

**Tualatin Clear and Objective Code Update  
Public Review Draft Code Amendments (Task 3.3)  
6/3/2026**

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
CHAPTER 31 GENERAL PROVISIONS

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**Commentary:** Document Formatting

TDC text identified as being not clear and objective (C&O) in the earlier Code Audit is highlighted in yellow and remains highlighted in this Draft Code Update.

Omitted sections are indicated by [...].

**CHAPTER 31 GENERAL PROVISIONS**

**In General**

**Compliance and Enforcement**

***IN GENERAL***

**TDC 31.020. Classification of Planning District (Zones).**

In order to carry out the objectives of the Tualatin Comprehensive Plan, land within the City is divided into planning districts or zones. The established planning districts are designated on the Plan Map. The planning district (zone) designations are as follows:

Planning District/Zone	Abbreviated Designation
Low Density Residential	RL
Medium-Low Density Residential	RML
Medium-High Density Residential	RMH
High Density Residential	RH
High Density Residential—High Rise	RH-HR
Institutional	IN
Office Commercial	CO
Neighborhood Commercial	CN
Recreational Commercial	CR
Central Commercial	CC
General Commercial	CG
Mid-Rise/Office Commercial	CO/MR
Medical Center	MC
Light Manufacturing	ML
General Manufacturing	MG
Manufacturing Park	MP
Manufacturing Business Park	MBP

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(Ord. 590-83 §1, 4-11-83; Ord. 592-83, 6-13-83; Ord. 1216-06, 7-24-06; Ord. 1414-18, 12-10-18; Ord. No. 1450-20, § 3, 12-14-20)

### **TDC 31.040. Planning District (Zone) Map.**

Each planning district (zone) is designated on the Plan Map of the Tualatin Comprehensive Plan. To carry out the purposes of the planning district standards, the Plan Map of the Tualatin Comprehensive Plan is known as the "Planning District Map." The primary function of the Planning District Map is to describe the boundaries of the planning districts so that people using this Code may determine which planning district standards regulate the use and development of their land.

(Ord. 590-83 §1, 4-11-83; Ord. 1414-18, 12-10-18; Ord. No. 1450-20, § 3, 12-14-20)

### **TDC 31.050. Planning District (Zone) Boundaries.**

Except as otherwise provided, the boundaries of each planning district designated on the Planning District Map are intended to follow, wherever possible, property lines, extensions of property lines, natural features such as creeks or riverbanks, and the centerlines of public highways. Where this is not possible, the boundaries between planning districts are drawn to scale. In the event that the exact location of any planning district boundary is ambiguous or uncertain for any reason, the Council, by resolution, may establish the exact location of any such boundary.

(Ord. 590-83 §1, 4-11-83; Ord. 1414-18, 12-10-18 )

#### **Commentary: Definitions**

The definitions for "Congregate Care Facility" and "Retirement Housing" are proposed to be revised to make them separate land uses and to better clarify the differences between the two use types.

- Congregate care facilities may serve older adults or persons with disabilities, and include shared meal and housekeeping services.
- Retirement housing facilities are a type of multifamily housing that is intended for those aged 55 and older; it typically does not provide shared food or housekeeping services.

Defining these uses separately allows the City to regulate them differently (e.g., require Conditional Use review for congregate care facilities in certain zones).

In addition:

- the definition for "Garden Apartments" is proposed to be deleted because it is not currently used in the code and is not C&O.
- The "reverse frontage lots" is also proposed to be updated to remove standards from the definition and to fix a typo.

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## **TDC 31.060. Definitions.**

As used in this Code, the masculine includes the feminine and the neuter, and the singular includes the plural. For the purposes of the TDC, the following words and phrases, unless the context otherwise requires, mean:

*Access Management.* The process of providing and managing access to land while preserving the flow of traffic in terms of safety, capacity, and speed.

*Accessory Dwelling Unit (ADU).* See, Residential Structure Types.

*Accessory Structure or Use.* A structure or use incidental and subordinate to the main use of the property and which is located on the same lot with the main use, which includes, but is not limited to, garage, carports, tool sheds, private greenhouses, utility buildings, and home occupations.

*Accessway.* A non-vehicular, paved pathway designed for pedestrian and bicycle use. Accessways may provide mid-block connectivity where such routes are not otherwise provided by the street system. Accessways may also provide convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use, which includes, but is not limited to, schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

*Adequate Public Facilities.* Public improvements determined by the Council or City Manager to be of adequate size and capacity, and capable of supporting and servicing the physical area and designated intensity of the proposed development.

*Adjacent Property.* A property or unit of land which is touching, or which is across from a public right-of-way, easement, small creek, or small stream, from the extension of the property lines of the subject property.

*Aisle.* The corridor by which cars enter and depart parking spaces.

*Alley.* A narrow street through a block, primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

*Animal, Small.* A domestic animal, such as a dog, cat, rabbit, or guinea pig, accepted by the American Veterinary Medical Association as a household pet.

*Antenna.* A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. It is typically mounted on a supporting tower, pole, mast, or building.

*Applicant.* The owner of land proposed to be developed, or a representative, who has express written authority to act on behalf of the owner.

*Arborist.* A professional listed as a certified arborist or a registered consulting arborist.

*Arcades.* A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

*Architectural Feature or Architectural Features.* The portion of a structure or remodeling activity which is regulated or controlled by the objectives, criteria and standards for architectural, graphic and landscaping design, which are subject to Architectural Review, and includes all aspects of an Architectural Review Plan which are not Utility Facilities.

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

*Assembly.* As used in the Manufacturing Planning districts, assembly means the putting together of a final product using parts and components that have been fabricated elsewhere and shipped in. See also Manufacturing.

*Awning.* A shelter supported entirely by the exterior wall of a building and composed of nonrigid materials except for a supporting framework.

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**Barriers.** Physical or topographic conditions that make a street or accessway connection impracticable. Such conditions include but are not limited to freeways; railroads; steep slopes; wetlands or other bodies of water where a connection could not reasonably be provided; where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; and where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection, or the requirements of Titles 3 and 13 of the Metro Urban Growth Management Functional Plan (UGMFP).

**Bike (Bicycle) Facilities.** On and off street improvements and facilities designed to accommodate bicycles.

**Bike (Bicycle) Lane.** A portion of roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Bike (Bicycle) Parking, Long-term.** Facilities for parking bicycles for stays of more than four hours.

**Bike (Bicycle) Parking, Short-term.** Facilities for parking bicycles for stays of less than four hours.

**Bike (Bicycle) Path.** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the public street right-of-way or within an independent right-of-way or easement.

**Bikeway.** Any street, road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

**Block Length.** The distance along a public or private street between intersecting public or private streets, as measured from nearest right of way edge to nearest right of way edge along the primary street's right of way edge, including "T" intersections but excluding cul-de-sacs.

**Buffer.** A landscaped portion of land established to separate and protect incompatible land uses.

**Buildable Area.** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

**Building Coverage.** That portion or percentage of a lot utilized by a building or structure, excluding parking lots and driveways or sidewalks.

**Building Official.** The person charged by a municipality with responsibility for administration and enforcement of the state building code in the municipality as defined by ORS 455.715.

**Business.** All of the activities carried on by the same legal entity on the same premises, whether or not the enterprise operates for profit, and includes freemasonry, fraternal, religious, educational or social organizations. "Legal entity" includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations, and joint stock companies.

**Business Occupant.** A nonresidential use of real property by an owner or lessee. Each user is considered a separate business occupant if the user has an independent or distinct property right in the real property.

**Bus Stop.** See Transit Stop.

**Caliper.** The diameter of a tree trunk measured at a prescribed height.

**Canopy.** A rigid non-movable roof-like structure supported only by columns or posts permanently affixed to the ground, or by a building at one or more points or extremities and by columns or posts in the ground at other points or extremities.

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

**Certificate of Appropriateness.** A final written decision of approval, approval with conditions or denial from the City Manager or City Council for demolition, relocation, alteration, or new construction concerning a landmark.

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*Child Care:*

*Child Care Center.* A child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.

*Child Care Facility.* Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

*Certified Child Care Provider.* A person licensed by the State of Oregon to provide Child Care ORS329A.280.

*Family Child Care Home, Registered.* The residence of the provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters, as provided by ORS 329A.330.

*Family Child Care Provider, Registered.* An individual who operates a family child care home that is registered under ORS 329A.330.

*Children's Play Area.* An area designated for the recreation of children. Such areas may include sand boxes, bark chip areas, areas containing play structures, basketball courts, hard surface courts and wading pools.

*Citizen Involvement Organization.* As provided in the Tualatin Municipal Code Chapter 11-9 Citizen Involvement Program.

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

*City Manager.* The person appointed by the City Council as the City Manager, or the City Manager's designee.

*Civic Rooms.* Outdoor areas that are open to the public where the space is defined by the locations of buildings, landscaping, or accessways.

*Clean Water Services (CWS).* A special service district (formerly known as the Unified Sewerage Agency) that serves as a separately managed and financed public utility and provides stormwater and wastewater services in partnership with 12 member cities in Washington County, including Tualatin. CWS maintains and enhances the public drainage system to meet public needs and to comply with strict water quality regulations set for the Tualatin River drainage area by the Oregon Department of Environmental Quality (DEQ).

*Commercial Use.* See Chapter 39 (Use Categories).

*Common courtyard.* An outdoor common area for shared use by residents of a *Cottage Cluster*.

*Common Wall Dwellings.* Dwelling units characterized by shared wall structures, including, but not limited to, duplexes, triplexes, rowhouses, townhouses, ~~multi-family~~multifamily dwellings, and condominiums.

*Compliance Agreement.* A contract entered into by the owner and the City Manager, on behalf of the City, by which the owner promises to complete the required public improvements relating to a subdivision or partition within a specified time period in exchange for the City granting final subdivision or partition plat approval prior to completion of required public improvements.

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

*Congregate Care Facility.* ~~See Residential Structure Types.~~See Group Living.

*Cottage.* An individual dwelling unit with a building footprint, measured outside of all exterior walls and supporting columns, of not more than 899 square feet in size that is part of and subject to the requirements of a *Cottage*

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*Cluster.* The building footprint does not include: detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, balcony less than 30 inches from finished grade; cantilevered covers, porches, or projections; ramps or stairways required for access.

*Cottage Cluster.* See Residential Structure Types.

*Craft of Building.* Using skill and expertise in the design and quality of the construction of the building, especially in the building's architectural details.

*Cross Access.* A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

*Cul-de-sac.* A dead end street terminating in a turnaround.

*Customer Entry Area.* For the Mixed Use Commercial Overlay District only, a customer entry area is defined as the area up to five feet on each side of the customer entry doors and extending perpendicular no further than ten feet from the doors.

*Decibel.*

- Decibel (dB) means to a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).
- "dBA" refers to the standard "A" weighting network as specified in the American National Standard Specification for Sound Level Meters (ANSI §1.4—1971).

*Demolition.* Raze, destroy, dismantle, or in any other manner cause significant partial or total destruction of a building, structure, or landmark.

*Density Transfer Project.* A residential development in a Medium Low Density Residential (RML) zone consisting of an area of development that contains detached and attached (zero lot line) dwellings on lots approved through a Subdivision or Partition application, where an amount of unused density from dwellings on individual lots may be transferred to and used toward ~~multi-family~~multifamily dwellings.

*Developable Area.* The privately owned land area upon which site improvements are to be placed, including, but not limited to, buildings, landscaping, parking, loading, vehicular circulation areas, outdoor storage, and water quality facilities. Developable areas do not include public rights-of-way and wetlands.

*Development or Redevelopment.* A planning or construction project involving property improvement, or a change of land-use character within the site; the act of using land for building or extractive purposes.

*Development Application.* The application form and checklist which sets forth all submittal requirements for approval of development proposals, including, but not limited to, architectural review, subdivision, partition and property line adjustment.

*Development Project.* A defined and planned undertaking for the physical development or redevelopment of real property, and subject to a submitted or approved development application.

*Drip Line.* The outside boundary of the branches of a tree, projected downward to the ground. For the purposes of this Development Code, a drip line will be assumed to be circular rather than irregular, elliptical or whatever its actual shape might be. While the drip line need not be centered on the tree trunk, in the instance of an irregularly shaped tree, the minimum distance radius from the trunk of the tree shall be measured so that the drip line area is most advantageous to the tree's health.

*Drive-Through Facility.* A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

*Driveway.* A private way providing ingress and egress from private property to a public or private street.

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*Driveway approach.* The intersection of an access providing direct vehicle ingress and egress to property and the public right-of-way. Driveway approach includes the concrete or asphalt ramp and public sidewalk located within the public right-of-way between the street travel surface and the property line.

*Duplex.* See Residential Structure Types.

*Dwelling Unit.* See Residential Structure Types.

*Easement.* A nonpossessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

*Election.* The time designated by law for voters to cast ballots for candidates and measures.

*Electric vehicle charging station.* A device or facility for delivering electricity for motor vehicles that use electricity for propulsion (see ORS 455.417).

*ESEE Analysis.* A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to determine what the controlling value should be for the individual resources being examined. The analysis considers economic, social, energy and environmental values.

*Evergreen.* Having foliage that remains green until the formation of new foliage.

*Exterior Major Remodeling.* Modifications to the exterior of a building or placement of new mechanical equipment which are visible from a public right-of-way such as installation of new exterior material, addition of canopy or installation of dust collectors or storage tanks.

*Family.* A person living alone or two or more related or unrelated persons living together in a single dwelling unit.

*Final Approval.* The official action taken on a preliminarily approved subdivision, partition or property line adjustment, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required public improvements have been installed, or where satisfactory security to assure completion of such improvements has been properly posted.

*Fish and Wildlife Habitat Area.* An area in the Natural Resource Protection Overlay District or in a Clean Water Services Vegetated Corridor.

*Floor Area.* The total floor area of a building, both above and below ground with a clear ceiling height of at least seven feet. Floor area is measured from the interior walls of a building or structure and does not include the following:

- (1) Roof area;
- (2) Rooftop mechanical equipment;
- (3) Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter; and
- (4) Vents, shafts, courtyards, stairwells, elevator shafts, rooms designed and used for the purpose of storage and operations of maintenance equipment and enclosed or covered parking areas.

*Floor Area Ratio.* The ratio of the total amount of enclosed gross floor area within a structure to the amount of buildable acreage. For purposes of calculation, both gross floor area and net site area shall be converted to square feet. Total gross floor area is measured from the exterior faces of a building or structure, and does not include basement or semi-subterranean areas used for storage or parking.

*Frontage.* Means Lot Line, Front. See, Lot Line, Front definition.

*Functional Classification.* A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

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*Garage.* A building or portion thereof designed for the storage of a motor vehicle licensed to operate on public highways.

*Gateway Tower Element.* A tall structure, rectilinear or round in plain view, that rises to a greater height than the surrounding buildings and which is located in a 3.0 acre or larger commercial center development that is in the General Commercial (CG) Planning District and within a 1,000 foot radius of either (1) the intersection of the centerline of SW Nyberg Street with the centerline of Interstate 5, or (2) the intersection of the centerline of SW Lower Boones Ferry Road with the centerline of Interstate 5.

*Governmental Structure.* A structure to be used by a federal, state or local government or municipality, special district, or agency of any such government, excepting public transportation shelter structure.

*Green Building.* The use of natural vegetation, alternative building products using natural or recycled materials, or energy efficient design in the construction of buildings, structures, or sites.

*Green Design.* The use of natural vegetation, alternative building products using natural or recycled materials, or energy efficient design in the design of buildings or structures.

*Green Streets.* The use of natural vegetation, alternative building products using natural or recycled materials or energy efficient design in the construction of streets, sidewalks, or parking areas.

*Gross Floor Area.* The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

*Gross Leasable Area.* The total floor area designed for tenant occupancy and exclusive use, expressed in square feet and measured from the center-line of joining partitions and from outside wall faces.

*Group Living:*

*Congregate Care Facility.* Retirement housing with A residential facility for the care of older adults or persons with disabilities that provides supportive services for residents, including common dining facilities and housekeeping services.

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

*Nursing Facility.* A State of Oregon Licensed Intermediate or Long-term care facility including facilities identified as a nursing home, skilled nursing facility, or convalescent care as defined in Oregon Revised Statutes (ORS) Chapter 678 and Chapter 442.

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

*Height, Structure.* Height of a structure is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum must be elected by either of the following, whichever yields a greater height of building: (1) the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade; (2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

*Highway.* When used in reference to railroad-highway grade crossing, "highway" includes all roads, streets, alleys, avenues, boulevards, parkways and other places in this state actually open and in use, or to be opened and used for travel by the public.

*Home Occupation.* A home occupation is a lawful business, occupation or activity undertaken for financial gain that: (1) is conducted in a residential planning district in or on the premises of a dwelling unit that serves as its

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principal place of business; (2) by a resident of the dwelling unit; (3) who is the sole proprietor, owner, partner, franchise owner or holder of the business, occupation or activity; and (4) is secondary and incidental to the use of the dwelling for dwelling purposes.

*Housing Density.* The number of dwelling units per acre of land, rounded to the nearest whole number. (For example, 12.5 is rounded to 13 and 12.49 is rounded to 12.)

*Improvement Types:*

*Landscape Improvements (excluding greenways, parks and other Parks and Recreation Department roadside improvements).* Addition or modification of landscape materials to a site which has not obtained prior Architectural Review approval or installation of landscape material which is substantially different than approved through a prior Architectural Review.

*Private Improvements.* Includes any drainage ditch, roadway, parkway, bikeway, walkway, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility which the property owner, and not a governmental authority, is responsible for maintaining and operating.

*Public Improvements.* Includes any drainage ditch, roadway, parkway, bikeway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water utility, sanitary sewer utility, storm drainage utility, street or other facility constructed in compliance with the Public Works Construction Code for which the City or other governmental authority will ultimately assume the responsibility for maintenance and operation.

*Industrial Master Plan.* A plan, approved by the Tualatin City Council, that guides development within the boundaries of an Industrial Master Plan Area defined by that plan and located within a Manufacturing Park Planning District.

*Industrial Master Plan Area.* The area within the boundaries of an Industrial Master Plan.

*Industrial Use.* See Chapter 39 (Use Categories).

*Joint Access (or Shared Access).* A driveway connecting two or more contiguous sites to the public street system.

*Landmark or Landmark Related.* See TDC Chapter 68 (Historic Preservation).

*Landscape Improvement See Improvement Types.*

*Landscaped Plaza.* An open space which may consist of trees, plants and lawn combined with decorative features such as fountains, paving bricks, benches or other site furniture.

*Landscaping.* The improvement of land by such means as contouring, planting of lawn, groundcover plants, shrubs or trees, and by the location of outdoor structures, courtyards, planters, raised beds, walkways and other similar features.

*Limited Land Use Decision.* Defined in ORS 197.015 and outlined in ORS 197.195 means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns: (1) the approval or denial of a tentative subdivision or partition, as described in ORS Chapter 92.040 (Application for approval of subdivision or partition); (2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including, but not limited to, site review and design review.

Limited Land Use Decision does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

*L-max.* A maximum noise level, measured in dBA and occurring over any duration or amount of time.

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*Local Government Unit.* Any unit of local government, including a city, county, incorporated town or village, school district, any other special district, or any other municipal or quasi-municipal corporation, intergovernmental authority created pursuant to ORS 190.010, a district as defined in ORS 198.010, 198.180, and 198.210 or an urban renewal agency established under ORS 457.035.

*Lot.* A unit of land that is created by a subdivision of land as set forth in ORS 92.010—92.190. Lot and parcel are used interchangeably in the Tualatin Development Code to refer to a legally established unit of land. See also *Parcel or Lot of Record*.

