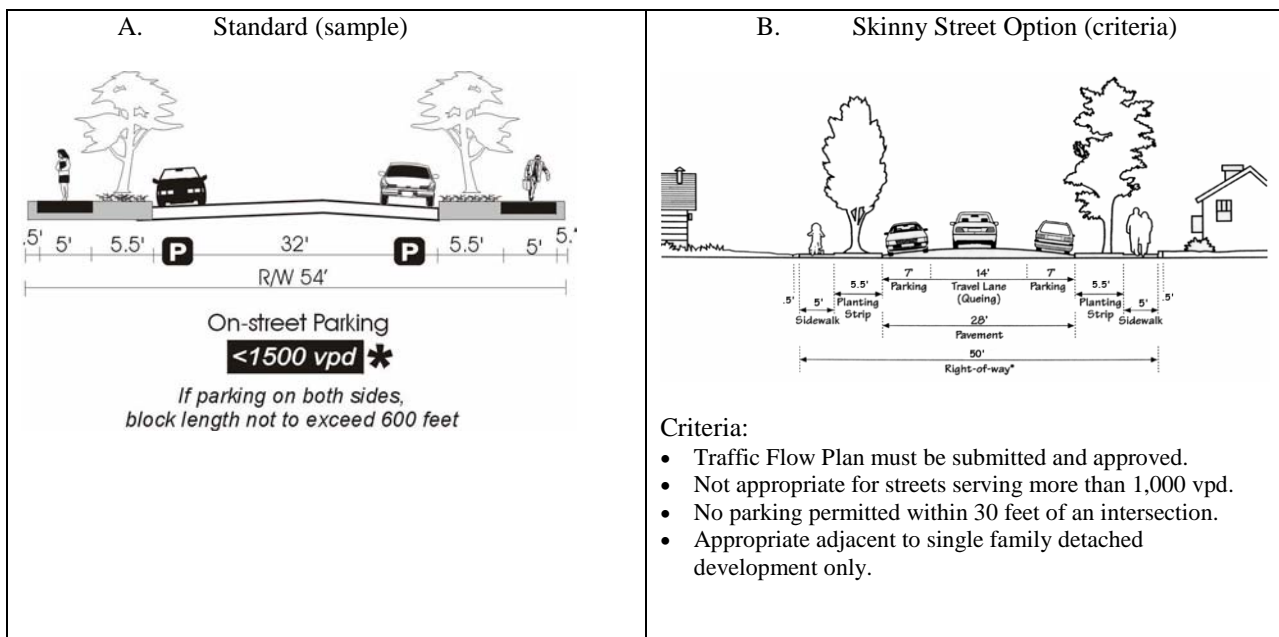


Figure 18.810.5
 Local Residential Streets < 500 vpd
 (Ord. 02-33)