*Lot Area.* The total horizontal area, calculated in square feet, within the property lines of the lot.

*Lot Coverage.* The proportional amount of land on a lot covered by buildings.

*Lot Line.* The property line bounding a lot. (Also known as a property line).

*Front Lot Line.* A lot line that abuts a street. If two or more lot lines abut a street, the shortest of the lot lines is the front lot line; if two or more lot lines of equal length abut a street, the front line is the lot line that abuts the street of the lower functional classification; and if two or more lot lines are of equal length and abut streets of the same functional classification, any of the lot lines that abut a street can be designated the front lot line.

*Rear Lot Line.* A lot line which is opposite and most distant from the front lot line. In the case of an irregular or other-shaped lot, the rear lot line is the lot line or lines most distant from the front lot line. For triangular-shaped lots, the rear lot line is a line ten feet in length within the lot, perpendicular to the side lots, and that is parallel to and at a maximum distance from the front lot line.

*Side Lot Line.* Any lot line that is not a front line or rear lot line.

*Lot Line Adjustment.* The relocation of a common property line between two abutting properties. (Also known as Property Line Adjustment.)

*Lot of Record.* A lot of record is a plot of land: (1) which was not created through an approved subdivision or partition; (2) which was created and recorded before July 26, 1979; and (3) for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder. See also *Lot or Parcel*.

*Lot Types:*

*Corner Lot.* A lot abutting two intersecting streets other than an alley.

*Double Frontage Lot.* A lot having public right-of-way frontage on two sides, but is not a corner lot; or a lot having frontage on three sides.

*Flag Lot.* A lot the major portion of which has access to a public street by means of a narrow strip of the lot. For newly created flag lots, the property owner can designate which lot line is to be the front lot line, so long as the front lot line is one of the lot lines that make up the flag portion of the lot and the rear lot line is the property line most distant from, and opposite, the designated front lot line.

*Primary Condominium Lot.* A large lot, usually held in common ownership by condominium owners, and containing secondary condominium lots.

*Reserve-Reverse Frontage Lot.* A double frontage lot which that is required by the City to take access across a specified lot line to separate residential development from railroad tracks or crossings, arterial or collector streets, adjacent non-residential uses, or to overcome specific disadvantages of topography and orientation.

*Secondary Condominium Lot.* A small, individually owned lot, usually encompassing the perimeter of a dwelling unit and located inside the primary condominium lot.

*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 lots.

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*Lot Width.* The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

*Average Lot Width.* The sum of the length of the front lot line and the rear lot line divided by 2.

*Main Entrance or Main Entry.* The entrance to a building that is designed to facilitate ingress and egress for the highest volume of building users. Generally, each building has one main entrance, but if design features do not make it possible to determine which entrance is the main entrance, all entrances providing the same capacity of ingress and egress shall be treated as main entrances.

*Major Driveway.* Access is considered a major driveway when controlled by a traffic signal.

*Major Remodeling.* Any man-made exterior modifications to improved or unimproved real property, including, but not limited to, the construction, installation, or alteration of a building or other structure; any remodeling that substantially changes the exterior appearance of the building (including painting); any site alteration which substantially alters the topography or appearance of the site; and any change in occupancy from single family use to commercial or industrial use.

*Major Transit Stop.* See Transit Stop, Major.

*Manufactured Dwelling Types.*

*Manufactured Dwelling, as defined in state law ORS 446.003.* A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the State of Oregon Structural Specialty Code adopted pursuant to ORS 55.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

*Manufactured 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 after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

*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.

*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.

*Manufactured Dwelling Park (includes Mobile Home Park).* Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person consistent with state law ORS 446.003.

*Marijuana.* All parts of the plant of the Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.

*Edible Marijuana.* Edible product that contains marijuana.

*Homegrown Marijuana.* Marijuana grown or made by a person 21 years of age or older for noncommercial purposes.

*Marijuana Extract.* A product obtained by separating resins from the marijuana plant by solvent extraction.

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*Marijuana Facility.* A commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

*Marquee.* A projecting, permanent, roofed structure attached to and supported only by a building.

*Mixed Solid Waste.* Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.

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

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

*Mobile Food Unit.* A vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or water on which food is prepared, processed, or converted, or which is used in selling and dispensing food to the public. Mobile Food Units include, but are not limited to, food trucks, and food carts.

*Mobile Home.* See Manufactured Dwelling Types.

*Mobile Home Park.* See Manufactured Dwelling Park.

*Modular Home.* See Residential Structure Types.

~~Multi-Family~~*Multifamily Dwelling.* See Residential Structure Types.

*Multi-Use Path (Trail).* A path (trail) accommodating multi-modal active transportation. They serve as routes for recreational, commuter and destination-oriented trips.

*Mural.* A pictorial or graphic decoration, illustration, visual representation or art work which is applied directly to a wall and does not contain letters, numbers, logos, brand names or trademarks. Murals are Architectural Features which are reviewed through the Architectural Review process.

*Neighborhood Activity Centers.* A land use which draws high levels of daily pedestrian usage, and which functions as a destination for pedestrian, bicycle, and transit trips. Examples of neighborhood activity centers include existing or planned parks and recreation facilities, schools, shopping areas, employment centers, theaters, and museums, and other destinations listed in OAR 660-012-0360(2).

*Net Acres.* The area proposed for development measured to the property lines of the parcel(s) or development site boundary or lot after all deductions are made. Deductions include:

- (1) The following sensitive land areas:
  - (a) Land within the 100-year floodplain that is preserved in a tract;
  - (b) Land exceeding 25 percent slope;
  - (c) Drainage ways; and
  - (d) Wetlands and associated buffers.
- (2) Land dedicated to the public for park purposes; and
- (3) Land dedicated to the public for rights-of-way and stormwater facilities. When actual information is not available, the following formulas may be used:
  - (a) Single-family development: allocate 20 percent of gross acres;
  - (b) ~~Multi-family~~*Multifamily* development including, but not limited to, apartments, condominiums and townhouses: allocate 15 percent of gross acres.

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*Noise Sensitive Property.* Any residence, apartment, condominium, ~~multi-family~~multifamily dwelling or any school, church, nursing home, retirement home, group care home or day care center located in a residential planning district.

*Nonconforming Situations, Development, or Lots.* See TDC Chapter 35 (Nonconforming Situations).

*Off-Site.* Any area not located within the property to be developed, whether or not in the common ownership of the applicant for development approval.

*Off-Street Parking.* Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way. Off-street parking includes surface lots, parking structures, and underground parking.

*Outdoor Dining Facility.* An establishment that serves food and beverages in an outdoor setting as part of a restaurant.

*Outdoor Recreational Access Route.* A pedestrian path that provides access to a recreation trail. These trails are on City-owned property, exclusive rights-of-way or easements, but are not necessarily located in a designated greenway. They are typically ¼ mile or less in length.

*Outdoor Shared Areas.* Common areas in ~~multi-family~~multifamily developments used by residents for outdoor activities. Outdoor shared areas can include, but are not limited to open lawn areas, gazebos, covered spaces, swimming pool areas, walking trails or sport recreation fields.

*Overhead Door.* An opening in a wall that is at least eight feet wide and eight feet in height and that is used as an access to a loading dock, loading bay, vehicle service bay, or other similar work area. The opening is covered by a door that opens overhead.

*Owner.* Any person, firm, corporation or combination, or any other legal entity having legal title to land sought to be the subject of any application or decision of this Development Code.

*Painted Highlights.* Painted areas on a wall which highlight a building's architecture or structure and do not contain letters, numbers, logos, brand names or trademarks. Painted highlights are architectural features which are reviewed through the Architectural Review process.

*Parcel.* A unit of land that is created by a partitioning of land, as set forth in ORS 92.010. See, also *Lot*.

*Parking Lot Improvement or Expansion.* The alteration of land or expansion of existing off-street parking, including grading, paving or installation of landscaping, on land intended to be regularly used for the temporary storage of motor vehicles. Parking lot improvement does not include resurfacing existing asphalt parking or re-striping of parking lots.

*Partition.* An act of partitioning land, or an area or tract of land partitioned, as set forth in ORS 92.010.

*Partition Land.* To divide land into two or three parcels of land within a calendar year, as set forth in ORS 92.010.

*Pedestrian.* A person afoot or using any of the following: A means of conveyance propelled by human power other than a bicycle; or an electric personal assistive mobility device. Pedestrian includes a person who is operating a self-propelled wheelchair, motorized tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian.

*Pedestrian Amenity Space.* Publicly accessible space such as plaza, terrace, courtyard, or small park, which is intended for pedestrian use, abuts or is connected to the street, and is provided and maintained by a private party. The amenity space must not be used for vehicle parking or circulation.

*Pedestrian Facilities.* On and off-street improvements and facilities such as sidewalks, walkways, pedestrian paths, trails, outdoor recreation access routes, accessways, and other amenities designed to accommodate pedestrians.

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*Pedestrian Path (Trail).* Pedestrian paths (trails) are generally located within the City's designated greenways, but may be located elsewhere to provide access between residential, commercial, public, and semi-public uses. They serve as routes for recreational, commuter and destination-oriented trips.

*Person.* A natural person, his or her heir, executor, administrator, assign or successor in interest; a firm, partnership, corporation, association or legal entity, it's or their successors or assigns; and any agent, employee or representative of any of the above-mentioned.

*Phase.* A distinct stage of development having adequate public facilities.

*Planning District.* Land use regulatory designation under the Tualatin Development Code. The term "Zone" has the same meaning as "Planning District."

*Plat.* A final subdivision plat, replat or partition plat, as set forth in ORS 92.010.

*Partition Plat.* A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition, as set forth in ORS 92.010.

*Subdivision Plat.* A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, as set forth in ORS 92.010.

*Porch.* A covered entrance to a building.

*Portable Collection Facility.* A trailer, dropbox or similar portable or semi-portable container or enclosure for the collection and storage of repairable or reusable household goods or materials for the purpose of transfer of said goods and materials elsewhere for further processing. In this context, "materials" is specifically intended to include newspaper, magazines and other printed matter.

*Preliminary Approval.* After specific elements of a development plan have been submitted to and agreed upon by the City and prior to final approval, the conditional approval and qualified acceptance which is given by the City.

*Preliminary Plat.* The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision or partition.

*Primary Public Customer Doorway.* One or more principal entryways to a business provided for customer access on a day-to-day basis.

*Private Areas.* Outdoor areas which are an extension of private interior spaces. Private areas include main entrances to dwelling units and patio areas.

*Private Grounds.* Includes all real property not contained within public right-of-way.

*Private Improvements.* See Improvement Types.

*Property Line.* An imaginary line defining the boundary limits of a tract of land or lot. (Also known as a lot line).

*Property Line Adjustment.* The relocation of a common property line between two abutting properties, as set forth in ORS 92.010. (Also known as Lot Line Adjustment.)

*Public Hearing.* An adjudicatory proceeding held by the City Council preceded by specified public notice at which interested persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating an application complies with applicable development regulations and where the City Council determines whether and under what conditions the application complies or development may occur.

*Public Improvement.* See Improvement Types.

*Public Road.* A road under the jurisdiction of a public body.

*Public Utility Facility.* All on-site and off-site improvements and related accessories to be accepted for ownership, maintenance and operation by a public agency, including, but not limited to, sanitary sewers and pump stations, water lines including related reservoirs, pump stations, pressure reading stations and hydrants, storm drain

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systems, greenways, bike paths, and streets including, alleys, street lights, street name signs, traffic control systems and devices.

*Public Works Construction Code or Public Works Code.* The document entitled "Public Works Construction Code" adopted by the Council to provide design, materials and workmanship specifications for public improvements constructed by developers.

*Quasi-Judicial.* The application of general standards and criteria to a specific set of facts in order to determine the conformance of the facts to the applicable criteria and resulting in a determination that will definitely affect only a small number of identifiable people.

*Recreational Vehicle.* See Vehicle Types.

*Relocation.* Relocating a landmark from its existing parcel to another parcel or repositioning a landmark on an existing parcel.

*Replat.* The act of platting the lots, parcels and easements in a previously recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision, as set forth in ORS 92.010.

*Reserve Strip.* A narrow strip of land located between a subdivision or partition and other property at the ends of, or parallel to streets which has not been dedicated to public use, but rather conveyed to the City for purposes of enhancing City control over development of the adjacent property.

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

*Residential Facility.* See Group Living Types.

*Residential Structure Types and Related Uses* (includes, but is not limited to, definitions for Housing Types in Section 39.200 and Group Living in Section 39.210220).

*Accessory Dwelling Unit (ADU).* An interior attached or detached residential structure that is accessory to a single family dwelling. An Accessory Dwelling Unit is not a dwelling unit for density purposes.

*Certified or registered family child care home.* (see ORS 329A.440). See, Child Care.

*Cottage Cluster.* A grouping of no fewer than four cottages per acre that includes a common courtyard, subject to the provisions of Chapter 73A.

*Duplex.* A type of dwelling that contains two dwelling units on one lot in any configuration.

*Dwelling Unit.* A habitable structure designed for occupancy and only having one cooking facility.

*Garden Apartments.* A multi-family housing structure characterized by the emphasis of open landscaped areas.

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

*Multi-Family Multifamily Dwelling.* A dwelling unit within a ~~multi-family~~ multifamily structure.

*Multi-Family Multifamily Structure.* A structure containing five or more dwelling units on one lot. The land underneath the structure is not divided into separate lots. ~~Multi-Family Multifamily~~ Structure includes, but is not limited to, structures commonly called apartments, and condominiums as well as Retirement Housing Facilities, and garden apartments.

*Quadplex.* Four dwelling units on a lot or parcel in any configuration.

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

~~*Retirement Housing.* Housing occupied by persons who are 55 years of age and older, including couples with one person 55 years of age or older, where a more supportive living environment than typically afforded to residents in conventional apartments or single-family residential housing is provided. Retirement housing includes "congregate care facility" and "retirement housing facility," or combinations thereof as defined by this Code. Retirement housing does not include "nursing facility" as defined below by this code.~~

*Retirement Housing Facility.* ~~Retirement housing~~ Housing intended for occupancy by persons 55 years of age or older, including couples where at least one person is 55 or older, and consisting of dwelling units in a ~~multi-family~~ multifamily structure or complex.

*Single-Family Dwelling (detached).* A detached structure on a lot or parcel that is comprised of a single dwelling unit.

*Studio.* A unit in a ~~multi-family~~ multifamily structure characterized by one combined living, sleeping, and kitchen area, although it may have a separate bathroom containing sanitary facilities.

*Townhouse.* A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

*Triplex.* Three dwelling units on a lot or parcel in any configuration.

*Residential Trailer.* See Manufactured Dwelling Types.

*Restrictive Covenant.* A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.

*Retail Commercial Use.* See Chapter 39 (Use Categories).

~~*Retirement Housing.* See Residential Structure Types.~~

*Retirement Housing Facility.* See Residential Structure Types.

*Riparian area.* The area adjacent to a river, lake, stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial system.

*Riparian Corridor.* Riparian corridor includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

*Roadway.* The portion of street right-of-way developed for vehicular traffic.

*Setback.* The minimum horizontal distance between the public street right-of-way or side and rear property lines to the front, side and rear lines of a building or structure located on a lot.

*Shared Roadway.* A type of bikeway where bicyclists and motor vehicles share the same roadway.

*Sidewalk.* A pedestrian walkway with permanent surfacing located in a street right-of-way, generally constructed as part of a street improvement and parallel to the street improvement. A sidewalk is not an accessway.

*Sight Distance.* The distance along which a person can see approaching objects, such as automobiles or pedestrians at a street intersection or from a driveway along a street.

*Single-Family Dwelling.* See Residential Structure Types.

*Site.* For purposes of a decision following the limited land use process, a site refers to the property upon which a development is proposed.

*Sketch Map.* A plan map provided to the City Manager as part of a development application for purposes of property line adjustment.

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

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

*Stacking Area.* The space occupied by vehicles queuing on the development site and behind any public sidewalk for a service to be provided at a drive-through facility.

*Stand-Alone Structure.* A single purpose building that does not have a mixture of uses within it and therefore has an architectural design appropriate to the use.

*Storage Area.* The space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days.

*Store.* The space within a building, other than a basement, included between the surface of any finished floor and the surface of the ceiling immediately above said floor.

*Stream.* A stream is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding manmade irrigation and drainage channels.

*Street.* A structure within the boundary lines of a public right-of-way which provides for public use of a public roadway for the purpose of vehicular and pedestrian traffic and the placement of utilities, and including the terms "road," "highway," "lane," "place," "avenue," "court," "circle," "alley," or other similar designation.

*Street Right-of-Way.* Publicly owned land devoted to the primary purpose of street and utility construction.

*Street Tree.* A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

*Stub-out (Stub-street).* A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future resulting in the extension of the stubbed street.

*Structural Alteration.* Any change to the supporting members of a building or structure, including foundations, bearing walls, partitions, columns, beams, girders, or roof or other supports.

*Structure.* That which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner and which requires a location on the ground or which is attached to something having a location on the ground.

*Structure Bulk.* The mass or size of a structure.

*Subdivision.* The splitting of a single tract of land into four or more parcels.

*Subdivision Improvements.* Construction of facilities such as streets, water, sewer, gas and telephone lines and other construction related to drainage, landscaping and beautification.

*Subdivision Sign.* See Chapter 38 (Signs).

*Substantially Complete.* A subdivision or partition will be considered substantially complete when, in the opinion of the City Manager, the City will not be adversely impacted by issuance of building permits prior to acceptance of the public improvements by resolution of the Council. Substantially complete includes, but is not limited to a determination that water and sewer lines have been tested and ready to begin service, that as-built drawings of public facilities have been submitted, that the roadway surfaces and drainage facilities will provide year-round access to each lot and that street lights are installed and authorized to be energized.

*Tenant.* A separate business or business occupant whether as owner, purchaser or lessee. See Business and Business Occupant.

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*Townhouse.* See Residential Structure Types.

*Tract.* A non-buildable unit of land created in the partitioning or subdivision process.

*Traffic Control Device.* Any sign, signal or other device constructed by a road authority, as defined by State law, for the purpose of vehicular or pedestrian traffic control.

*Trail.* The term "Trail" has the same meaning as "Path." See *Multi-Use Path and Pedestrian Path*.

*Transit Stop.* A location where regularly scheduled transit service stops (includes but is not limited to bus stop) to load and unload passengers. For purpose of measuring, the transit stop is the location of a sign denoting the transit stop. See also Transit Stop, Major.

*Major Transit Stop.* Existing and planned light rail stations, commuter rail stations and transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in Comprehensive Plan Map 8-5; and existing stops which have or are planned for frequently scheduled fixed-route service.

*Transit System.* The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers, or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls and skyways, as set forth in ORS 267.

*Transportation Facility or Improvement.* Any physical facility constructed for the movement of people or goods, excluding electricity, sewage and water systems; the operation, maintenance, repair and preservation activities of existing facilities including, but not limited to, road, bicycle, pedestrian and rail facilities; the installation of improvements including, but not limited to, culverts, fencing, guardrails, landscaping, lighting, medians and pathways within the existing right-of-way; emergency measures necessary for the safety and protection of people and property; acquisition of right-of-way for public roads, highways and other transportation improvements designated in the Transportation System Plan and Comprehensive Plan Chapter 8, Transportation; and construction of a street or road as part of an approved subdivision, land partition, architectural review or other land use decision consistent with the TDC.

*Tree.* A living, standing, woody plant having a trunk eight inches or more in diameter, widest cross section, at a point four feet above mean ground level.

*Tree Removal.* To remove or cut down a tree, or to damage a tree so as to cause the tree to die. Damage which constitutes removal includes, but is not limited to, topping or removing a significant portion of the tree crown; application or injection of a substance toxic to the tree; damage inflicted upon the root system by root cutting, grading, paving, or storing materials or equipment in the tree's root zone; disrupting bark functions by stripping bark or girdling tree trunks or limbs with rope or wire.

*Triplex.* See Residential Structure Types.

*Tualatin Development Code (TDC).* The TDC, as amended, as of the date of submittal of a development application.

*Urban Renewal Area.* A portion of the central area of the City legally designated by the City Council as appropriate for urban renewal.

*Use.* The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

*Utility Facility or Utility Facilities.* The portion of a new structure or major remodeling activity which is regulated or controlled by applicable portions of the City's Structural Specialty and Fire and Life Safety Code, the City's Public Works Construction Code, the City's Plumbing Code, the City's Mechanical Code, and those portions of the Tualatin Development Code which regulate site access, street, sanitary and storm sewer and water improvements, onsite vehicle circulation, and the location of power, gas, telephone, cable television, and other similar activities. "Facilities" includes Public Utility Facilities, but does not include architectural features.

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*Vegetated Corridor.* A corridor adjacent to a water quality Sensitive Area that is preserved and maintained to protect the water quality functions of the water quality sensitive area.

*Vehicle Types.*

*Light Truck.* Two axle motor vehicles including trucks, cargo vans, school buses and motor homes with a Gross Vehicle Weight (GVW) of 28,000 lbs. or less.

*Recreational Vehicle.* A vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode and as further defined, by rule, by the Oregon Department of Consumer and Business Services Director [ORS 446.003(12)].

*Recreational Water, Snow and Land Vehicles.* Motorized vehicles for recreational purposes that do not meet the Oregon Motor Vehicle Code requirements for legal operation on public streets and roads, including, but not limited to, personal watercraft, snowmobiles go-carts and swamp or dune buggies.

*Vision Clearance Area.* A triangular shaped area established at the intersection of any combination of rights-of-way, private roads, alleys and driveways. The sides of the triangle shall extend an equal and specified distance from the intersection of the property lines, or from the property lines extended along the right-of-way away from the intersection.

*Walkway.* A pedestrian facility which provides a paved surface for pedestrian circulation within a development. A walkway may be shared with bicycles and may cross vehicle areas.

*Wall Plane.* A wall plane means all vertical surfaces on one side of a structure from the base of the main floor level up, including walls, garage doors, entries, gable ends, dormers, and other architectural features, but excluding any roof areas.

*Wetlands.* Land areas determined by the Oregon Division of State Lands to be wetlands.

*Wetlands Conservation Lot.* A parcel consisting principally of wetlands and therefore unsuitable for development, created to preserve and protect wetlands.

*Wireless Communication, Co-Location.* The placement of two or more antenna systems or platforms by separate FCC license holders on a structure, such as a support structure, building, water tank, or utility pole.

*Wireless Communication Facility.* An unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

*Wireless Communication Facility Attached.* A wireless communication facility that is affixed to an existing structure, e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole, that does not include an additional wireless communication support structure.

*Wireless Communication Support Structure.* A new structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles and guyed towers.

*Yard.* An open space on a lot which is unobstructed by buildings or structures from the ground upward.

*Yard Setback.* An open space on a lot which is unobstructed by buildings or structures from the ground upward and is the minimum horizontal distance between the public street right-of-way or side and rear property lines to the front, side and rear lines of a building or structure located on a lot.

*Front Yard Setback.* An open space between side lot lines, and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building.

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*Rear Yard Setback.* An open space extending between side lot lines, and measured horizontally at right angles from the rear lot line of the nearest point of a building.

*Side Yard Setback.* A yard between a building and the side lot line, measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the building.

*Zone.* Land use regulatory designation under the Tualatin Development Code. The term "Planning District" has the same meaning as "Zone."

[...]

## CHAPTER 32 PROCEDURES

### TDC 32.010. Purpose and Applicability.

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
  - (a) *Type I Procedure (Ministerial Staff Review).* A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.
  - (b) *Type II Procedure (Administrative/Staff Review with Notice).* A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.
  - (c) *Type III Procedure (Quasi-Judicial Review—Public Hearing).* Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.
  - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).* Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

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(e) Type IV-B Procedure (Legislative Review). The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

(3) Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

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**Commentary:** Table 32-1—Applications Types and Review Procedures

Amendments to Table 32-1 are proposed to modify the review procedures for multifamily housing. As described in the commentary in Section 33.020, the standards for multifamily development are proposed to be revised to be fully clear and objective (C&O) as required by state law.

**Current Code:** In the current code, multifamily projects are reviewed through either a Type II review (staff decision with public notice) or Type III review (Architectural Review Board decision at a public hearing). Smaller projects (under 100 units) go through Type II review, while larger projects (100 units and above) and projects abutting a single-family zone go through Type III review.

**New State Requirement:** However, recent changes to state law (House Bill 4037, 2026 legislative session) limit public involvement in decision-making for housing development. For housing applications subject to C&O standards, a local government:

- May provide limited notice only to nearby property owners (within 100 feet, or 500 feet for projects with 20+ units);
- Cannot require a public hearing before making a decision; and
- Must restrict local appeal rights to the applicant only (i.e., those receiving notice cannot appeal a decision). (ORS 197A.400(5))

This change is intended to streamline procedures and insulate housing developments from third-party appeal or discretionary review, reducing delay and uncertainty in the approval process. The effect is that the City must either establish a modified administrative review procedure for larger multifamily developments, or must remove the distinction between larger and smaller developments (and those abutting a single-family zone).

**PROPOSAL AND POLICY OPTIONS:**

Discussions with City staff identified two options for consideration by the Planning Commission and City Council regarding review procedures for multifamily housing reviewed under only C&O standards.

**Option 1: Size-Based Distinction (Reflected in Draft Code Amendments)**

Under this option, smaller multifamily developments would be reviewed through a Type I procedure, while larger developments would be subject to a modified Type II procedure (referred to as “Type IIx”) that includes public notice but no local appeal rights for third parties, consistent with ORS 197A.400(5):

- MF with fewer than 20 dwelling units: Type I review.
- MF with 20 or more dwelling units: Type IIx review (staff decision with public notice and opportunity for comment, but no third-party appeal rights).
- Applicant appeal rights would be retained as required by state law.

**Option 2: Uniform Review Procedure for All Multifamily Development**

Under this option, all multifamily development reviewed under C&O standards would be processed through the same review procedure regardless of project size.

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- All MF developments: Type IIx review (staff decision with public notice and opportunity for comment, but no third-party appeal rights).
  - Applicant appeal rights would be retained as required by state law.

This option would continue to provide notice to surrounding property owners for all multifamily developments, while complying with state law requirements that limit hearings and third-party appeals for housing reviewed under C&O standards. (NOTE: If directed by the Planning Commission and City Council, the “Type IIx” procedure will be included in a future version of the draft code amendments.)

**Both Options:** Where applicants request “design departures” (i.e., modifications to the C&O design standards), the applications will be reviewed under the Type II or Type III procedure. (Also see commentary under TDC 33.020 for discussion about the new design departure process.)

- **Type II** (staff review, notice, opportunity to appeal) for projects that request a *limited number of design departures (up to 4)*. This would limit the amount of discretion that staff would need to apply as part of an administrative decision.
- **Type III** (public hearing with ARB) for projects that request *5 or more design departures*. This way, applications requiring a lot of discretion would be reviewed at a public hearing, with opportunities for public testimony and appeals.

**POLICY QUESTION FOR PLANNING COMMISSION AND CITY COUNCIL:**

Should the City distinguish between smaller and larger multifamily developments by requiring public notice only for projects with 20 or more dwelling units (Option 1), or should public notice be required for all multifamily developments reviewed under C&O standards (Option 2)?

The draft code amendments currently reflect Option 1.

Table 32-1—Applications Types and Review Procedures

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Annexations</b>						
• Quasi-judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010
• Legislative		CC	LUBA	No	No	TDC 33.010
<b>Architectural Review</b>						
• Architectural Review (except as specified below) (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
• Single Family Dwelling, Duplexes, Townhouses, Triplexes, Quadplexes, <del>and</del> Cottage Clusters, <u>and Accessory Dwelling Units (ADUs)</u> following Clear and Objective Standards  <del>Accessory Dwelling Units (ADUs) following Clear and Objective Standards</del>  • Minor AR including façade and landscape modifications	I	CM	Circuit Court	No	No	TDC 33.020
<u>Multifamily Structure:</u>  • <u>Clear and Objective Standards: 19 or fewer units</u>  • <u>Clear and Objective Standards: 20 or more units</u> • <u>Requesting up to 4 Design Departures</u> • <u>Requesting 5 or more Design Departures</u>	<u>I</u>  <u>IIx</u> <u>II</u> <u>III</u>	<u>CM</u>  <u>CM</u> <u>CM</u> <u>ARB</u>	<u>Circuit Court</u>  <u>CC</u> <u>CC</u> <u>CC</u>	  <u>Yes</u>  	  <u>Yes</u>  	  <u>TDC 33.020</u>  
• Commercial Buildings 50,000 square feet and larger • Industrial Buildings 150,000 square feet and larger <del>• Multifamily Housing Projects 100 units and above</del>	III	ARB	CC	Yes	Yes	TDC 33.020

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Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
(or any number of units abutting a single family district) •as requested by the CM <u>for non-residential structures</u>						
<b>Driveway Approach Permits</b>						
• Residential Review • Limited Review	I	CM	Circuit Court	No	No	TDC 33.030
• General Review	II	CM	CC	No	No	TDC 33.030
<b>Conditional Use Permit</b>	III	PC	CC	Yes	Yes	TDC 33.040
<b>Floodplain Development</b>	I	CM	Circuit Court	No	No	TDC Ch 70
<b>Floodplain Variance</b>	IV-A	CC	LUBA	Yes	Yes	TDC Ch 70
<b>Historic Landmark Actions</b>						
• Applying or removing designation—Quasi-judicial	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
• Applying or removing designation—Legislative	IV-B	CC	LUBA	No	No	TDC Ch 68
• Demolition, relocation, alteration, new construction (limited land use) of a Landmark	II	CM	CC	Yes	Yes	TDC Ch 68
National Register Resources actions: demolition or relocation	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
<b>Industrial Master Plans</b>	III	PC	CC	Yes	Yes	TDC 33.050
<b>Land Divisions</b>						
• Property line adjustment (PLA)	I	CM	Circuit Court	No	No	TDC Ch 36
• Subdivisions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
• Partitions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
• Minor (immaterial) modifications to approved plan (prior to plat approval)	I	CM	Circuit Court	No	No	TDC Ch 36

<b>Application/Action</b>	<b>Procedure Type</b>	<b>Decision Body*</b>	<b>Appeal Body*</b>	<b>Pre-Application Conference Required</b>	<b>Neighborhood/Developer Mtg Required</b>	<b>Applicable Code Chapter</b>
• Expedited Land Divisions	Subject to procedures in ORS 197.365					TDC Ch 36
<b>Nonconforming use—Reinstatement of a nonconforming use</b>	III	PC	CC	No	No	TDC 33.060
<b>Plan Amendments</b>						
• Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070
<b>Signs</b>						
• Sign Permit, New or Alteration, including Sign Design Review	I	CM	Circuit Court	No	No	TDC 33.080
• Sign Variance	III	PC	CC	Yes	Yes	TDC 33.080
<b>Temporary Outdoor Sales Permit</b>	I	CM	<b>Circuit Court</b>	No	No	TDC 33.090
<b>Temporary Sales Office</b>	I	CM	Circuit Court	No	No	TDC 33.100
<b>Tree Removal Permit</b>	II	CM	CC	Yes	Yes	TDC 33.110
<b>Variance</b>						
• Variance (including Sign Variance) except as specified below	III	PC	CC	Yes	Yes	TDC 33.120
• Variance for existing single family residence	III	PC	CC	Yes	No	TDC 33.120
• Variance in conjunction with a subdivision or partition (except minor variances)	IV-A	CC	LUBA	Yes	Yes	TDC Ch 36
• Minor variance except as specified below	II	CM	CC	Yes	Yes	TDC 33.120
• Minor variance in conjunction with a property line adjustment, subdivision or partition	II	CM	CC	Yes	Yes	TDC Ch 36
• Minor variance for existing permitted housing types in the RL and RML zones	II	CM	CC	Yes	No	TDC 33.120

<b>Application/Action</b>	<b>Procedure Type</b>	<b>Decision Body*</b>	<b>Appeal Body*</b>	<b>Pre-Application Conference Required</b>	<b>Neighborhood/Developer Mtg Required</b>	<b>Applicable Code Chapter</b>
<b>Wetlands Protection District</b>	I	CM	Circuit Court	No	No	TDC Ch 71

\* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

(Ord. 1414-18, 12-10-18; Ord. No. 1463-21, § 2, 12-13-21)

[...]

## CHAPTER 33 APPLICATIONS AND APPROVAL CRITERIA

[...]

### **Commentary:** Architectural Review and Design Departures

The current code includes a “two-track system” of parallel C&O and discretionary criteria for Architectural Review for all housing types, except for multifamily development. For multifamily, the current code has only one set of design standards in TDC 73A.100. Amendments are proposed to make those fully C&O. Along with those changes, a new means of adding flexibility to the C&O standards is proposed: “design departures” would allow applicants to request a discretionary modification to a standard, provided the proposal still meets the purpose of the standard (see new subsection (6)).

In addition, new review thresholds in subsection (3) are proposed, which would vary the multifamily review type (either Type II staff review or Type III Architectural Review Board review), depending on the number of design departures requested.

Lastly, the Conditions of Approval in current subsection (6) are proposed to be revised to make them C&O as applied to residential development.

### **TDC 33.020. Architectural Review.**

- (1) *Purpose.* ~~The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping, in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore. The purposes and objectives of community design standards are to:~~
  - ~~(a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.~~
  - ~~(b) Discourage monotonous, drab, unsightly, dreary and inharmonious development.~~
  - ~~(c) Promote the City's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.~~
  - ~~(d) Encourage site planning and development to incorporate bikeways, pedestrian facilities, greenways, wetlands, and other natural features of the environment and provide incentives for dedication of access easements and property to the public through shift of residential density, system development charge credits, landscaping credits and setback allowances.~~

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- ~~(e) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.~~
  - ~~(f) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.~~
  - ~~(g) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.~~
  - ~~(h) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.~~
  - ~~(i) Sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.~~
  - ~~(j) Determine the appropriate yard setbacks, building heights, minimum lot sizes when authorized to do so by City ordinance.~~
  - ~~(k) Ensure all public facilities including right-of-way, water, sewer, and storm systems are adequate to serve the development.~~
  - (a) **Clear and Objective Architectural Review.** To ensure that the clear and objective design standards of the development code are met for development described in subsection (2), below
  - (b) **Discretionary Architectural Review.** To ensure that the discretionary design standards of the development code are met for future development described in subsection (2), below that:
    - (i) Encourage original and innovative site planning in advance of construction;
    - (ii) Promote the City's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable;
    - (iii) Protect lives and property from potential adverse impacts of development;
    - (iv) Consider natural or man-made hazards which may impose limitations on development;
    - (v) Assure that development is supported with necessary public facilities and services;
    - (vi) Ensure that structures and other improvements are properly related to their sites and to surrounding sites and structures; and
    - (vii) Implement the City's Comprehensive Plan and land use regulations with respect to development standards and policies.
  - (c) **Design Departures.** To ensure discretionary modifications to clear and objective design standards specific to multifamily development allow applicants to propose alternative design approaches that meet the intent of the design standards.

(2) *Applicability.*

- (a) **Clear and Objective Architectural Review.** Approval of Clear and Objective Architectural Review is required for the following new development that does not require discretionary review:
  - (i) Single-Family Dwelling, Duplex, Triplex, or Quadplex, including alterations and additions that create a new dwelling unit;
  - (iii) Townhouse;
  - (iii) Cottage Cluster;
  - (iv) Accessory Dwelling Unit;

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(v) Multifamily Housing; or

(iv) Minor Architectural Review. Modifications to a previously approved Architectural Review decision that meets the following thresholds:

- (A) Adding awnings, modifying previously approved exterior paint colors, or murals;
- (B) Relocating windows or doors;
- (C) Changing exterior material;
- (D) Expanding the gross floor area of a development, including primary and accessory buildings, may be expanded by no more than 200 square feet maximum;
- (E) Changing structure setback or lot coverage by less than ten percent from the most recently approved Architectural Review approved through a Type II or Type III process;
- (F) Changing access location or parking lots that does not result in an increase of Average Daily trips by more than 100 trips from the Average Daily Trips in an Architectural Review most recently approved through a Type II or Type III process;
- (G) Removing trees originally required to be retained or planted by a previously approved Architectural Review proposal;
- (H) Replacing an existing Wireless Facility tower, provided the replacement tower must not exceed the height of the original tower by more than ten percent, or the diameter of the original tower by more than 25 percent at any given point; and
- (I) Adding or replacing new antennas on an existing Wireless Facility or Attached Wireless Facility or adding equipment within the existing equipment footprint of an existing Wireless Facility equipment space, so long as the modification does not constitute a substantial change. For the purpose of this subsection, "substantial change" means the following:
  - The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional five percent if necessary to avoid interference with existing antennas; or
  - The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or
  - The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
  - The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site; or

- Increases to height allowed by this subsection above the existing tower is based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request; or
- To the extent feasible, additional equipment must maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.

**(b) Discretionary Architectural Review.** Approval of Discretionary Architectural Review is required for the following new development:

The following types of development are subject to Architectural Review:

- ~~(i) Any exterior modifications to improved or unimproved real property;~~
- ~~(ii) Any remodeling that changes the exterior appearance of a building;~~
- (iii) Any site alteration which alters the topography, appearance or function of the site;
- ~~(ii) Alternation, expansion, and new construction of any structure in any zone that does not meet the clear and objective design standards of the development code; and~~
- ~~(iii) Alteration, expansion, and new above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;~~
- ~~(iv) New parking lots or the addition of new impervious surface to an existing parking lot;~~
- ~~(v) Manufactured dwelling projects;~~
- ~~(vi) New wireless communication facilities, and new attached wireless communication; and~~
- ~~(iiiiv) Any change in occupancy from single family use to commercial or industrial use.~~

**(c) Design Departures.** Approval of a Design Departure is required when an applicant requests one or more departures from the Clear and Objective Multifamily Design Standards in TDC 73A.100.

~~(b) Examples of development subject to Architectural Review, include but are not limited to the following:~~

- ~~(i) New buildings, condominiums, townhouses, and single family dwellings, or manufactured dwelling parks;~~
- ~~(ii) Construction, installation, or alteration of a building or other structure;~~
- ~~(iii) Landscape improvements;~~
- ~~(iv) New parking lots or the addition of new impervious surface to an existing parking lot;~~
- ~~(v) New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;~~
- ~~(vi) New wireless communication facilities, and new attached wireless communication;~~
- ~~(vii) Installation of decorative lighting; and~~
- ~~(viii) Exterior painting, awnings, or murals.~~

~~(3e) Exceptions.~~

**(a) Clear and Objective Architectural Review.** ~~to Architectural Review.~~ The following applications for development do not require Clear and Objective Architectural Review:

- (i) The addition or alteration of an existing single-family dwelling, duplex, townhouse, triplex, quadplex, accessory dwelling unit, or cottage cluster if it involves:
  - (A) Less than 35 percent of the structure's existing footprint;

- (B) An increase in building height of less than 35 percent;
- (C) Less than 35 percent of an existing front or rear wall plane; or
- (D) A side wall plane that abuts the side yard of an adjacent dwelling.