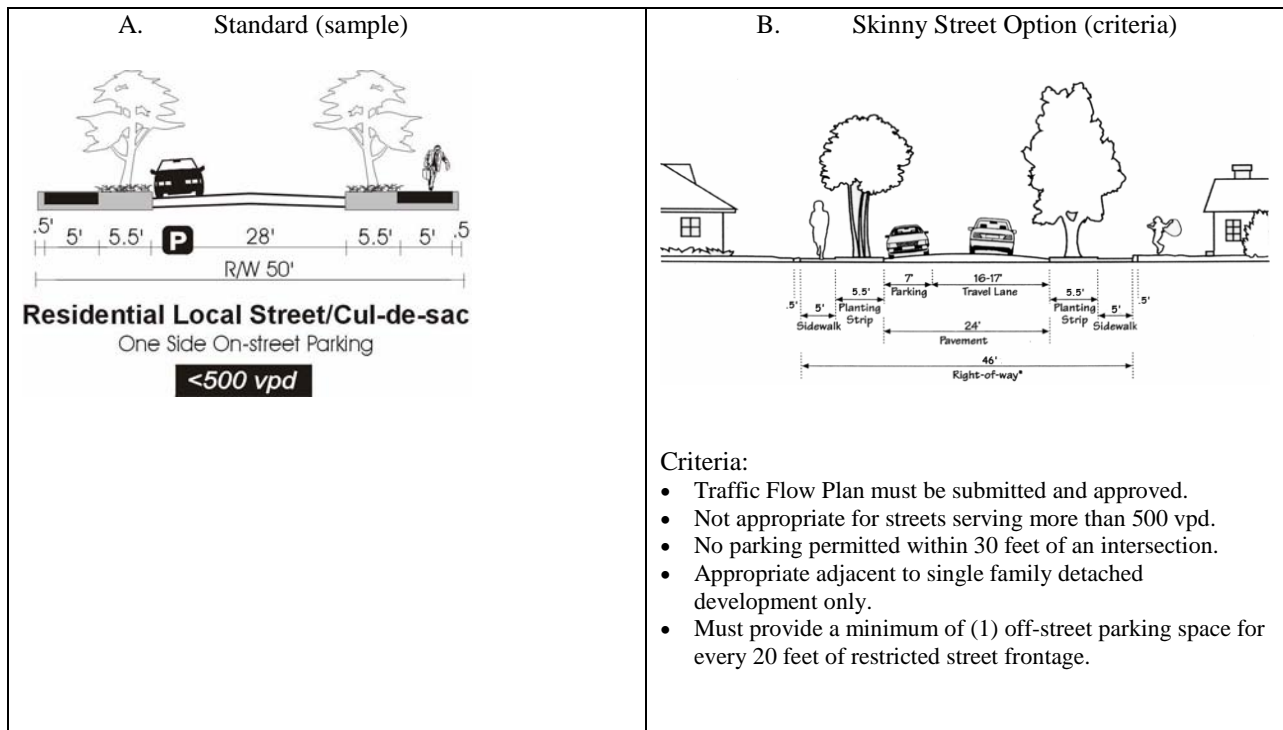
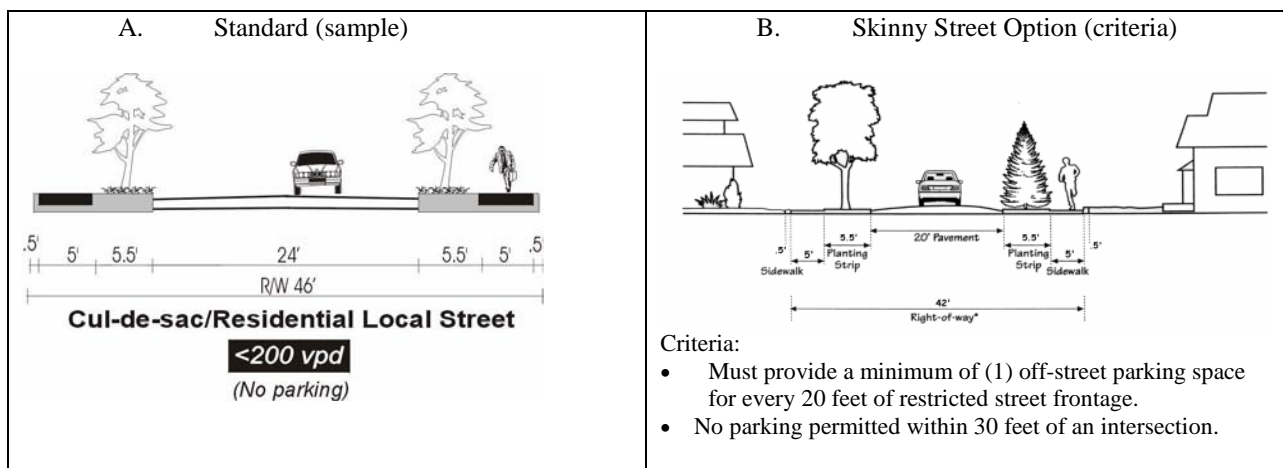


Figure 18.810.6
 Local Residential Street < 200 vpd
 (Ord.02-33)



F. Future street plan and extension of streets.

1. A future street plan shall:

- a. Be filed by the applicant in conjunction with an application for a subdivision or partition. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 530 feet surrounding and adjacent to the proposed land division. At the applicant's request, the City may prepare a future streets proposal. Costs of the City preparing a future streets proposal shall be reimbursed for the time involved. A street proposal may be modified when subsequent subdivision proposals are submitted.
- b. Identify existing or proposed bus routes, pullouts or other transit facilities, bicycle routes and pedestrian facilities on or within 530 feet of the site.

2. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and

- a. These extended streets or street stubs to adjoining properties are not considered to be culs-de-sac since they are intended to continue as through streets at such time as the adjoining property is developed.
- b. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost.
- c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub street in excess of 150 feet in length.

G. Street spacing and access management. Refer to 18.705.030.H.

H. Street alignment and connections.

1. Full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.
2. All local , neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.

3. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.
 4. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.
- I. Intersection angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case shall the angle be less than 75° unless there is special intersection design, and:
1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
 3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.
- J. Existing rights-of-way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.
- K. Partial street improvements. Partial street improvements resulting in a pavement width of less than 20 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.
- L. Culs-de-sacs. A cul-de-sac shall be no more than 200 feet long shall not provide access to greater than 20 dwelling units, and shall only be used when environmental or topographical constraints, existing development pattern, or strict adherence to other standards in this code preclude street extension and through circulation:
1. All culs-de-sac shall terminate with a turnaround. Use of turnaround configurations other than circular, shall be approved by the City Engineer; and
 2. The length of the cul-de-sac shall be measured from the centerline intersection point of the two streets to the radius point of the bulb..
 3. If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.
- M. Street names. No street name shall be used which will duplicate or be confused with the names of existing streets in Washington County, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and as approved by the City Engineer.

N. Grades and curves.

1. Grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and
2. Centerline radii of curves shall be as determined by the City Engineer.

O. Curbs, curb cuts, ramps, and driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and Section 15.04.080; and:

1. Concrete curbs and driveway approaches are required; except
2. Where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval; and
3. Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards.

P. Streets adjacent to railroad right-of-way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land. The distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

Q. Access to arterials and collectors. Where a development abuts or is traversed by an existing or proposed arterial or collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

1. A parallel access street along the arterial or collector;
2. Lots of suitable depth abutting the arterial or collector to provide adequate buffering with frontage along another street;
3. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial or collector; or
4. Other treatment suitable to meet the objectives of this subsection;
5. If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

R. Alleys, public or private.

1. Alleys shall be no less than 20 feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities

are made.

2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.
- S. Survey monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
- T. Private streets.
1. Design standards for private streets shall be established by the City Engineer; and
 2. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement.
 3. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.
- U. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works Director and approved by the Commission.
- V. Street signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.
- W. Mailboxes. Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units.
1. Joint mailbox structures shall be placed adjacent to roadway curbs;
 2. Proposed locations of joint mailboxes shall be designated on a copy of the preliminary plat or development plan, and shall be approved by the City Engineer/US Post Office prior to final plan approval; and
 3. Plans for the joint mailbox structures to be used shall be submitted for approval by the City Engineer/US Post Office prior to final approval.
- X. Traffic signals. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The cost shall be included as a condition of development.
- Y. Street light standards. Street lights shall be installed in accordance with regulations adopted by the City's direction.
- Z. Street name signs. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

AA. Street cross-sections. The final lift of asphalt concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 90% of the structures in the new development are completed or three years from the commencement of initial construction of the development, whichever is less.

1. Sub-base and leveling course shall be of select crushed rock;
2. Surface material shall be of Class C or B asphaltic concrete;
3. The final lift shall be placed on all new construction roadways prior to City final acceptance of the roadway; however, not before 90% of the structures in the new development are completed unless three years have elapsed since initiation of construction in the development;
4. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
5. No lift shall be less than 1-1/2 inches in thickness. (Ord. 99-22)

AB. Traffic calming. When, in the opinion of the City Engineer, the proposed development will create a negative traffic condition on existing neighborhood streets, such as excessive speeding, the developer may be required to provide traffic calming measures. These measures may be required within the development and/or offsite as deemed appropriate. As an alternative, the developer may be required to deposit funds with the City to help pay for traffic calming measures that become necessary once the development is occupied and the City Engineer determines that the additional traffic from the development has triggered the need for traffic calming measures. The City Engineer will determine the amount of funds required, and will collect said funds from the developer prior to the issuance of a certificate of occupancy, or in the case of subdivision, prior to the approval of the final plat. The funds will be held by the City for a period of five (5) years from the date of issuance of certificate of occupancy, or in the case of a subdivision, the date of final plat approval. Any funds not used by the City within the five-year time period will be refunded to the developer.

AC. Traffic study.

1. A traffic study shall be required for all new or expanded uses or developments under any of the following circumstances:
 - a. when they generate a 10% or greater increase in existing traffic to high collision intersections identified by Washington County.
 - b. Trip generations from development onto the City street at the point of access and the existing ADT fall within the following ranges:

Existing ADT	ADT to be added by development
0-3,000 vpd	2,000 vpd
3,001-6,000 vpd	1,000 vpd
>6,000 vpd	500 vpd or more

- c. If any of the following issues become evident to the City engineer:
 - (1) High traffic volumes on the adjacent roadway that may affect movement into or out of the site
 - (2) Lack of existing left-turn lanes onto the adjacent roadway at the proposed access drive(s)
 - (3) Inadequate horizontal or vertical sight distance at access points
 - (4) The proximity of the proposed access to other existing drives or intersections is a potential hazard
 - (5) The proposal requires a conditional use permit or involves a drive-through operation
 - (6) The proposed development may result in excessive traffic volumes on adjacent local streets.
- 2. In addition, a traffic study may be required for all new or expanded uses or developments under any of the following circumstances:
 - a. when the site is within 500 feet of an ODOT facility and/or
 - b. trip generation from a development adds 300 or more vehicle trips per day to an ODOT facility and/or
 - c. trip generation from a development adds 50 or more peak hour trips to an ODOT facility. (Ord. 06-20, Ord. 02-33)