**(b) Discretionary Architectural Review.** The following applications for development do not require Discretionary Architectural Review:

- (ii) The modification by the City of greenways, parks, other Parks and Recreation Department improvements, and right-of-way landscaping improvements.

**(34) Types of Architectural Review Applications—Procedure Type.**

**(a) Clear and Objective Architectural Review.:**

- (i) Single-Family Dwelling, and Duplex, Clear and Objective Triplex, Quadplex, or Townhouse.** Development applications submitted for a single-family dwelling, or duplex, triplex, quadplex, or townhouse in compliance with the Clear and Objective Standards in TDC 73A.030 through 73A.050 are subject to Type I review.

~~**(b) Townhouse, Clear and Objective.** Development applications submitted for a townhouse in compliance with the Clear and Objective Standards in TDC 73A.030 through 73A.050 are subject to Type I review.~~

~~**(c) Triplex and Quadplex, Clear and Objective.** Development applications submitted for a triplex or quadplex in compliance with the Clear and Objective Standards in TDC 73A.030 through 73A.050 are subject to Type I review.~~

- (iid) Cottage Cluster, Clear and Objective.** Development applications submitted for a cottage cluster in compliance with the Clear and Objective Standards in TDC 73A.070 are subject to Type I review.

- (iiie) Accessory Dwelling Unit.** Development applications submitted for an accessory dwelling unit in compliance with the Clear and Objective Standards in TDC 73A.090 are subject to Type I review.

- (iv) Multifamily Development.** Applications submitted for multifamily development in compliance with the Clear and Objective Standards in TDC 73A.100 are subject to:

- (A) Type I review for development of 19 or fewer dwelling units; or**
- (B) Type II review for development of 20 or more dwelling units.**

- (v) Residential Development in the MUC Zone.** Applications for residential development that meet all applicable standards in TDC 73A.120 are subject to Type I review.

- (vi) Minor Architectural Review.** Applications for development that meet all applicable standards in TDC Chapters 73A-73G are subject to Type I review.

**(b) Discretionary Architectural Review.**

- (i) General Development.** Development applications that do not qualify as Clear and Objective Architectural Review or Large Commercial and Industrial Development are subject to Type II Review.

- (ii) Residential Development.**

- (A) Single-Family Dwelling, Duplex, Triplex, Quadplex, or Townhouse.** Development applications submitted for a single-family dwelling, duplex, triplex, quadplex, or townhouse that address discretionary standards in TDC 73A.060 are subject to Type II review.



~~(d) Title report;~~

(e) A Service Provider Letter from Clean Water Services; ~~and~~

~~(f) A Service Provider Letter from Republic Services; and~~

~~(g) If an applicant for multifamily development requests one or more design departures from the standards in TDC 73A.100, the applicant must submit a written statement for each requested departure explaining how the application satisfies the approval criteria in TDC 33.020(6)(d).~~

~~(65)~~ **Approval Criteria.**

~~(a) All development must comply with the applicable standards in the sections listed below. In addition, the approval criteria in subsections (b) through (d) apply to specific types of development, as specified below.~~

~~(i) The base zone chapters (TDC 40 through 65);~~

~~(ii) Applicable overlay zone chapters (TDC 58, 63, and 68 through 72);~~

~~(iii) Siting and design standards (TDC Chapters 73A through 73G);~~

~~(iv) Public and Private Transportation, Facilities, and Utilities standards (TDC 74); and~~

~~(v) Access Management standards (TDC 75).~~

~~(a)~~ ***Clear and Objective Architectural Review*** ~~approval criteria.~~

~~(i) Single Family Dwelling, or Duplex, Triplex, Quadplex, or Townhouse. Applications submitted for a clear and objective review of a single-family dwelling, duplex, triplex, quadplex, or townhouse for Single Family Dwelling or Duplex, Clear and Objective, must comply with the standards in TDC 73A.030-110 through 73A.050-130.~~

~~(ii) Townhouse. Applications for a Townhouse, Clear and Objective, must comply with the standards in TDC 73A.110 through 73A.130.~~

~~(iii) Triplex and Quadplex. Applications for a Triplex or Quadplex, Clear and Objective, must comply with the standards in TDC 73A.110 through 73A.130.~~

~~(iv) Cottage Cluster. Applications submitted for a clear and objective review of Applications for a Cottage Cluster, Clear and Objective, must comply with the standards in TDC 73A.070-150.~~

~~(iii) Accessory Dwelling Unit. Applications submitted for a clear and objective review of an Accessory Dwelling Unit, must comply with the standards in TDC 73A.090.~~

~~(iv) Minor Architectural Review. The proposed development remains in compliance with all conditions of approval on the original decision.~~

~~(b)~~ ***Discretionary Architectural Review*** ~~approval criteria.~~

~~(i) Single-Family Dwelling, Duplex, Triplex, Quadplex, or Townhouse. Applications submitted for a discretionary review of a single-family dwelling, duplex, triplex, quadplex, or townhouse, must comply with the standards in TDC 73A.060.~~

~~(ii) Cottage Cluster. Applications submitted for a discretionary review of a cottage cluster that address discretionary standards, must comply with the standards in TDC 73A.080.~~

~~Applications for Single-Family Dwellings or Duplexes (not clear and objective), must comply with TDC 73A.140.~~

~~(ii) Applications for Townhouses (not clear and objective), must comply with TDC 73A.140.~~

~~(iii) Applications for Triplexes or Quadplexes (not clear and objective), must comply with TDC 73A.140.~~

~~(iv) Applications for Cottage Clusters (not clear and objective) must comply with TDC 73A.160.~~

~~(c) General Development. Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.~~

~~(d) Large Commercial and Industrial Development. Applications for Large Commercial and Industrial must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.~~

~~(d) Design Departures. For each requested departure to Clear and Objective Multifamily Design Standards in TDC 73A.100, applicants must demonstrate that the following criteria are met:~~

~~(i) Granting the departure will equally or better meet the purpose of the standard;~~

~~(ii) Any negative impacts resulting from the departure are mitigated to the extent practical; and~~

~~(iii) If more than one departure is being requested, the cumulative effect of the departures results in a project that still meets criteria (i) and (ii), above.~~

~~(67) Conditions of Approval:~~

~~(a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:~~

~~(ia) Clear and Objective Architectural Review. Decisions for Clear and Objective Architectural Review applications may include conditions of approval that: ~~implement identified public facilities and services needed to serve the proposed development;~~~~

~~(i) Implement the clear and objective standards of the Tualatin Development Code applicable to the development type; and~~

~~(ii) Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development.~~

~~(A) All residential development, except accessory dwelling units, shall provide any necessary dedications, easements, and public facility and service improvements required by TDC Chapter 74, the Tualatin Transportation System Plan, and other adopted public facility plans, subject to constitutional limitations;~~

~~(B) The cost of compliance with the standard in subsection (A), above, is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.~~  
~~and~~

~~(iii) Implement the requirements of the Tualatin Development Code.~~

~~(b) Discretionary Architectural Review. Decisions for Discretionary Architectural Review applications may include conditions of approval that:~~

~~(i) Implement the requirements of the Tualatin Development Code.~~

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(c) *Design Departures.* Decisions for Design Departure applications may include conditions of approval that:

- (i) *Implement the purpose of the applicable design standard; and*
  - (ii) *Implement mitigative measures for any negative impacts resulting from the requested departure(s), to the extent practical.*
- (b) Types of conditions of approval that may be imposed include, but are not limited to:
- (i) *Development Schedule.* A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.
  - (ii) *Dedications, Reservation.* Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.
  - (iii) *Construction and Maintenance Guarantees.* Security from the property owners in such an amount that will assure compliance with approval granted.
  - (iv) *Plan Modifications.* Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.
  - (v) *Other Approvals.* Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.
  - (vi) *Access Limitation.* The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

~~(8) *Modifications to Previously Approved Final Architectural Review Decisions.* An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures:~~

~~(a) *Minor Architectural Review (MAR).* Minor Architectural Review is a Type I process. Minor Architectural Review is used to process a proposal for one of the following:~~

~~(i) *Adding awnings, modifying previously approved exterior paint colors, or murals;*~~

~~(ii) *Relocating windows or doors;*~~

~~(iii) *Changing exterior material;*~~

~~(iv) *Expanding the gross floor area of a development, including primary and accessory buildings, may be expanded by no more than 200 square feet maximum.*~~

~~(v) *Adding or replacing new antennas on an existing Wireless Facility or Attached Wireless Facility or adding equipment within the existing equipment footprint of an existing Wireless Facility equipment space, so long as the modification does not constitute a substantial change. For the purpose of this subsection, "substantial change" means the following:*~~

~~(A) *The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional five percent if necessary to avoid interference with existing antennas; or*~~

~~(B) *The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or*~~

~~(C) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or~~

~~(D) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.~~

~~Increases to height allowed by this subsection above the existing tower is based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request.~~

~~To the extent feasible, additional equipment must maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.~~

~~(vi) Replacing an existing Wireless Facility tower, provided the replacement tower must not exceed the height of the original tower by more than ten percent, or the diameter of the original tower by more than 25 percent at any given point.~~

~~(vii) Changing structure setback or lot coverage by less than ten percent from the most recently approved Architectural Review approved through a Type II or Type III process;~~

~~(viii) Changing access location or parking lots that does not result in an increase of Average Daily trips by more than 100 trips from the Average Daily Trips in an Architectural Review most recently approved through a Type II or Type III process; or~~

~~(ix) Removing trees originally required to be retained or planted by a previously approved Architectural Review proposal.~~

~~(b) *Full Architectural Review.* Modifications to a previously approved final Architectural Review decision that does not qualify as a Minor Architectural Review (MAR) may only be modified by proceeding through the regular Architectural Review process.~~

~~(89) *Effective Date.* The effective date of an Architectural Review decision ~~or Minor Architectural Review decision~~ is the date the notice of decision is mailed.~~

~~(109) *Permit Expiration.* Architectural Review decisions ~~(including Minor Architectural Review decisions)~~ expire two years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.~~

~~(140) *Extension of Permit Expiration.*~~

(a) *Clear and Objective Architectural Review.* A Clear and Objective Architectural Review may not be extended. A new application is required if the permit expires.

(b) *Discretionary Architectural Review and Design Departures.* A Discretionary Architectural Review and Design Departures approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two years of the effective date.

~~(b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.~~

(ie) Upon receipt of a request for an extension of time, the City will process the extension request as follows:

- (iA) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
- (iiB) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
- (iii) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.
- (iii)e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:
  - (Ai) The applicant submitted a written extension request prior to the expiration date;
  - (Bi) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;
  - (Cii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and
  - (Diii) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.
- (ivf) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within 60 days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.
- (v) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

(Ord. 1414-18, 12-10-18; Ord. No. 1463-21, § 3, 12-13-21)

[...]

## **CHAPTER 34 SPECIAL REGULATIONS**

**Home Occupations**

**Microwave Receiving Dishes**

**Automobile Service Station Spacing Requirements**

**Congregate Care and Retirement Housing Facilities**

**Manufactured Dwelling Parks**

**Religious Uses**

[...]

## CONGREGATE CARE ~~AND RETIREMENT HOUSING FACILITIES~~

### **Commentary:** Congregate Care and Retirement Housing Facility Standards

Congregate care and retirement housing facilities currently require conditional use approval in residential districts. Conditional use is a discretionary review process, not C&O. Under the state law, if a housing type is allowed in a zone, it needs to have a C&O approval path.

It is the City's understanding that congregate care (e.g., assisted living and other facilities with meal services and additional support) is not "housing" as defined in state statute, and therefore it is not subject to C&O requirements. However, retirement housing facilities are effectively age-restricted multifamily housing, and exclude congregate facilities. Therefore, a conditional use permit and discretionary standards can continue to be required for congregate care facilities, but not for retirement housing.

Accordingly, retirement housing is proposed to be removed from TDC 34.400 so this section will only apply to Congregate Care Facilities.

Amendments are also proposed to clarify the requirements regarding walkways.

### **TDC 34.400. Congregate Care ~~and Retirement Housing~~ Facility Standards.**

- (1) Congregate care ~~and retirement housing~~ facilities may be allowed as a conditional use in a Low Density Residential (RL), Medium Low Density Residential (RML), Medium High Density Residential (RMH), High Density Residential (RH), or High Density Residential-High Rise (RH-HR) Planning District, in accordance with the provisions of TDC Chapter 32, and subject to these standards.
- (2) The following conditions apply to all congregate care ~~and retirement housing~~ facilities:
  - (a) The building must be designed or renovated specifically for ~~retirement housing~~ **congregate care**. Any required State license must be obtained before the building is occupied. Public services must have capacity to serve the proposed development;
  - ~~(b) The housing may be provided as congregate care or as separate apartment units in a retirement housing facility or any combination thereof;~~
  - ~~(b)~~ Walkways must **comply with the be paved General Design Standards of TDC 73A.110(1) and lighted pursuant to TDC 73A.110(4)** and must not exceed eight percent in grade;
  - ~~(c)~~ **Buffering of noise and screening of lighting is required;**
  - ~~(e) The requirements of the Planning District must be met unless specifically modified by this section;~~
  - ~~(f) Occupancy is limited to persons 55 years of age and older. In the case of couples, one member of the couple must be 55 years of age or older. This restrictive condition must be recorded in the County deed records;~~
  - ~~(g)~~ The site must be at least one-half acre in size;

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- (~~h~~e) Retail sales or other commercial uses are not permitted; and
  - (~~i~~f) Proposals must be presented according to the requirements of TDC Chapter 32 relating to Conditional Uses.
- (3) The allowable density is one and one-half times the density of the underlying Planning District.
- ~~(4) Landscaping/open space must be at least 30 percent of the site, unless it can be shown that other alternatives for open space are available.~~
- (Ord. No. 1486-24, § 4, 6-10-24)

[...]

## CHAPTER 36 SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

### TDC 36.010. Purpose.

- (1) The purpose of this chapter is to protect the public health, safety and general welfare while allowing for efficient development of property and to implement the requirements of the Tualatin Development Code, City Ordinances, state law, and other applicable regulations.
  - (2) The provisions in this Chapter will be administered to ensure orderly growth and development, and implement and facilitate the provisions in the Tualatin Comprehensive Plan, Tualatin Community Map and capital improvement plans.
- (Ord. No. 1450-20, § 3, 12-14-20)

[...]

### TDC 36.110. Tentative Partition Plan.

- (1) *Applicability.* Tentative Partition Plan approval is required before land can be divided into three or fewer parcels within a calendar year. When the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in TDC 36.120 (Tentative Subdivision Plan) apply and any improvements resulting from the application of those standards to the proposed partition must be constructed.
- (2) *Procedure Type.* A Tentative Partition Plan is processed as a Type II procedure under TDC 32.220.
- (3) *Submittal Requirements.*
  - (a) Prior to submitting an application for a Tentative Partition Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
  - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Tentative Partition Plan must include the information required in TDC 36.040(2)(Additional Submittal Requirements).
- (4) *Approval Criteria.* A Tentative Partition Plan must be approved if all of the following criteria are met:
  - (a) The Tentative Partition Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:

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- (i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
  - (ii) Street connectivity and block length standards;
  - (iii) City infrastructure standards; and
  - (iv) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
- (b) The Tentative Partition Plan does not impede the future use or development of the property or adjacent land.
  - (c) Development within the Tentative Partition Plan can be adequately served by City infrastructure.
  - (d) The street system in and adjacent to the Tentative Partition Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.
  - (e) The street system in and adjacent to the Tentative Partition Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition area.
  - (f) The proposed partition provides for pedestrian, bicycle and transit circulation among buildings located within the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks.
  - (g) The Tentative Partition Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
  - (h) The layout, size, and dimensions of the parcels within the Tentative Partition Plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.
- (5) *Effective Date.* The effective date of a Tentative Partition Plan approval is the date the notice of decision is mailed.
- (6) *Permit Expiration.* Tentative Partition Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).
- (Ord. No. 1463-21, § 8, 12-13-21)

**Commentary:** Housing Clear and Objective Tentative Partition Plan Approval Criteria

Criterion (4) related to pedestrian and bicycle connectivity includes discretionary language such as “reasonably be expected,” and is too vague and open to interpretation to be C&O. The proposed amendments revise the criterion to be C&O and to more closely align with OAR 660-012-0045(3)(b), which this criterion is intended to implement.

### **TDC 36.115. Housing Clear and Objective Tentative Partition Plan Approval Criteria.**

Unless the applicant elects to use the discretionary criteria contained in TDC 36.110, for housing applications entitled to clear and objective review pursuant to state statute, the City Manager must approve, conditionally approve, or deny the partition application based on the following criteria:

- (1) The proposed land uses are consistent with the land use zone.

- 
- (2) The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
- (a) The applicable lot dimensions, setbacks, and density requirements for the subject zone and any applicable overlay zones;
  - (b) The Residential Design Standards in TDC 73A.030 through 73A.050; or Cottage Cluster Design Standards in 73A.070;
  - (c) The Landscape Standards in 73B.020, 73B.050, and 73B.060;
  - (d) The Parking Standards in TDC 73C.010 through 73C.090;
  - (e) The Installation of Improvement Requirements in TDC 74.160;
  - (f) The Street Standards in TDC 74.030 and TDC 74.060 through 74.070;
  - (g) The Greenway, Natural Area, Bike, and Pedestrian Path Requirements in TDC 72;
  - (h) The Easement Requirements in TDC 74.080;
  - (i) The Bikeway and Pedestrian Path Requirements in TDC 74.090;
  - (j) The Mid-Block Accessway Requirements in TDC 74.100;
  - (k) The Street Name and Sign Requirements in TDC 74.130 and 74.140;
  - (l) The Utility Standards in TDC 74.110; TMC 3-02 (Sewer), TMC 3-03 (Water), and TMC 3-5-010 through 35—190 (Stormwater);
  - (m) The Street Tree Standards in TDC 74.150;
  - (n) The Access Management Standards in TDC Chapter 75;
  - (o) The Floodplain Development Standards in TDC Chapter 70;
  - (p) Any applicable Special Setback Standards;
  - (q) Vision Clearance Area in TDC 75.020;
  - (r) The Requirements in the Clean Water Services Service Provider Letter;
  - (s) The Surface Water Management Standards in TMC 3-5-200 through 3-5-460;
  - (t) For development in the Wetland Protection District, the requirements in TDC 71;
  - (u) The Existing Structures and Appurtenances Provisions in TDC 36.340; and
  - (v) The applicable Lot Dimensions in TDC 36.400.
- (3) The proposed partition will not cause any existing improvements on the proposed lots to be inconsistent with applicable standards in this land use code.
- (4) The proposed partition provides for the provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks. "Nearby" means uses within ¼ mile that can reasonably be expected to be used by pedestrians, and uses within two miles that can reasonably be expected to be used by bicyclists. However, the partition is only required to provide for pedestrian, bicycle and transit circulation within the boundaries of the project site. The proposed partition includes on-site pedestrian and bicycle circulation facilities that provide access between buildings within the project site and that connect to public right of way in a manner that facilitates access to the areas specified in (a) – (c) below. This standard requires only the

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provision of pedestrian and bicycle circulation facilities within the boundaries of the project site and does not require improvements to off-site facilities.

(a) Adjacent residential areas;

(b) Transit stops; and

(c) Neighborhood activity centers located within one-half mile of the development.

(5) The partition complies with development standards explicitly addressed in the application.

(Ord. No. 1463-21, § 9, 12-13-21; Ord. No. 1486-24, § 5, 6-10-24)

### **TDC 36.120. Tentative Subdivision Plan.**

- (1) *Applicability.* Tentative Subdivision Plan approval is required before land is divided into four or more lots within a calendar year. For Phased Subdivisions, see TDC 36.130 (Phased Tentative Subdivision Plan). For Manufactured Dwelling Park Subdivisions, see TDC 36.140 (Manufactured Dwelling Park Tentative Subdivision Plan).
- (2) *Procedure Type.* A Tentative Subdivision Plan is processed as a Type II procedure under 32.220.
- (3) *Submittal Requirements.*
  - (a) Prior to submitting an application for a Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
  - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for subdivision tentative plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).
- (4) *Approval Criteria.* A Tentative Subdivision Plan must be approved if all of the following criteria are met:
  - (a) The Tentative Subdivision Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:
    - (i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
    - (ii) City infrastructure standards; and
    - (iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
  - (b) The Tentative Subdivision Plan does not impede the future use or development of the property or adjacent land.
  - (c) Development within the Tentative Subdivision Plan can be adequately served by City infrastructure.
  - (d) The street system in and adjacent to the Tentative Subdivision Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and the Tualatin Transportation System Plan.
  - (e) The street system in and adjacent to the Tentative Subdivision Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
  - (f) The Tentative Subdivision Plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, neighborhood activity centers, and employment centers.

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- (g) The Tentative Subdivision Plan mitigates impacts to the transportation system consistent with the approved Traffic Study, TDC Chapters 74 and Chapter 75, and the Tualatin Transportation System Plan.
  - (h) The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
  - (i) The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
  - (j) All transportation improvements are designed to comply with the requirements in TDC Chapters 74 and 75, and the Tualatin Transportation System Plan.
- (5) *Effective Date.* The effective date of a Tentative Subdivision Plan approval is the date the notice of decision is mailed.
- (6) *Permit Expiration.* Tentative Subdivision Plan approval expires approval expires two years from the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).
- (Ord. No. 1463-21, § 10, 12-13-21)

**Commentary:** Housing Clear and Objective Tentative Subdivision Plan Approval Criteria  
The same solution to criterion (4) is proposed as for Tentative Partition Plans in TDC 36.115.

### **TDC 36.125. Housing Clear and Objective Tentative Subdivision Plan Approval Criteria.**

Unless the applicant elects to use the discretionary criteria contained in TDC 36.120, for housing applications entitled to clear and objective review pursuant to state statute, the City Manager must approve, conditionally approve, or deny the subdivision application based on the following criteria:

- (1) The proposed land uses are consistent with the land use zone.
- (2) The proposed subdivision complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
  - (a) The applicable lot dimensions, setbacks, and density requirements for the subject zone and any applicable overlay zones;
  - (b) The Residential Design Standards in TDC 73A.030 through 73A.050; or Cottage Cluster Design Standards in 73A.070;
  - (c) The Landscape Standards in 73B.020, 73B.050, and 73B.060;
  - (d) The Parking Standards in TDC 73C.010 through 73C.090;
  - (e) The Public Improvement Requirements in TDC 74.110 through 74.140;
  - (f) The Right-of-Way Standards in 74.210, TDC 74.410 through 74.430;
  - (g) The Greenway, Natural Area, Bike, and Pedestrian Path Requirements in TDC 72 and TDC 74.310;
  - (h) The Easement Requirements in TDC 74.320 through 74.350;
  - (i) The Bikeway and Pedestrian Path Requirements in TDC 74.450;
  - (j) The Accessway Requirements in TDC 74.460;

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- (k) The Street Name and Sign Requirements in TDC 74.475 and 74.480;
  - (l) The Street Tree requirements in TDC 74.485;
  - (m) The Utility Standards in TDC 74.610 through 74.670; TMC 3-02 (Sewer), TMC 3-03 (Water), and TMC 3-5-010 through 35—190 (Stormwater);
  - (n) The Street Tree Standards in TDC 74.765;
  - (o) The Access Management Standards in TDC Chapter 75;
  - (p) The Floodplain Development Standards in TDC Chapter 70;
  - (q) Any applicable Special Setback Standards;
  - (r) Vision Clearance Area in 75.040(12);
  - (s) The Requirements in the Clean Water Services Service Provider Letter;
  - (t) The Surface Water Management Standards in TMC 3-5-200 through 3-5-460;
  - (u) For development in the Wetland Protection District, the requirements in TDC 71;
  - (v) The Existing Structures and Appurtenances Provisions in TDC 36.340; and
  - (w) The applicable Lot Dimensions in TDC 36.400.
- (3) The proposed subdivision will not cause any existing improvements on the proposed lots to be inconsistent with applicable standards in this land use code.
- (4) ~~The proposed subdivision provides for the provision of pedestrian, bicycle and transit circulation among buildings located within the development site, as well as connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks. "Nearby" means uses within ¼ mile that can reasonably be expected to be used by pedestrians, and uses within two miles that can reasonably be expected to be used by bicyclists. However, the subdivision is only required to provide for pedestrian, bicycle and transit circulation within the boundaries of the project site. The proposed partition includes on-site pedestrian and bicycle circulation facilities that provide access between buildings within the project site and that connect to public right of way in a manner that facilitates access to the areas specified in (a) – (c) below. This standard requires only the provision of pedestrian and bicycle circulation facilities within the boundaries of the project site and does not require improvements to off-site facilities.~~
- (a) Adjacent residential areas;
  - (b) Transit stops; and
  - (c) Neighborhood activity centers located within one-half mile of the development.
- (5) The subdivision complies with development standards explicitly addressed in the application.
- (Ord. No. 1463-21, § 11, 12-13-21; Ord. No. 1486-24, § 5, 6-10-24)

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**Commentary:** Phased Tentative Subdivision Plan

Amendments are proposed to cross-reference the clear and objective approval criteria in TDC 36.125.

**TDC 36.130. Phased Tentative Subdivision Plan.**

- (1) *Applicability.* **Phased Tentative Subdivision Plan approval is required before land is divided as a phased subdivision.** When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.
- (2) *Procedure Type.* A Phased Tentative Subdivision Plan is processed as a Type II procedure under TDC 32.220 (Type II Procedure).
- (3) *Submittal Requirements.*
  - (a) Prior to submitting an application for a Phased Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
  - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Phased Tentative Subdivision Plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).
  - (c) An application for a Phased Tentative Subdivision Plan must also include:
    - (i) A phasing plan that indicates the tentative boundaries of each phase;
    - (ii) The sequencing of the phases;
    - (iii) The tentative configuration of lots in each phase; and
    - (iv) A plan for the construction of all required city infrastructure in each phase.
- (4) *Approval Criteria.* A Phased Tentative Subdivision Plan must be approved if all of the following criteria are met:
  - (a) The Phased Tentative Subdivision Plan meets all of the criteria for Tentative Subdivision Plan approval in TDC 36.110 (Tentative Subdivision) or TDC 36.125 (Housing Clear and Objective Tentative Subdivision Plan Approval Criteria), as applicable;
  - (b) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases;
  - (c) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements; and
  - (d) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.
- (5) *Modification Pursuant to Final Plat Approval.* If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan must be modified prior to approval of the final plat.
- (6) *Effective Date.* The effective date of a Phased Subdivision Plan approval is the date the notice of decision is mailed.
- (7) *Permit Expiration.* Tentative Phased Subdivision plan approval expires as follows:

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- (a) The first phase expires two years of from the effective date, unless an application for final plat is submitted or an extension is granted under TDC 36.210 (Extension of Approval Decision); and
  - (b) All subsequent phases expire ten years from the effective date, and an extension under TDC 36.210 (Extension of Approval Decision) is not available for subsequent phases of a phased subdivision.

**Commentary:** Manufactured Dwelling Park Tentative Subdivision Plan

The same solution is proposed to make the pedestrian/bicycle connectivity requirement in criterion (4)(f) C&O as is proposed for Tentative Partition and Subdivision Plans in TDC 36.115 and 36.125.

**TDC 36.140. Manufactured Dwelling Park Tentative Subdivision Plan.**

- (1) *Applicability.* A manufactured dwelling park or mobile home park that existed as of July 2, 2001, must receive Manufactured Dwelling Park Tentative Subdivision Plan approval before the land is divided as a manufactured dwelling park or mobile home park subdivision.
- (2) *Procedure Type.* A Manufactured Dwelling Park Tentative Subdivision Plan is processed as a Type II procedure under TDC 32.220 (Type II Procedure).
- (3) *Submittal Requirements.*
  - (a) Prior to submitting an application for a Manufactured Dwelling Park Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
  - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Manufactured Dwelling Park Tentative Subdivision Plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).
- (4) *Approval Criteria.* A Manufactured Dwelling Park Tentative Subdivision Plan must be approved if all of the following criteria are met:
  - (a) The proposed area to be subdivided is in compliance with the development standards for manufactured dwelling parks or mobile home parks applicable at the time the park was approved, or the park is a nonconforming use. For purposes of this subsection, a park is in compliance if the City did not issue a written notice of noncompliance prior to before July 2, 2001;
  - (b) The Manufactured Dwelling Park Tentative Subdivision Plan does not increase or decrease the number of lots, as defined in ORS 446.003, approved for the park, change the external boundary lines or setback requirements, or make other development changes; provided, however, the tentative manufactured dwelling park subdivision plan may provide for a reduction in the number of lots if the reduction involves only lots that have never been used for the placement of manufactured dwellings;
  - (c) The Manufactured Dwelling Park Tentative Subdivision Plan restricts the use of lots in the subdivision to the installation of manufactured dwellings, and restricts any other property in the subdivision to use as common property, as defined in ORS 94.550, or for public purposes;
  - (d) The applicant has recorded with the county the waiver of right to remonstrance required under ORS 92.835; and
  - (e) The Manufactured Dwelling Park Tentative Subdivision Plan is in compliance with the applicable requirements of ORS 92.010 to 92.179.

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(f) The Manufactured Dwelling Park Tentative Subdivision Plan ~~provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, neighborhood activity centers, and employment centers. The improvements that are required to provide for pedestrian, bicycle and transit circulation must only be provided within the boundaries of the project site.~~ includes on-site pedestrian and bicycle circulation facilities that provide access between buildings within the project site and that connect to public right of way in a manner that facilitates access to the areas specified in (a) – (c) below. This standard requires only the provision of pedestrian and bicycle circulation facilities within the boundaries of the project site and does not require improvements to off-site facilities.

(a) Adjacent residential areas;

(b) Transit stops; and

(c) Neighborhood activity centers located within one-half mile of the development.

- (5) *Conditions of Approval.* Conditions of approval of a Manufactured Dwelling Park Tentative Subdivision Plan may only include conditions that:
- (a) Were conditions of the original manufactured dwelling park approval; and
  - (b) Are required by ORS 92.830 to 92.845.
- (6) *Effective Date.* The effective date of a Manufactured Dwelling Park Tentative Subdivision Plan approval is the date the notice of decision is mailed.
- (7) *Permit Expiration.* Manufactured Dwelling Park Tentative Subdivision Plan approval expires two years from the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

**Commentary: Replat**

Amendments are proposed to make the Replat approval criteria clear and objective.

**TDC 36.150. Replat.**

- (1) *Applicability.* A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. Tentative Replat Plan approval is required before a replat can occur.
- (2) *Procedure Type.* A Tentative Replat Plan is processed as a Type II procedure under 32.220.
- (3) *Submittal Requirements.*
  - (a) Prior to submitting an application for a Tentative Replat Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
  - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Tentative Replat Plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).
  - (c) If the Tentative Replat Plan will vacate an easement, the plan must show the easement proposed to be vacated.
- (4) *Approval Criteria.* A Tentative Replat Plan must be approved if all of the following criteria are met:

- (a) The Tentative Replat Plan does not propose to vacate any public street or road, or any recorded covenants or restrictions;
  - (b) The Tentative Replat Plan will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or development;
  - (c) The Tentative Replat Plan complies with the standards of this Chapter and with all applicable provisions of the TDC;
  - (d) The Tentative Replat Plan complies with all applicable provisions of ORS Chapter 92;
  - (e) The Tentative Replat Plan is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land; and
  - (f) The Tentative Replat Plan does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets, maintains compliance with applicable infrastructure, access, and utility standards in TDC Chapter 74, TDC Chapter 75, TMC 3-02 (Sewer), TMC 3-03 (Water), and TMC 3-5-010 through 35—190 (Stormwater).
- (5) *Notice to Utilities.* When a utility easement is proposed to be realigned, reduced in width, or eliminated by a Tentative Replat Plan, notice of the Tentative Replat Plan application must be mailed to all affected utility companies or public agencies. Any utility company that desires to maintain an easement that would be realigned, reduced in width, or eliminated by a proposed Tentative Replat Plan must notify the City Manager in writing within 14 days of the mailing date of the notice. If an objection to the realignment, reduction in width, or elimination of an easement is received within the 14 day period, the utility easement will not be realigned, reduced in width, or eliminated.
- (6) *Effective Date.* The effective date of a Tentative Replat Plan approval is the date the notice of decision is mailed.
- (7) *Permit Expiration.* Tentative Replat Plan approval expires two years from the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).
- [...]

**Commentary: Lot Dimensions**

The current code allows double frontage and reverse frontage lots on a case-by-case basis. To preserve that discretion while ensuring a C&O pathway, amendments to this section are proposed to allow double/reverse frontage when the applicant is applying under the discretionary criteria for partitions and subdivisions. Similar approaches are proposed for side lot line standards and for lots without frontage on a public street.

Also, more specific C&O criteria are proposed for the creation of large lots.

**TDC 36.400. Lot Dimensions.**

- (1) *Double Frontage and Reverse Frontage.*
  - (a) Except for lots abutting a public alley, double frontage and reversed frontage lots are prohibited. must be avoided except where essential. Exceptions are permitted only for applications reviewed under the discretionary criteria for Tentative Partition or Subdivision Plans in TDC 36.110 or 36.120, and only when necessary to provide separation of residential development from railroad tracks or crossings,

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traffic on arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

- (b) Vehicular access on double frontage lots must be oriented towards the lowest classification street adjacent to the lot as follows:
- (i) Alley;
  - (ii) Local street; or
  - (iii) Neighborhood route.
- (2) *Large Lots*. When subdividing, partitioning or adjusting land into large lots (defined as lots that are four or more times larger than the minimum lot size for the zone) which at some future time are possible to be resubdivided, repartitioned, or readjusted to a size which more closely conforms to the other lots in the subdivision or area, the applicant must submit a future streets plan. The future streets plan must indicate that proposed large lots be of such size and shape and contain such building site restrictions as will provide for the extension and opening of streets at such intervals and the subsequent division of any such large lot into smaller size lots which meet the requirements of the TDC. demonstrate that the proposed large lots:
- (a) Can provide for street connections that meet the block length standards of TDC 74.030(2) and the access spacing standards of TDC 75.030; and
  - (b) Can be further subdivided in conformance with TDC standards.
- (3) *Side Lot Lines*. The side lines of lots, as far as practicable, must run at right angles to the street upon which the lots face, except that on a curved street frontage, the side lot lines must be radial to the curve. Where meeting this standards is not practicable, exceptions may be permitted for applications reviewed under the discretionary criteria for Tentative Partition or Subdivision Plans in TDC 36.110 or 36.120.
- (4) *Lot Size and Shape*. The lot size, width, shape and orientation must be appropriate for the location of the lot and comply with the zone (planning district) standards for the type of development and proposed use contemplated.
- (5) *Frontage on Public Streets*. All lots created after September 1, 1979 must abut a public street, except for the following:
- (a) Secondary condominium lots, which must conform to TDC 73C and TDC 75;
  - (b) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, and the Surface Water Management Ordinance, TMC Chapter 3-5 respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;
  - (c) Residential lots where frontage along a public street is impractical due to physical site restraints. This option is available only for applications reviewed under the discretionary criteria for Tentative Partition or Subdivision Plans in TDC 36.110 or 36.120. Access to lots must occur via a shared driveway within a tract. The tract must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:
    - (i) Does not exceed 250 feet in length;
    - (ii) If the tract exceeds 150 feet in length, it has a turnaround facility as approved by the Fire Marshal for fire and life safety;
    - (iii) The tract does not serve more than six lots;
    - (iv) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;

- 
- (v) A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Manager prior to issuance of a building permit; and
  - (vi) Access easements have been provided to all properties needing access to the driveway.
  - (d) Lots in the Manufacturing Park Zone Planning District which have access to the public right-of-way in accordance with TDC 73C and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way.

(Ord. 1427-19, § 16, 11-25-19)

[...]

## CHAPTER 39 USE CATEGORIES

### In General

### Residential Use Categories

### Commercial Use Categories

### Industrial Use Categories

### Institutional Use Categories

### Infrastructure and Utilities Categories

[...]

## ***RESIDENTIAL USE CATEGORIES***

### **TDC 39.200. Household Living.**

- (1) *Characteristics.* Household Living is the residential occupancy of an owner-occupied or rented dwelling unit by a family or household. Dwelling units must be self-contained, with cooking, sleeping and bathroom facilities. Occupancy is long-term, 30 days or more, and non-transient.
- (2) *Housing Types.* Household Living uses can be accommodated in the following housing types. Housing types are subject to the regulations specific to each planning district or overlay district.
  - Single-Family Dwelling (detached) (as defined in TDC 31.060).
  - Accessory Dwelling Unit (as defined in TDC 31.060).
  - Manufactured Dwelling (as defined in TDC 31.060).
  - Manufactured Dwelling Park (as defined in the TDC 31.060).
  - Cottage Cluster (as defined in the TDC 31.060).
  - Duplex (as defined in the TDC 31.060).
  - Townhouse (as defined in the TDC 31.060).

- 
- Triplex (as defined in the TDC 31.060).
  - ~~Multi-Family~~Multifamily Structure (as defined in the TDC 31.060).
  - Retirement Housing Facility (as defined in TDC 31.060).
  - Residential Home (as defined in TDC 31.060).
  - Quadplex (as defined in the TDC 31.060).

(3) *Exceptions.*

- Bed and breakfast inns are classified as Commercial Lodging.
- Rentals of less than 30 days are classified as Commercial Lodging.

(Ord. No. 1463-21, § 13, 12-13-21)

### **TDC 39.210. Residential Accessory Uses.**

(1) *Characteristics.* Residential Accessory Uses are small-scale commercial uses that can be operated within or on the same lot as a residential dwelling in a manner that is compatible with and minimizes impacts on other residential uses. Residential Accessory Uses are permitted only as accessory uses to a primary Household Living use and are limited to the examples of uses provided in TDC 39.210(2).

(2) *Examples of Uses.*

- Home Occupation (as defined in TDC 31.060).
- Family Child Care Home (as defined in TDC 31.060).

(3) *Exceptions.* None.

**Commentary:** Group Living

The language that is struck out below is subjective and cannot be used to define Group Living. Also, the size of a “group” cannot be used to determine the use category, given the following state law:

**ORS 90.112** – *A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015, for any residential dwelling unit, as defined in ORS 90.100, if the restriction is based on the familial or nonfamilial relationships among any occupants.*

### **TDC 39.220. Group Living.**

(1) *Characteristics.* Group Living is the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. ~~The size of the group may be larger than the average size of a household.~~ Residents do not occupy self-contained dwelling units. Persons in group living may, or may not, receive care, treatment, or training for which the State requires certification or licensure. Group Living uses may have common facilities for dining, socializing, recreation, laundry, or other activities.

(2) *Examples of Uses.*

- Residential Facility (as defined in TDC 31.060).
- Nursing Facility (as defined in TDC 31.060).

- Congregate Care Facility (as defined in TDC 31.060).
- Group living associated with a religious practice or religious affiliation per state law.
- Dormitories, fraternities, and sororities.

(3) *Exceptions.*

- Lodging where tenancy may be arranged for less than 30 days is classified as Commercial Lodging.

[...]