18.810.040 Blocks

- A. Block design. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.
- B. Sizes.
 - 1. The perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the centerline of the streets except:
 - a. Where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development; or
 - b. For blocks adjacent to arterial streets, limited access highways, collectors or railroads.
 - c. For non-residential blocks in which internal public circulation provides equivalent access.
 - 2. Bicycle and pedestrian connections on public easements or right-of-ways shall be provided when

full street connection is exempted by B.1 above. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code. (Ord. 06-20; Ord. 02-33)

18.810.050 Easements

- A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development traversed by a watercourse, or drainageway, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse.
- B. Utility easements. A property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

18.810.060 Lots

- A. Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:
 - 1. No lot shall contain part of an existing or proposed public right-of-way within its dimensions;
 - 2. The depth of all lots shall not exceed 2-1/2 times the average width, unless the parcel is less than 1-1/2 times the minimum lot size of the applicable zoning district;
 - 3. Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.
- B. Lot frontage. Each lot shall abut upon a public or private street, other than an alley, for a width of at least 25 feet unless the lot is created through a minor land partition in which case Subsection 18.162.050 (C) applies, or unless the lot is for an attached single-family dwelling unit, in which case the lot frontage shall be at least 15 feet.
- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:
 - 1. A planting buffer at least ten feet wide is required abutting the arterial rights-of-way; and
 - 2. All through lots shall provide the required front yard setback on each street.
- D. Lot side lines. The side lines of lots, as far as practicable, shall be at right angles to the street upon which the lots front.
- E. Large lots. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Commission may require that the lots be of such size and shape, and be so divided into

building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size. The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

18.810.070 Sidewalks

- A. Sidewalks. All industrial streets and private streets shall have sidewalks meeting City standards along at least one side of the street. All other streets shall have sidewalks meeting City standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street
- B. Requirement of developers
1. As part of any development proposal, or change in use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within 1/2 mile of their site to all transit facilities and Neighborhood Activity Centers (schools, parks, libraries, etc.). In addition, the developer may be required to participate in the removal of any gaps in the pedestrian system off-site if justified by the development.
 2. If there is an existing sidewalk, on the same side of the street as the development, within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).
- C. Planter strip requirements. A planter strip separation of at least five feet between the curb and the sidewalk shall be required in the design of streets, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; it would conflict with the utilities, there are significant natural features (large trees, water features, significant habitat areas, etc) that would be destroyed if the sidewalk were located as required, or where there are existing structures in close proximity to the street (15 feet or less). Additional consideration for exempting the planter strip requirement may be given on a case by case basis if a property abuts more than one street frontage.
- D. Sidewalks in central business district. In the central business district, sidewalks shall be 10 feet in width, and:
1. All sidewalks shall provide a continuous unobstructed path; and
 2. The width of curbside sidewalks shall be measured from the back of the curb.
- E. Maintenance. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.
- F. Application for permit and inspection. If the construction of a sidewalk is not included in a performance bond of an approved subdivision or the performance bond has lapsed, then every person, firm or corporation desiring to construct sidewalks as provided by this chapter, shall, before entering upon the work or improvement, apply for a street opening permit to the Engineering department to so

build or construct:

1. An occupancy permit shall not be issued for a development until the provisions of this section are satisfied.
2. The City Engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:
 - a. Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;
 - b. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
 - c. Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or
 - d. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible; and
3. The City Engineer shall inspect the construction of sidewalks for compliance with the provision set forth in the standard specifications manual.

G. Council initiation of construction. In the event one or more of the following situations are found by the Council to exist, the Council may adopt a resolution to initiate construction of a sidewalk in accordance with City ordinances:

1. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;
2. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard;
3. 50% or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks; and
4. A criteria which allowed noncompliance under Section E.1.b above no longer exists and a sidewalk could be constructed in conformance with City standards. (Ord. 06-20, Ord. 02-33, Ord. 99-22)

18.810.080 Public Use Areas

A. Dedication requirements.

1. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or

dedication is roughly proportional to the impact of the subdivision on the park system.

2. Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.
- B. Acquisition by public agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider. (Ord. 99-22)

18.810.090 Sanitary Sewers

- A. Sewers required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.
- B. Sewer plan approval. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. Over-sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.
- D. Permits denied. Development permits may be restricted by the Commission or Hearings Officer where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

18.810.100 Storm Drainage

- A. General provisions. The Director and City Engineer shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made, and:
1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
 2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
 3. Surface water drainage patterns shall be shown on every development proposal plan.
- B. Easements. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially

with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

- C. Accommodation of upstream drainage. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and:
 - 1. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).
- D. Effect on downstream drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments).

18.810.110 Bikeways and Pedestrian Pathways

- A. Bikeway extension.
 - 1. As a standard, bike lanes shall be required along all Arterial and Collector routes and where identified on the City's adopted bicycle plan in the Transportation System Plan (TSP).
 - 2. Developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way, provided such dedication is directly related to and roughly proportional to the impact of the development.
 - 3. Any new street improvement project shall include bicycle lanes as required in this document and on the adopted bicycle plan.
- B. Cost of construction. Development permits issued for planned unit developments, conditional use permits, subdivisions and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements in an amount roughly proportional to the impact of the development.
- C. Minimum width.
 - 1. Minimum width for bikeways within the roadway is five feet per bicycle travel lane.
 - 2. Minimum width multi-use paths separated from the road is ten (10) feet. The width may be reduced to eight (8) feet if there are environmental or other constraints.
 - 3. The minimum width for pedestrian only off-street paths is five (5) feet.
 - 4. Design standards for bike and pedestrian-ways shall be determined by the City Engineer. (Ord.

18.810.120 Utilities

- A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:
1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
 2. The City reserves the right to approve location of all surface mounted facilities;
 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Information on development plans. The applicant for a development shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:
1. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and
 2. Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.
- C. Exception to under-grounding requirement.
1. The developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.
 2. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.
 3. Properties within the CBD zoning district shall be exempt from the requirements for undergrounding of utility lines and from the fee in-lieu of undergrounding.
 4. The exceptions in Subsections 1 through 3 of this section shall apply only to existing utility lines. All new utility lines shall be placed underground.

D. Fee in-lieu of undergrounding.

1. The City Engineer shall establish utility service areas in the City. All development which occurs within a utility service area shall pay a fee in-lieu of undergrounding for utilities if the development does not provide underground utilities, unless exempted by this code.
2. The City Engineer shall establish the fee by utility service area which shall be determined based upon the estimated cost to underground utilities within each service area. The total estimated cost for undergrounding in a service area shall be allocated on a front-foot basis to each party within the service area. The fee due from any developer shall be calculated based on a front-foot basis.
3. A developer shall receive a credit against the fee for costs incurred in the undergrounding of existing overhead utilities. The City Engineer shall determine the amount of the credit, after review of cost information submitted by the applicant with the request for credit.
4. The funds collected in each service area shall be used for undergrounding utilities within the City at large. The City Engineer shall prepare and maintain a list of proposed undergrounding projects which may be funded with the fees collected by the City. The list shall indicate the estimated timing and cost of each project. The list shall be submitted to the City Council for their review and approval annually.

18.810.130 Cash or Bond Required

- A. Guarantee. All improvements installed by the developer shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City Council.
- B. Cash deposit or bond. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the City Engineer.
- C. Compliance requirements. The cash or bond shall comply with the terms and conditions of Section 18.430.090.

18.810.140 Monuments

- A. Replacement required. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

18.810.150 Installation Prerequisite

- A. Approval required. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.
- B. Permit fee. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by Council resolution.

18.810.160 Installation Conformation

- A. Conformance required. In addition to other requirements, improvements installed by the developer either as a requirement of these regulations or at his own option, shall conform to the requirements of this chapter and to improvement standards and specifications followed by the City.
- B. Adopted installation standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., and Design and Construction Standards for Sanitary and Surface Water Management (as adopted by the Unified Sewerage Agency in 1996 and including any future revisions or amendments) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

18.810.170 Plan Check

- A. Submittal requirements. Work shall not begin until construction plans and construction estimates have been submitted and checked for adequacy and approved by the City Engineer in writing. The developer can obtain detailed information about submittal requirements from the City Engineer.
- B. Compliance. All such plans shall be prepared in accordance with requirements of the City.

18.810.180 Notice to City

- A. Commencement. Work shall not begin until the City has been notified in advance.
- B. Resumption. If work is discontinued for any reason, it shall not be resumed until the City is notified.

18.810.190 City Inspection

- A. Inspection of improvements. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

18.810.200 Engineer's Certification

- A. Written certification required. The developer's engineer shall provide written certification of a form provided by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to City acceptance of the subdivision's improvements or any portion thereof for operation and maintenance.

18.810.210 Completion Requirements (To be completed.)■