## CHAPTER 40 LOW DENSITY RESIDENTIAL ZONE (RL)

### TDC 40.100. Purpose.

The purpose of the Low Density Residential (RL) zone is to provide low density residential areas in the City that are appropriate for dwellings on individual lots, as well as other miscellaneous land uses compatible with a low density residential environment.

### TDC 40.200. Use Categories.

- (1) *Use Categories.* Table 40-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RL zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 40-1 and restrictions identified in TDC 40.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 40-1  
Use Categories in the RL Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 40.220.
Residential Accessory Uses	P (L)	Home Occupations permitted subject to TDC 34.010 to 34.030. Family Child Care Home permitted. Subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to Residential Facility.  Conditional uses limited to Congregate Care Facility subject to TDC 34.400.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	P/C (L)	Subject to TDC 40.210(1).
Durable Goods Sales	C (L)	Conditional uses limited to nurseries.

Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with practices of religious activity.
Community Services	C	
Medical Center	C (L)	Conditional uses limited to a hospital.
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.  Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations.
Transportation Facilities	P	—
Wireless Communication Facilities	P (L)	Permitted uses limited to a Wireless Communication Facility Attached, provided it is not mounted to a single-family dwelling or its accessory structures.  Maximum height and minimum setbacks subject to TDC Chapter 73F.

**TDC 40.210. Additional Limitations on Uses.**

- (1) *Agricultural Uses.* Agricultural uses may be permitted uses or conditional uses depending on the nature of the use.
  - (a) *Permitted Uses.* The following uses are permitted outright:
    - (i) Agricultural uses of land such as gardening and horticulture.
    - (ii) Raising of chickens as allowed by the Tualatin Municipal Code.
  - (b) *Conditional Uses.* The following uses are conditional uses within areas designated on Comprehensive Plan Map 10-6:

- (i) *Conditional Use of Agricultural Animals.* Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property.
- (ii) *Agricultural structures such as barns, stables, sheds, but excluding feed lots.* Feed lots are prohibited.

(Ord. No. 1450-20, § 14, 12-14-20)

**Commentary:** Housing Types in the RL Zone

In the Low Density Residential (RL) zone, Multifamily Structures are allowed with conditional use approval. The same is also true for Retirement Housing Facilities. Conditional use is a discretionary review, not C&O. Under state statute, if a housing type is allowed in a zone, it must have a C&O review path.

At work sessions with the Planning Commission and City Council in January 2026, both groups recommended resolving this issue by prohibiting multifamily and retirement housing in the RL zone. With the allowance of middle housing, there is already an option for housing at higher densities in this zone. Also, retirement housing is simply a form of age-restricted multifamily housing, so they should be regulated the same. Conversely, the City proposes to continue requiring conditional use approval for congregate care facilities. (See commentary in Section 34.400 for further discussion of congregate care and retirement housing.)

These changes are reflected in Table 40-2 below.

**TDC 40.220. Housing Types.**

Table 40-2 lists housing types permitted in the RL zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N).

**Table 40-2  
Housing Types in the RL Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	P/L	Single-family dwellings in a small lot subdivision permitted, subject to TDC 36.410
Accessory Dwelling Unit	P	Subject to TDC 73A.170.
Duplex	P	See TDC definition in 31.060
Townhouse	P	See TDC definition in 31.060
Triplex	P	See TDC definition in 31.060
Quadplex	P	See TDC definition in 31.060
Cottage Cluster	P	See TDC definition in 31.060
<del>Multi-Family</del> Multifamily Structure	<del>C</del> N	See TDC definition in 31.060
Manufactured Dwelling	P	Subject to TDC 40.300(4)
Manufactured Dwelling Park	N	

Retirement Housing Facility	<del>C-N</del>	Subject to TDC 34.400 See TDC definition in 31.060
Congregate Care Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060

(Ord. No. 1463-21, § 14, 12-13-21)

**TDC 40.300. Development Standards.**

- (1) Development standards in the RL zone are listed in Table 40-3. Additional standards may apply to some uses and situations, see TDC 40.310. The standards in Table 40-3 may be modified for flexible lot subdivisions as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.
- (2) *Exceptions.* Existing nonconforming situations may be developed according to the provisions of TDC Chapter 35.

**Commentary:** Minimum Lot Width

The proposed amendments clarify the applicability of average minimum lot width standards. These amendments bring Section 40.300 in line with the other zoning district chapters.

**Table 40-3  
Development Standards in the RL Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		
Single-Family Dwelling	Maximum: 6.4 units per acre Minimum: 1 unit per acre	
Duplex	None	
Townhouse	25 units per acre	
Triplex	None	
Quadplex	None	
Cottage Cluster	None	Minimum density of 4 units per acre.
Retirement Housing or Congregate Care Facility	10 units per acre	
<b>MINIMUM LOT SIZE</b>		
Single-Family Dwelling	Average of 6,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410, or Greenway and Natural Area dedications, subject to TDC 36.420.
Duplex	6,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.

Townhouse	1,400 square feet	
Triplex	6,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Quadplex	6,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Cottage Cluster	6,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Conditional Uses	6,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Single-Family Dwelling	50 feet	May be reduced to 30 feet if on a cul-de-sac. <del>Average minimum lot width is 30 feet.</del>
Duplex, Triplex, Quadplex, and Cottage Clusters	50 feet	May be reduced to 30 feet if on a cul-de-sac. <del>Average minimum lot width is 30 feet.</del>
Townhouse	None	
Conditional Uses	50 feet	May be reduced to 30 feet if on a cul-de-sac. <del>Average minimum lot width is 30 feet.</del>
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front	15 feet	May be reduced to 12 feet if to an unenclosed porch.
Secondary Frontage on Corner Lot	10 feet	The secondary frontage is determined by the orientation of the structure, based on the location of the front door.
Garage Door	20 feet	
Side	5 feet	Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
Rear	15 feet	
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater

		than 50 feet. Parking and vehicular circulation areas must be set back a minimum of ten feet from any public right-of-way or property line.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	35 feet	May be increased to a maximum of 50 feet through Type II Architectural Review if all setbacks are not less than 1½ times the height of the building.
<b>MAXIMUM LOT COVERAGE</b>		
Single Family Dwelling	45%	
Duplex	45%	
Townhouse	75%	
Triplex	60%	
Quadplex	60%	
Cottage Cluster	75%	
Conditional Uses	40%	
<b>MAXIMUM FLOOR AREA RATION (FAR)</b>		
Single Family Dwelling, Duplex, Townhouse, Triplex, Quadplex		FAR does not apply to Cottage Clusters.
Lot size	Maximum FAR	
3,000 sf or less	1.4 to 1	
3,001 to 5,000 sf	1.1 to 1	
5,001 to 10,000 sf	0.7 to 1	
10,001 to 19,999 sf	0.6 to 1	
20,000 sf or more	0.4 to 1	

(Ord. No. 1450-20, § 15, 12-14-20; Ord. No. 1463-21, § 15, 12-13-21)

**TDC 40.310. Projections Into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

**TDC 40.320. Additional Development Standards.**

- (1) *Flexible Lot Subdivisions.* The minimum lot size and other development standards for single-family dwellings in the RL zone may be reduced or modified for lots included as part of a flexible lot subdivision. See TDC 36.410.

- 
- (2) *Greenway and Natural Area Dedications.* The minimum lot size and other development standards for single-family dwellings in the RL zone may be reduced or modified if land is dedicated for a Greenway or Natural Area. See TDC 36.420.
  - (3) *Manufactured Homes.* Except for manufactured homes placed in manufactured dwelling parks, manufactured homes must meet the following standards:
    - (a) *Minimum Size.* The manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home is not considered multi-sectional by having a tip-out section.
    - (b) *Foundation Requirements.* The manufactured home must be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than 1 foot above grade. However, a structural concrete foundation (such as that for a single-family dwelling) is not required.
    - (c) *Roof Form and Materials.* The manufactured home must have a pitched roof with a minimum slope of one foot in height for each four feet of width. The roof must be comprised of shingles, wood shakes, tiles, or other materials which create a similar appearance. Exposed flat, corrugated or ribbed sheet metal, fiberglass, or other materials similar in form or appearance cannot be used as roofing material but may be used for corner and edge flashing.
    - (d) *Insulation Requirements.* The manufactured home must be certified by the manufacturer to have exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code.

(Ord. No. 1463-21, § 16, 12-13-21; Ord. No. 1486-24, § 6, 6-10-24)

## CHAPTER 41 MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

### TDC 41.100. Purpose.

The purpose of this zone is to provide household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, ~~multi-family~~ multifamily development, and manufactured dwelling parks.

(Ord. No. 1463-21, § 17, 12-13-21)

### TDC 41.200. Use Categories.

- (1) *Use Categories.* Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 41-1**  
**Use Categories in the RML Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 41.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to <ul style="list-style-type: none"> <li>• Residential Facility; and,</li> <li>• Nursing Facility.</li> </ul> Conditional uses limited to Congregate Care Facility subject to TDC 34.020 and TDC 34.030.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	C (L)	Subject to TDC 41.210(1).
Durable Goods Sales	C (L)	Conditional uses limited to nurseries.
Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with the practices of religious activity.
Community Services	C	—
Medical Center	C (L)	Conditional uses limited to a hospital.
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.  Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations
Transportation Facilities	P	—
Wireless Communication Facilities	P/C (L)	Subject to TDC 41.210(2). Maximum height and minimum setbacks subject to TDC Chapter 73F.

**TDC 41.210. Additional Limitations on Uses.**

- (1) *Agricultural Uses.* The following agricultural uses are allowed with a conditional use permit within areas designated on Comprehensive Plan Map 10-6:

- (a) Conditional Use of Agricultural Animals. Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property; and
  - (b) Agricultural structures such as barns, stables, sheds, but excluding feed lots. Feed lots are prohibited.
- (2) *Wireless Communication Facilities.* Wireless Communication Facilities may be permitted uses or conditional uses, depending on the nature of the use.
- (a) *Permitted Uses.* The following uses are permitted outright:
    - (i) Wireless Communication Facility Attached, provided the facility is not mounted on a single-family dwelling or its accessory structures; and
    - (ii) Wireless Communication Facility, provided the facility is located within 300 feet of the centerline of Interstate 5.
  - (b) *Conditional Uses.* All other detached wireless communication facilities may be allowed with a conditional use permit. The facility must not be located within an approved small lot subdivision.

(Ord. No. 1450-20, § 16, 12-14-20)

**Commentary:** Housing Types in the RML Zone

Similar to the RL zone, Retirement Housing Facilities are proposed to be updated from Conditional (C) to Permitted (P) in the RML Zone. See commentary in Section 40.210 for further discussion.

**TDC 41.220. Housing Types.**

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

**Table 41-2  
Housing Types in the RML Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	P	Limited to single-family dwellings in a flexible lot subdivision subject to TDC 36.410.
Accessory Dwelling Unit	P	Subject to TDC 73A.170.
Duplex	P	See TDC definition in 31.060.
Townhouse	P	See TDC definition in 31.060.
Triplex	P	See TDC definition in 31.060.
Quadplex	P	See TDC definition in 31.060.
Cottage Cluster	P	See TDC definition in 31.060.
<del>Multi-Family</del> Multifamily Structure (5 or more units)	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.

Retirement Housing Facility	C-P	Subject to TDC 34.400. See TDC definition in 31.060.
Congregate Care Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

(Ord. No. 1444-20, § 1, 10-12-20; Ord. No. 1463-21, § 18, 12-13-21)

**TDC 41.300. Development Standards.**

- (1) Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).
- (2) *Exceptions.* Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

**Commentary:** Setbacks for Townhouses

In various residential zones, certain setback requirements for townhouses (such as minimum setbacks for buildings and for parking and vehicle circulation areas) are “determined through the Architectural Review process.” This requires discretion on the part of city staff to determine the applicable setbacks.

The proposed solution is to establish a C&O setback standard, and to allow deviation (smaller setback) through an optional discretionary review.

[solution pending further discussion – see comments below]

**Table 41-3  
Development Standards in the RML Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		
Single Family Dwellings	10 units per acre	
Duplex	None	
Townhouse	25 units per acre	
Triplex	None	
Quadplex	None	
Cottage Cluster	None	Minimum density of 4 units per acre.
<del>Multi-Family</del> Multifamily (5 or more units)	10 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
<b>MINIMUM LOT SIZE</b>		

Single Family Dwelling	3,000 square feet	Only in a Flexible Lot Subdivisions, subject to TDC 36.410
Duplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Townhouse	1,400 square feet	
Triplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Quadplex	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
Cottage Cluster	4,500 square feet	May be reduced for Flexible Lot Subdivisions, subject to TDC 36.410.
<del>Multi-Family</del> Multifamily Structure <del>(5 or more units)</del>	20,000 square feet	
<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Single Family Detached	25 feet	Only allowed for Flexible Lot Subdivisions, subject to TDC 36.410.
Townhouse	14 feet	
Duplex, Triplex, Quadplex, and Cottage Clusters	50 feet	May be reduced to 30 feet if on a cul-de-sac. May be reduced to 26 feet for Flexible Lot Subdivisions, subject to TDC 36.410.
<del>Multi-Family</del> Multifamily Structure	75 feet	May be 40 feet on a cul-de-sac street.
<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Single Family Detached, Duplex, Townhouse, Triplex, or Quadplex		Single Family Detached only in Flexible Lot Subdivisions, subject to TDC 36.410.
Front	10 feet	
Garage Door	20 feet	
Side	5 feet	Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
Rear	10 feet	
<del>Multi-family</del> Multifamily <del>(5 or more units)</del> , Conditional Uses,		

and Other Permitted Uses Not Listed		
Front (based on structure height)		
<25 feet	10 feet	
25—<30 feet	15 feet	
30+ feet	20 feet	
Side	5 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley except for duplexes, triplexes, and quadplexes where the setback is 10 feet.
<b>Other Development Types</b>		
Cottage Cluster	10 feet on all sides	Minimum distance of 10 feet between units in a cottage cluster.
Minimum Distance Between Buildings <del>within One Development on the Same Lot</del>	10 feet	
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, <del>determined through the Architectural Review process</del> with shared driveways, zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
Conditional Uses	—	As determined through Architectural Review process, no greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	35 feet	If all setbacks are equal to or greater than 1½ times the height of the building, the height may be increased to a maximum of 50 feet with a conditional use permit.
<b>MAXIMUM LOT COVERAGE</b>		
Duplex	60%	
Townhouse	75%	
Triplex	60%	
Quadplex	60%	
Cottage Cluster	75%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

(Ord. No. 1444-20, § 2, 10-12-20; Ord. No. 1450-20, § 17, 12-14-20; Ord. No. 1463-21, § 19, 12-13-21)

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### **TDC 41.310. Projections Into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

### **TDC 41.320. Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.**

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a density bonus or setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

- (1) *Density Bonus.* The lot(s) may be developed to the same number of dwelling units that would be permitted in the RML zone if none of the land area in the Greenway or Natural Area lots were in a conservation or protection area.
- (2) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front, side or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas. Single-Family Dwellings in Small Lot Subdivisions and setback areas that abut property lines in the RL zone are not eligible for the setback reduction.
- (3) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
  - (a) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
  - (b) Clean Water Services Vegetated Corridor.
- (4) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
  - (a) Dedicated to the City at the City's option;
  - (b) Dedicated in a manner approved by the City to a non-profit conservation organization; or
  - (c) Retained in private ownership.
- (5) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
  - (a) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
  - (b) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
  - (c) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
  - (d) Does the lot connect publicly owned or publicly accessible properties;
  - (e) Does the lot abut an existing park, greenway, natural area or other public facility;
  - (f) Does the lot provide a public benefit or serve a public need;
  - (g) Does the lot contain environmental hazards;
  - (h) Geologic stability of the lot; and

- (i) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 19, 11-25-19)

**TDC 41.330. Reserved.**

Editor's note(s)—Ord. No. 1463, § 20, adopted December 13, 2021, repealed § 41.330. Former § 41.330 pertained to Development Standards for Single-Family Dwellings in a Small Lot Subdivision for Certain Basalt Creek Area Properties and derived from Ord. No. 1444-20, § 3, adopted October 12, 2020.

**CHAPTER 42 MEDIUM HIGH DENSITY RESIDENTIAL ZONE (RMH)**

**Commentary:** RMH zone purpose  
 As noted, the term “garden apartments” is proposed to be removed from TDC 36.060, so it is struck out below.

**TDC 42.100. Purpose.**

The purpose of this zone is to provide areas of the City suitable for townhouses, ~~garden~~-apartments and condominiums.

**TDC 42.200. Use Categories.**

- (1) *Use Categories.* Table 42-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RMH zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 42-1 and restrictions identified in TDC 42.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 42-1  
 Use Categories in the RMH Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 42.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Residential Facility.</li> <li>• Nursing Facility.</li> </ul> Conditional uses limited to Congregate Care Facilities subject to TDC 34.400.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	C (L)	Subject to TDC 42.210(1).

Durable Goods Sales	C (L)	Conditional uses limited to nurseries.
Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with the practices of religious activity.
Community Services	C	—
Medical Center	C (L)	Conditional uses limited to a hospital.
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.  Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations.
Transportation Facilities	P	—
Wireless Communication Facilities	P/C (L)	Subject to TDC 42.210(2).  Maximum height and minimum setbacks subject to TDC Chapter 73F.

**TDC 42.210. Additional Limitations on Uses.**

- (1) *Agricultural Uses.* The following agricultural uses are allowed with a conditional use permit within areas designated on Comprehensive Plan Map 10-6:
  - (a) *Conditional Use of Agricultural Animals.* Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property; and
  - (b) *Agricultural structures such as barns, stables, sheds, but excluding feed lots.* Feed lots are prohibited.
- (2) *Wireless Communication Facilities.* Wireless Communication Facilities may be permitted uses or conditional uses, depending on the nature of the use.
  - (a) *Permitted Uses.* The following uses are permitted outright:
    - (i) Wireless Communication Facility Attached, provided the facility is not mounted on a single-family dwelling or its accessory structures; and
    - (ii) Wireless Communication Facility, provided the facility is located within 300 feet of the centerline of Interstate 5.

- (b) *Conditional Uses.* All other detached wireless communication facilities may be allowed with a conditional use permit.

(Ord. No. 1450-20, § 18, 12-14-20)

**Commentary:** Housing Types in the RMH Zone

Similar to the other residential zones, Retirement Housing Facilities are proposed to be updated from Conditional (C) to Permitted (P) in the RMH Zone. See commentary in Section 40.210 for further discussion.

**TDC 42.220. Housing Types.**

Table 42-2 lists Housing Types permitted in the RMH zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RMH zone.

**Table 42-2  
Housing Types in the RMH Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
<del>Multi-Family</del> Multifamily Structure	P	See TDC definition in 31.060.
Manufactured Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	<del>C</del> P	<del>Subject to TDC 34.400.</del>
Congregate Care Facility	<del>C</del>	<del>Subject to TDC 34.400.</del>
Residential Home	P	See TDC definition in 31.060.

**TDC 42.300. Development Standards.**

Development standards in the RMH zone are listed in Table 42-3. Additional standards may apply to some uses and situations, see TDC 42.310.

**Commentary:** Setbacks for Townhouses

See commentary in TDC 41.300. The same solutions are proposed in this section.

**Table 42-3  
Development Standards in the RMH Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		

Household Living Uses	Maximum: 15 units per acre Minimum: 11 units per acre	
Retirement Housing Facility, Congregate Care Facility, or Nursing Facility	22.5 units per acre	
Group Living Uses	15 units per acre	Does not apply to Congregate Care Facility.
<b>MINIMUM LOT SIZE</b>		
Townhouse (or Rowhouse)	1,400 square feet	
<del>Multi-Family</del> Multifamily Structure and Duplex		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 2,581 square feet for each unit exceeding two.
• Development on More than One Acre	2,904 square feet per unit	
<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Townhouse (or Rowhouse)	14 feet	
<del>Multi-Family</del> Multifamily Structure	75 feet	May be 40 feet on a cul-de-sac street.
<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	75 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front Setback (based on structure height)		Minimum setback to a garage door must be 20 feet.
• <25 feet	10 feet	
• 25+ feet	15 feet	
• Townhouse (or Rowhouse)	0-10 feet	As determined through Architectural Review process.
Side and Rear Setback (based on structure height)		Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
• <12 feet	5 feet	
• 12-<20 feet	7 feet	

• 20-<25 feet	10 feet	
• 25+ feet	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings <del>within One Development on the Same Lot</del>	10 feet	<del>For Townhouses (or Rowhouse), determined through the Architectural Review process.</del>
Parking and Vehicle Circulation Areas	10 feet	<del>For Townhouses (or Rowhouse), determined through the Architectural Review process, with shared driveways, zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</del>
Conditional Uses	—	As determined through Architectural Review process. A minimum setback must not be greater than 50 feet.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
<b>MAXIMUM LOT COVERAGE</b>		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

(Ord. No. 1450-20, § 19, 12-14-20)

**TDC 42.310. Projections Into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

**TDC 42.320. Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.**

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a density bonus or setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

- 
- (1) *Density Bonus.* The lot(s) may be developed to the same number of dwelling units that would be permitted in the RMH zone if none of the land area in the Greenway or Natural Area lots were in a conservation or protection area.
  - (2) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35% of the front, side or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas. Setback areas that abut property lines in the RL zone are not eligible for the setback reduction.
  - (3) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located wholly in one of the following conservation or protection areas:
    - (a) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
    - (b) Clean Water Services Vegetated Corridor.
  - (4) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following.
    - (a) Dedicated to the City at the City's option;
    - (b) Dedicated in a manner approved by the City to a non-profit conservation organization; or
    - (c) Retained in private ownership.
  - (5) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
    - (a) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
    - (b) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
    - (c) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
    - (d) Does the lot connect publicly owned or publicly accessible properties;
    - (e) Does the lot abut an existing park, greenway, natural area or other public facility;
    - (f) Does the lot provide a public benefit or serve a public need;
    - (g) Does the lot contain environmental hazards;
    - (h) Geologic stability of the lot; and
    - (i) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 20, 11-25-19)

## **CHAPTER 43 HIGH DENSITY RESIDENTIAL ZONE (RH)**

**Commentary:** RH zone purpose

As noted, the term “garden apartments” is proposed to be removed from TDC 36.060, so it is struck out below.

**TDC 43.100. Purpose.**

The purpose of this zone is to provide areas of the City suitable for townhouses, ~~and~~ high density ~~garden~~ apartment and condominium developments.

**TDC 43.200. Use Categories.**

- (1) *Uses Categories.* Table 43-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RH zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 43-1 and restrictions identified in TDC 43.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 43-1  
Use Categories in the RH Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 43.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Day Care subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"><li>• Residential Facility;</li><li>• Nursing Facility.</li></ul> Conditional uses limited to Congregate Care Facilities subject to TDC 34.400.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	C (L)	Subject to TDC 43.210(1).
Durable Goods Sales	C (L)	Conditional uses limited to retail nurseries.
Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with the practices of religious activity.
Community Services	C	
Medical Center	C (L)	Conditional uses limited to a hospital.
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		

Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.  Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations.
Transportation Facilities	P	—
Wireless Communication Facilities	P/C (L)	Subject to TDC 43.210(2).  Maximum height and minimum setbacks subject to TDC Chapter 73F.

**TDC 43.210. Additional Limitations on Uses.**

- (1) *Agricultural Uses.* The following agricultural uses are allowed with a conditional use permit within areas designated on Comprehensive Plan Map 10-6:
  - (a) *Conditional Use of Agricultural Animals.* Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property; and
  - (b) *Agricultural structures such as barns, stables, sheds, but excluding feed lots.* Feed lots are prohibited.
- (2) *Wireless Communication Facilities.* Wireless Communication Facilities may be permitted uses or conditional uses, depending on the nature of the use.
  - (a) *Permitted Uses.* The following uses are permitted outright:
    - (i) Wireless Communication Facility Attached, provided the facility is not mounted on a single-family dwelling or its accessory structures; and
    - (ii) Wireless Communication Facility, provided the facility is located within 300 feet of the centerline of Interstate 5.
  - (b) *Conditional Uses.* All other detached wireless communication facilities may be allowed with a conditional use permit.

(Ord. No. 1450-20, § 20, 12-14-20)

**Commentary:** Housing Types in the RH Zone

Similar to the other residential zones, Retirement Housing Facilities are proposed to be updated from Conditional (C) to Permitted (P) in the RH Zone. See commentary in Section 40.210 for further discussion.

**TDC 43.220. Housing Types.**

Table 43-2 lists Housing Types permitted in the RH zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RH zone.

**Table 43-2  
Housing Types in the RH Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
<del>Multi-Family</del> Multifamily Structure	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	<del>C</del> P	Subject to TDC 34.400.
Congregate Care Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

**TDC 43.300. Development Standards.**

Development standards in the RH zone are listed in Table 43-3. Additional standards may apply to some uses and situations, see TDC 43.310.

**Commentary:** Setbacks for Townhouses  
See commentary in TDC 41.300. The same solutions are proposed in this section.

**Table 43-3  
Development Standards in the RH Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>Maximum density</b>		
Household Living Uses	Maximum: 25 units per acre Minimum: 16 units per acre	
Retirement Housing or Congregate Care Facility	45 units per acre	
Nursing Facility	45 units per acre	
Group Living Uses	25 units per acre	Does not apply to Nursing Facility or Congregate Care Facility.
<b>MINIMUM LOT SIZE</b>		
Townhouse, or Rowhouse	1,400 square feet	
<del>Multi-Family</del> Multifamily Structure		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 1,459 square feet for each unit exceeding two.
• Development on More than One Acre	1,742 square feet per unit	

<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Townhouses (or Rowhouses)	14 feet	
<del>Multi-Family</del> Multifamily Structure	75 feet	May be 40 feet on a cul-de-sac street.
<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	75 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front Setback (based on structure height)		Minimum setback to a garage door must be 20 feet.
• <25 feet	10 feet	
• 25+ feet	15 feet	
• Townhouse (or Rowhouses)	0-10 feet	<del>As determined through Architectural Review process.</del>
Side and Rear Setback (based on structure height)		<u>Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</u>
• <12 feet	5 feet	
• 12-<20 feet	7 feet	
• 20-<25 feet	10 feet	
• 25+ feet	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings <u>within One Development on the Same Lot</u>	10 feet	<del>For Townhouses, determined through the Architectural Review process.</del>
Parking and Vehicle Circulation Areas	10 feet	<del>For Townhouses, determined through the Architectural Review process.</del> <u>with shared driveways, zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</u>
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	

<b>MAXIMUM SETBACKS</b>		
Front Setback	20 feet	See standards in TDC 43.315.
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
<b>MAXIMUM LOT COVERAGE</b>		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	45%	
Conditional Uses	45%	

(Ord. No. 1450-20, § 21, 12-14-20)

**TDC 43.310. Projections into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

**TDC 43.315. Maximum Setbacks and Building Frontage.**

The percentage of a site frontage that must meet maximum building setback requirement in Table 43-3 is based on the width of the site frontage, as follows:

- (1) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
- (2) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
- (3) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met. These amenities may count toward meeting the shared outdoor area standards for multifamily development in TDC 73A.100(4).
  - (a) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
  - (b) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
  - (c) A minimum of 10 percent of the pedestrian amenity space must be landscaped.
- (d) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.

**TDC 43.320. Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.**

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a density bonus or setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

- 
- (1) *Density Bonus.* The lot(s) may be developed to the same number of dwelling units that would be permitted in the RH zone if none of the land area in the Greenway or Natural Area lots were in a conservation or protection area.
  - (2) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35% of the front, side or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas. Setback areas that abut property lines in the RL zone are not eligible for the setback reduction.
  - (3) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located wholly in one of the following conservation or protection areas:
    - (a) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
    - (b) Clean Water Services Vegetated Corridor.
  - (4) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following.
    - (a) Dedicated to the City at the City's option;
    - (b) Dedicated in a manner approved by the City to a non-profit conservation organization; or
    - (c) Retained in private ownership.
  - (5) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
    - (a) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
    - (b) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
    - (c) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
    - (d) Does the lot connect publicly owned or publicly accessible properties;
    - (e) Does the lot abut an existing park, greenway, natural area or other public facility;
    - (f) Does the lot provide a public benefit or serve a public need;
    - (g) Does the lot contain environmental hazards;
    - (h) Geologic stability of the lot; and
    - (i) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 21, 11-25-19)

## **CHAPTER 44 HIGH DENSITY HIGH RISE ZONE (RH-HR)**

### **TDC 44.100. Purpose.**

The purpose of the High Density High Rise (RH-HR) zone is to provide areas of the City within the City's Central Urban Renewal area, an area west of the Central Urban Renewal area, north of the wetlands, and south of the Tualatin Country Club that are suitable for high density apartment or condominium towers.

**TDC 44.200. Use Categories.**

- (1) *Use Categories.* Table 44-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RH-HR zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 44-1 and restrictions identified in TDC 44.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 44-1  
Use Categories in the RH-HR Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 44.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Day Care subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Residential Home;</li> <li>• Residential Facility; and</li> <li>• Nursing Facility</li> </ul> Conditional uses limited to Congregate Care Facility subject to TDC 34.400.
<b>COMMERCIAL USE CATEGORIES</b>		
Agriculture	C (L)	Subject to TDC 44.210(1).
Durable Goods Sales	C (L)	Conditional uses limited to retail nurseries.
Retail Sales and Service	C (L)	Conditional uses limited to Child Day Care Center.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to places of religious worship. See TDC 34.800 Religious uses and ORS 227.500 pertaining to activities customarily associated with the practices of religious activity.
Community Services	C	
Medical Center	C (L)	Conditional uses limited to a hospital.
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
Greenways and Natural Areas	P	—
Parks and Open Areas	P/C (L)	Permitted uses limited to public park or playground.

		Conditional uses limited to golf course or country club with golf course.
Public Safety Facilities	C (L)	Conditional uses limited to fire stations.
Transportation Facilities	P	—
Wireless Communication Facilities	P/C (L)	Subject to TDC 44.210(2). Maximum height and minimum setbacks subject to TDC Chapter 73F.

**TDC 44.210. Additional Limitations on Uses.**

- (1) *Agricultural Uses.* The following agricultural uses are allowed with a conditional use permit within areas designated on Comprehensive Plan Map 10-6:
  - (a) *Conditional Use of Agricultural Animals.* Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property; and
  - (b) *Agricultural structures such as barns, stables, sheds, but excluding feed lots.* Feed lots are prohibited.
- (2) *Wireless Communication Facilities.* Wireless Communication Facilities may be permitted uses or conditional uses, depending on the nature of the use.
  - (a) *Permitted Uses.* The following uses are permitted outright:
    - (i) Wireless Communication Facility Attached, provided the facility is not mounted on a single-family dwelling or its accessory structures; and
    - (ii) Wireless Communication Facility, provided the facility is located within 300 feet of the centerline of Interstate 5.
  - (b) *Conditional Uses.* All other detached wireless communication facilities may be allowed with a conditional use permit.

(Ord. No. 1450-20, § 22, 12-14-20)

**Commentary:** Housing Types in the RH-HR Zone

Similar to the other residential zones, Retirement Housing Facilities are proposed to be updated from Conditional (C) to Permitted (P) in the RH-HR Zone. See commentary in Section 40.210 for further discussion.

**TDC 44.220. Housing Types.**

Table 44-2 lists Housing Types permitted in the RH-HR zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RH-HR zone.

**Table 44-2  
Housing Types in the RH-HR Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	

Townhouse (or Rowhouse)	P	See definition in TDC 31.060.
<del>Multi-Family</del> Multifamily Structure	P	See definition in TDC 31.060.
Manufacturing Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	<del>C-P</del>	<del>Subject to TDC 34.400.</del>
Congregate Care Facility	C	Subject to TDC 34.400.
Residential Home	P	See definition in TDC 31.060.

### TDC 44.300. Development Standards.

Development standards in the RH-HR zone are listed in Table 44-3. Additional standards may apply to some uses and situations, see TDC 44.310.

**Commentary:** Setbacks for Townhouses

See commentary in TDC 41.300. The same solutions are proposed in this section.

**Table 44-3  
Development Standards in the RH-HR Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		
Household Living Uses	Maximum: 30 units per acre Minimum: 26 units per acre	
Retirement Housing or Congregate Care Facility	45 units per acre	
Nursing Facility	45 units per acre	
Group Living Uses	30 units per acre	Does not apply to Nursing Facility or Congregate Care Facility.
<b>MINIMUM LOT SIZE</b>		
<del>Multi-Family</del> Multifamily Structure		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 1,198 square feet for each unit exceeding two.
• Development on More than One Acre	1,452 square feet per unit	
<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Townhouses (Rowhouses)	14 feet	
<del>Multi-Family</del> Multifamily Structure	75 feet	May be 40 feet on a cul-de-sac street.

<del>Multi-Family</del> Multifamily Structure under Condominium Ownership	75 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front Setback (based on structure height)		Minimum setback to a garage door must be 20 feet.
• <25 feet	10 feet	
• 25-30 feet	15 feet	
• 30+ feet	<del>—20 feet</del>	<del>As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.</del>
Side and Rear Setback (based on structure height)		
• <12 feet	5 feet	
• 12-<20 feet	7 feet	
• 20-<25 feet	10 feet	
• 25-<30 feet	12 feet	
• 30+ feet	<del>—15 feet</del>	<del>As determined through Architectural Review process. No setback must be required which is greater than the height of the structure.</del>
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings <del>within One Development on the Same Lot</del>	10 feet	
Parking and Vehicle Circulation Areas	10 feet	<del>For Townhouses with shared driveways, zero- foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.</del>
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet.
Any Yard Adjacent to a Wetland Protected Area	100 feet	As defined in TDC Chapter 71.
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<b>MAXIMUM SETBACKS</b>		
Front Setback	20 feet	See standards in TDC 44.315.
<b>STRUCTURE HEIGHT</b>		
Minimum Height, <del>Multi- Family</del> Multifamily and Condominium Developments	45 feet	
Maximum Height	64 feet	

MAXIMUM LOT COVERAGE	
All Uses	45%

(Ord. No. 1450-20, § 23, 12-14-20)

**TDC 44.310. Projections Into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

**TDC 44.315. Maximum Setbacks and Building Frontage.**

The percentage of a site frontage that must meet maximum building setback requirement in Table 43-3 is based on the width of the site frontage, as follows:

- (1) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
- (2) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
- (3) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met. These amenities may count toward meeting the shared outdoor area standards for ~~multi-family~~ multifamily development in TDC 73A.100(4).
  - (a) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
  - (b) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
  - (c) A minimum of 10 percent of the pedestrian amenity space must be landscaped.
  - (d) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.

**TDC 44.320. Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.**

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a density bonus or setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

- (1) *Density Bonus.* The lot(s) may be developed to the same number of dwelling units that would be permitted in the RH-HR zone if none of the land area in the Greenway or Natural Area lots were in a conservation or protection area.
- (2) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front, side or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas. Setback areas that abut property lines in the RL zone are not eligible for the setback reduction.

- 
- (3) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located wholly in one of the following conservation or protection areas:
    - (a) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
    - (b) Clean Water Services Vegetated Corridor.
  - (4) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following.
    - (a) Dedicated to the City at the City's option;
    - (b) Dedicated in a manner approved by the City to a non-profit conservation organization; or
    - (c) Retained in private ownership.
  - (5) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
    - (a) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
    - (b) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
    - (c) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
    - (d) Does the lot connect publicly owned or publicly accessible properties;
    - (e) Does the lot abut an existing park, greenway, natural area or other public facility;
    - (f) Does the lot provide a public benefit or serve a public need;
    - (g) Does the lot contain environmental hazards;
    - (h) Geologic stability of the lot; and
    - (i) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 22, 11-25-19)

[...]

## CHAPTER 50 OFFICE COMMERCIAL ZONE (CO)

### **TDC 50.100. Purpose.**

The purpose of this zone is to provide areas for professional offices in locations adjacent to or across the street from residential areas. The zone is intended to provide for office development ranging in size from small buildings with one or two tenants to large complexes housing business headquarters. Development design in this zone is intended to be sensitive to the preservation of significant natural resources and to provide extensive perimeter landscaping, especially adjacent to residential areas and streets.

### **TDC 50.200. Use Categories.**

- (1) *Use Categories.* Table 50-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CO zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 50-1

and restrictions identified in TDC 50.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 50-1  
Use Categories in the CO Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
<b>COMMERCIAL USE CATEGORIES</b>		
Commercial Parking	P	—
Commercial Recreation	P (L)	Permitted uses limited to health or fitness facilities as defined by TDC 39.115, with indoor operation only.
Eating and Drinking Establishments	C (L)	Conditional uses limited to restaurants as a limited use, subject to TDC 50.210(1).
Medical Office	P	—
Office	P	—
Retail Sales and Services	P/C (L)	Permitted uses limited to child day care centers.  Conditional uses limited to pharmacies, subject to TDC 50.210(3).
<b>INDUSTRIAL USE CATEGORIES</b>		
Light Manufacturing	C (L)	Conditional uses limited to product assembly, subject to TDC 50.210(4).
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations and pressure reading stations.  Conditional uses limited to: <ul style="list-style-type: none"> <li>• Electrical substation;</li> <li>• Natural gas pumping station; and</li> <li>• Water reservoir.</li> </ul>
Greenways and Natural Areas	P	—
Parks and Open Space	P (L)	Permitted uses limited to an athletic practice facility.
Transportation Facilities	P	—
Wireless Communication Facility	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Wireless Communication Facility, if located within 300 feet of the centerline of Interstate 5; and</li> <li>• Wireless Communication Facility Attached.</li> </ul>

		<p>Conditional uses limited to Wireless Communication Facility.</p> <p>Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.</p>
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**TDC 50.210. Additional Limitations on Uses.**

- (1) *Size Limitation on Retail Uses.* If located on land designated Employment Area, Corridor or Industrial Area on Comprehensive Plan Map 10-4, the following uses must not be greater than 60,000 square feet of gross floor area per building or business:
  - (a) Eating and Drinking Establishment; and
  - (b) Retail Sales and Services.
- (2) *Restaurants.* Restaurants are allowed with a conditional use permit when designed as an integral part of a major office complex exceeding 250,000 square feet of gross floor area.
- (3) *Pharmacies.* Pharmacies (as defined by TDC 31.060) are allowed with a conditional use permit when designed as an integral part of a medical office building, clinic or complex containing at least 30,000 square feet of gross floor area and meeting the following criteria:
  - (a) *Maximum Floor Area.* The pharmacy contains no more than 600 square feet of floor area. Additional floor area may be allowed for other, non-dispensing uses if approved as part of the conditional use request. In no event must the total floor area of the pharmacy and any related uses exceed 1200 square feet.
  - (b) *Operations.* The sole function of the pharmacy must be oriented toward dispensing activities associated with prescription drugs and the sale of non-prescription drugs.
  - (c) *Oriented to Patient Traffic.* The pharmacy is designed so as to be oriented toward patient traffic within the building, clinic, or complex, rather than toward passing vehicular traffic.
  - (d) *No Drive-In Windows.* Pharmacies allowed in this zone must not include drive-in window service.
- (4) *Product Assembly.* Assembly of products is allowed with conditional use permit, in conjunction with office and/or research and development activities, meeting the following criteria:
  - (a) *Review of Operations.* All phases of the assembly process are subject to review and approval by the City Manager or designee prior to issuance of a building permit, in the case of a business locating in a new building, or prior to issuance of an occupancy certificate, in the case of a business moving into an existing building.
  - (b) *Associated with Research and Development.* The assembled products are the result of the research and product development of the firm engaged in the assembly process.
  - (c) *Size of Products.* The products are characteristically light and small, such as electronic components, cosmetics, or pharmaceuticals.
  - (d) *Traffic Impacts.* The assembly operation does not require rail service, nor does it generate truck traffic that, through volume and/or turning movements, hamper the efficient flow of traffic on adjacent streets, as determined by the City Engineer in measuring levels of service.

- (e) *Office Environment.* The assembly process is accomplished in an office type environment rather than an industrial or manufacturing type environment.
- (f) *Visual Appearance.* The site development and architectural design required for the activity has the visual appearance of an office campus including low buildings, wood or masonry facades, and extensive landscaping, as opposed to an industrial or warehouse development.
- (g) *Size of Site.* The site being considered is at least 30 acres in size, however, a 30 or more acre site can be subdivided into lots of no less than one acre, with assembly operations allowed on each lot, if prior to any division of the property an overall master site development plan is reviewed and approved by the City Council as part of the conditional use process. Each lot created will include deed restrictions requiring the owner and users of the lots to abide by all provisions of the approved plan. Such deed restrictions will be approved as to form and content by the City Attorney prior to recording the subdivision.

(Ord. No. 1450-20, § 24, 12-14-20)

**Commentary:** Setbacks for housing in the CO zone

While residential uses are not typically allowed in the CO or CC zones, some housing types are permitted in these zones within the Central Tualatin Overlay Zone (Chapter 58). As such, development standards in Chapters 50 and 53 must be C&O as applied to housing. Some of the setbacks in these zones are determined through the Architectural Review Process, which introduces discretion into the review of housing.

The proposed solution for residential uses in the CO zone is to require setbacks to meet the development standards in the RH zone, which is reflected in Table 58-7. Setbacks for commercial uses can still be determined through Architectural Review.

**TDC 50.300. Development Standards.**

Development standards in the CO zone are listed in Table 50-2. Additional standards may apply to some uses and situations, see TDC 50.310. [For Residential Uses permitted within the Central Tualatin Overlay zone, see TDC 58.800, Table 58-7 for applicable modified standards.](#)

**Table 50-2  
Development Standards in the CO Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MINIMUM LOT SIZE</b>		
All Uses	10,000 square feet.	
<b>MINIMUM LOT WIDTH</b>		
Minimum Average Lot Width	80 feet	When lot has frontage on public street, minimum lot width is 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front	20 feet	

Side and Rear	0—15 feet	As determined through Architectural Review Process, except for structures greater than 35 feet in height, which have the following minimum side and rear setbacks: <ul style="list-style-type: none"> <li>• 30 feet when the yard abuts a lot in the RL Zone; or</li> <li>• Zero to 15 feet, as determined through the Architectural Review process, when the yard abuts a lot in a multifamily zone.</li> </ul>
Corner Lots	0—20 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	45 feet	Flagpoles may extend up to 100 feet.

**TDC 50.310. Additional Development Standards.**

- (1) *Outdoor Uses.* All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities and outdoor play areas of child day care centers as required by state day care certification standards.
- (2) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
  - (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
  - (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
    - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
    - (ii) Clean Water Services Vegetated Corridor.
  - (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
    - (i) Dedicated to the City at the City's option;
    - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
    - (iii) Retained in private ownership.
  - (d) *Ownership Considerations.* The decision-making authority must consider, but is not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:

- 
- (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
  - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
  - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
  - (iv) Does the lot connect publicly owned or publicly accessible properties;
  - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
  - (vi) Does the lot provide a public benefit or serve a public need;
  - (vii) Does the lot contain environmental hazards;
  - (viii) Geologic stability of the lot; and
  - (ix) Future maintenance costs for the lot.

(Ord. 1427-19, § 24, 11-25-19)

## CHAPTER 51 NEIGHBORHOOD COMMERCIAL ZONE (CN)

### TDC 51.100. Purpose.

The purpose of this district is to provide locations for commercial uses within close proximity to residential areas, to provide opportunities to serve the needs of residents for convenience shopping and services. The primary uses are intended to include professional offices, services, and retail oriented to the day-to-day needs of adjacent neighborhoods. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to allow for large scale commercial facilities, such as large grocery or department stores, which are more appropriately located within the downtown area.

### TDC 51.110. District Location Standards.

- (1) *District Location.* The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.
- (2) *Street Frontage.* At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

(Ord. No. 1418-19, § 4, 4-22-19; Ord. No. 1454-21, § 1, 3-22-21)

### TDC 51.200. Use Categories.

- (1) *Use Categories.* Table 51-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 51-1 and restrictions identified in TDC 51.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 51-1  
Use Categories in the CN Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P (L)	Permitted uses limited to one (1) dwelling unit for each business located on the lot.
<b>COMMERCIAL USE CATEGORIES</b>		
Retail Sales and Services	P (L)	Permitted uses limited to: General merchandise or variety stores; <ul style="list-style-type: none"> <li>• Food stores, subject to TDC 51.210(1);</li> <li>• Drug store and pharmacy;</li> <li>• Laundry and dry cleaning, subject to TDC 51.210(2);</li> <li>• Beauty and barber shops;</li> </ul> Shoe repair; and <ul style="list-style-type: none"> <li>• Child day care center, subject to TDC 34.100.</li> </ul> All commercial uses subject to floor area limitation, see TDC 51.210(3).
<b>INSTITUTIONAL USE CATEGORIES</b>		
Community Services	P(L)	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations, water quality and flow control facilities. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Transportation Facilities	P	—

(Ord. No. 1454-21, § 2, 3-22-21)

**TDC 51.210. Additional Limitations on Uses.**

- (1) *Food Stores.* Food stores must not exceed 4,000 square feet of gross floor area.
- (2) *Laundry and Dry Cleaning.* Laundry and dry cleaning establishments must be exclusively for the cleaning of clothing and materials of the resident population and must not involve laundry or cleaning of commercial, industrial, or institutional clothing and materials.
- (3) *Commercial Floor Area Limit.* A nonresidential occupant must not occupy more than 10,000 square feet of any building or combination of buildings within a single CN District area.

**TDC 51.300. Development Standards.**

Development standards in the CN zone are listed in Table 51-2. Additional standards may apply to some uses and situations, see TDC 51.310.

**Table 51-2  
Development Standards in the CN Zone**

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>MINIMUM LOT SIZE</b>		
All Uses	20,000 square feet	—
<b>MINIMUM LOT WIDTH</b>		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 100 feet.
Minimum Lot Width at the Building Line	100 feet	—
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
<b>MINIMUM SETBACKS</b>		
Front	10 feet	
Side and Rear	0— 15 feet	<u>For Residential Uses, side and rear setbacks shall comply with setback standards of the RML District, per TDC 43.300, Table 43-3.</u>  For non-residential uses, As determined through Architectural Review Process.
Corner Lots	0—10 feet along each frontage	<u>For Residential Uses, side and rear setbacks shall comply with the setback standards of the RML District, per TDC 43.300, Table 43-3.</u>  For non-residential uses, must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
<b>MAXIMUM SETBACK</b>		
Front	20 feet	See standards in TDC 51.310(3).
<b>MAXIMUM LOT COVERAGE</b>		
All Uses	75 percent	Includes both building and parking areas. All land not covered by buildings or parking must be landscaped.
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	25 feet	In addition to meeting the maximum height limit, where a property line or alley separates CN land from land in a residential district, a building must not be greater than 20 feet in height at the setback line; and a building or structure must not extend above a plane beginning at 20 feet in height above that setback line

		and extending inward and upward at a slope of 45 degrees.
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**TDC 51.310. Additional Development Standards.**

- (1) *Building and Driveway Orientation.* All commercial uses in CN District must be oriented and have primary driveway access to an arterial or collector street. No more than one driveway may access a neighborhood route or street with a Local classification.
- (2) *Building Design.* All commercial buildings must be of a general residential character, including the following design elements:
  - (a) *Facade Design.* All building facades must be of wood or brick and, if painted, must be in muted, earth tone colors.
  - (b) *Roof Forms.* All roofs must be compatible with the surrounding residential area as determined through the Architectural Review process.
- (3) *Frontage Requirements.* ~~Commercial~~ Buildings must meet the following frontage requirements:
  - (a) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
  - (b) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
  - (c) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met.
    - (i) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
    - (ii) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
    - (iii) A minimum of 10 percent of the pedestrian amenity space must be landscaped.
    - (iv) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.
- (4) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
  - (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
  - (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
    - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
    - (ii) Clean Water Services Vegetated Corridor.
  - (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:

- 
- (i) Dedicated to the City at the City's option;
  - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
  - (iii) Retained in private ownership.
- (d) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
- (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
  - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
  - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
  - (iv) Does the lot connect publicly owned or publicly accessible properties;
  - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
  - (vi) Does the lot provide a public benefit or serve a public need;
  - (vii) Does the lot contain environmental hazards;
  - (viii) Geologic stability of the lot; and
  - (ix) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 25, 11-25-19)

## CHAPTER 52 RECREATIONAL COMMERCIAL ZONE (CR)

### **TDC 52.100. Purpose.**

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

**Commentary:** Use Categories in the CR Zone

The CR zone is applied to the Roamer’s Rest area between the Tualatin River and Highway 99-W. The purpose of the zone (per TDC 52.100) is to support commercial and related uses.

The CR zone allows Multifamily Structures and Manufactured Dwelling Parks as conditional uses, so a C&O path needs to be established. Additionally, the setbacks in Table 52-2 (Development Standards) have the same issue as noted above regarding Architectural Review. Access management is also determined by the City Manager, which is discretionary.

The proposed solution is to allow these uses by right and apply the C&O development standards of another residential zone – such as the RMH zone. Accordingly, household living is proposed to be changed to “permitted” in the CR Zone and limited to Multifamily Structures and Manufactured Dwelling Parks.

**POLICY QUESTION FOR PLANNING COMMISSION AND CITY COUNCIL:**

Should multifamily housing and manufactured dwelling parks be permitted by right in the CR zone, as shown below? Or should they be prohibited, given that the stated purpose of this zone is “allowing and encouraging commercial and related uses”?

**TDC 52.200. Use Categories.**

- (1) *Use Categories.* Table 52-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CR zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 52-1 and restrictions identified in TDC 52.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 52-1  
Use Categories in the CR Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	C-P (L)	Conditional Permitted uses limited to: <ul style="list-style-type: none"><li>• Multi-Family Multifamily Structures;</li><li>• Manufactured Dwelling Parks.</li></ul>
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home, subject to ORS 329A.440.
Group Living	C (L)	Conditional uses limited to residential facilities.
<b>COMMERCIAL USE CATEGORIES</b>		
Commercial Lodging	P (L)	Permitted uses limited to motels.
Commercial Recreation	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"><li>• Boat dock, marina and boat rental;</li><li>• Public or private camping or picnic grounds,</li></ul>

		<p>including recreational vehicle parking;</p> <ul style="list-style-type: none"> <li>• Private meeting, club or lodge hall; and</li> <li>• Dance hall.</li> </ul> <p>Conditional uses limited to family recreation center.</p>
Durable Goods Sales	P (L)	Permitted uses limited to nursery or greenhouse with retail sales, subject to TDC 52.120(3)
Eating and Drinking Establishments	P/C (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> <li>• Restaurant, without drive-in service;</li> <li>• Restaurant, take-out;</li> <li>• Tavern or cocktail lounge.</li> </ul> <p>Conditional uses limited to restaurant with drive-in service.</p>
Quick Vehicle Servicing	P (L)	Permitted uses limited to Automobile Service Station, subject to TDC 52.210(1).
Retail Sales and Services	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> <li>• Bakery, for retail sale on the premises only;</li> <li>• Marine supply store; and</li> <li>• Food stores, subject to TDC 52.210(2).</li> </ul> <p>All uses are subject to TDC 52.120(3).</p>
<b>INSTITUTIONAL USE CATEGORIES</b>		
Community Services	P (L)	Permitted uses limited to community centers, youth or senior centers, open to the general public.
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	<p>Permitted uses limited to sewer and water pump stations and pressure reading stations.</p> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> <li>• Electrical substation;</li> <li>• Natural gas pumping station; and</li> <li>• Water reservoir.</li> </ul>
Greenways and Natural Areas	P	—
Parks and Open Areas	P	—
Transportation Facilities	P	—
Wireless Communications Facilities	P/C (L)	<p>Permitted uses limited to Wireless Communication Facility Attached.</p> <p>Conditional uses limited to Wireless Communication Facility.</p> <p>Subject to maximum height and minimum setback</p>

		standards defined by TDC Chapter 73F.
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**TDC 52.210. Additional Limitations on Uses.**

- (1) *Automobile Service Stations.* The following development standards apply to all automobile service stations in the CR planning district:
  - (a) The minimum street frontage on each street on a corner lot is 120 feet.
  - (b) The minimum street frontage on an interior lot is 150 feet;
  - (c) The minimum building setback from any street right-of-way is 40 feet;
  - (d) The minimum pump island setback from any lot line is 15 feet;
  - (e) Only two access points are allowed for an interior lot. A corner lot and a through lot are allowed only one access per street frontage;
  - (f) The storage and display of merchandise such as tires and batteries offered for sale must be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building;
  - (g) Outside storage or sale of any vehicles is not permitted;
  - (h) All exterior walls and pump islands must be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between; and
  - (i) There must be no major repair or service activity, other than the dispensing of fuel products, outside the building.
- (2) *Food Stores.* Food stores must not exceed 4,000 square feet of gross floor area.
- (3) *Size Limitation on Retail Uses.* If located on land designated Employment Area, Corridor or Industrial Area on Comprehensive Plan Map 10-4, uses in the following categories must not be greater than 60,000 square feet of gross floor area per building or business:
  - (a) Retail Sales and Services; and
  - (b) Durable Goods Sales.

(Ord. No. 1450-20, § 25, 12-14-20)

**TDC 52.300. Development Standards.**

Development standards in the CR zone are listed in Table 52-2. Additional standards may apply to some uses and situations, see TDC 52.310.

**Table 52-2  
Development Standards in the CR Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MAXIMUM DENSITY</b>		

<del>Multi-Family</del> Multifamily Structures and Manufactured Dwelling Parks	10 units per acre	—
<b>MINIMUM LOT SIZE</b>		
All Uses	10,000 square feet	
<b>MINIMUM LOT WIDTH</b>		
Minimum Average Lot Width	75 feet	When lot has frontage on public street, minimum lot width is 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front	20 feet	
Side and Rear	0 - 15 feet	<u>For Residential Uses, side and rear setbacks shall comply with the setback standards of the RMH District, per TDC 42.300, Table 42-3.</u>  For non-residential uses, setbacks determined through Architectural Review Process.
Corner Lots	0 - 20 feet along each frontage	<u>For Residential Uses, side and rear setbacks shall comply with the setback standards of the RMH District, per TDC 42.300, Table 42-3.</u>  For non-residential uses, setbacks must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	From public right-of-way or property line, except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	35 feet	Flagpoles may extend up to 100 feet.

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## TDC 52.310. Additional Development Standards.

- (1) *Access Management.*
  - (a) Residential standard. Where a proposed development includes residential uses, driveway access must be limited such that there is no more than one driveway for every two properties.
  - (b) Non-residential standard. Wherever possible, as determined by the City Manager or designee, driveway access will be shared by adjacent properties so that there is no more than one driveway for every two properties.
  - (c) In any event, no more than one two-way driveway or two one-way driveways may serve each lot.
- (2) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
  - (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
  - (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
    - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
    - (ii) Clean Water Services Vegetated Corridor.
  - (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
    - (i) Dedicated to the City at the City's option;
    - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
    - (iii) Retained in private ownership.
  - (d) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
    - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
    - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
    - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
    - (iv) Does the lot connect publicly owned or publicly accessible properties;
    - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
    - (vi) Does the lot provide a public benefit or serve a public need;
    - (vii) Does the lot contain environmental hazards;
    - (viii) Geologic stability of the lot; and
    - (ix) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 26, 11-25-19)

## CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

### TDC 53.100. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides areas suitable for civic, social and cultural functions serving the general community.

### TDC 53.200. Use Categories.

- (1) *Use Categories.* Table 53-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CC zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 53-1 and restrictions identified in TDC 53.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 53-1  
Use Categories in the CC Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
<b>COMMERCIAL USE CATEGORIES</b>		
Commercial Lodging	P	—
Commercial Recreation	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink;</li> <li>• Private meeting hall, club or lodge hall, or fraternal organizations; and</li> <li>• Health studio.</li> </ul>
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Furniture store, including antiques and second-hand furniture; and</li> <li>• Appliance store, subject to TDC 53.210(2); and</li> <li>• Retail sales of home improvement materials and supplies, subject to TDC 53.210(3)</li> </ul>
Eating and Drinking Establishments	P	Some restrictions in the Central Tualatin Overlay Zone see TDC Chapter 58.
Medical Office	P	—
Office	P	—

Retail Sales and Services	P/C	Conditional use permit required for veterinary clinic. Memorial Planning and Products Center (as defined in TDC 39.115) not permitted. All other uses permitted outright. All uses subject to TDC 53.210(4).
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C	—
Colleges, Universities and Private Career Schools	P/C (L)	Permitted uses limited to business college. All other use are conditional uses.
Community Services	P	—
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations and pressure reading stations.  Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P	—
Public Safety Facilities	P/C (L)	Conditional uses limited to publicly- and privately-operated ambulance facilities.  All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facilities	P(L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Wireless Communication Facility Attached; and</li> <li>• Wireless Communication Facility, located within 300 feet of the centerline of I-5.</li> </ul>

(Ord. No. 1484-24, § 2, 4-22-24)

**TDC 53.210. Additional Limitations on Uses.**

- (1) *Appliance Stores.* Incidental repair of appliances is permitted as an accessory use.
- (2) *Veterinary Clinic.* Veterinary clinics may be permitted as a conditional use if treatment is limited to small animals.
- (3) *Retail Sales of Home Improvement Materials and Supplies.* The retail sales of home improvement materials and supplies must not be greater than 65,000 square feet of gross floor area per building or tenant.
- (4) *Outdoor Uses.* All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)—(b), below.
  - (a) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.

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(b) *Conditional Uses.*

- (i) Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:
  - (A) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
  - (B) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
  - (C) The outdoor area must abut a wall of the store.
  - (D) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
  - (E) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
- (ii) Portable collection facilities, as an accessory use, require a conditional use permit and are subject to the following standards:
  - (A) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;
  - (B) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;
  - (C) Items must not be stored outside the facility, except for temporary storage of oversized goods;
  - (D) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
  - (E) Adequate receptacle must be provided for items dropped off during times the facility is not attended.

(Ord. No. 1484-24, § 2, 4-22-24)

**Commentary:** Setbacks for housing in the CC zone

While residential uses are not typically allowed in the CO or CC zones, some housing types are permitted in these zones within the Central Tualatin Overlay Zone (Chapter 58). As such, development standards in Chapters 50 and 53 must be C&O as applied to housing. Some of the setbacks in these zones are determined through the Architectural Review Process, which introduces discretion into the review of housing.

The proposed solution for residential uses in the CC zone is to require setbacks to meet the development standards in the RH zone, as reflected in Table 58-7. Setbacks for commercial uses can still be determined through Architectural Review.

**TDC 53.300. Development Standards.**

Development standards in the CC zone are listed in Table 53-2. Additional standards may apply to some uses and situations, see TDC 53.310. [For Residential Uses permitted within the Central Tualatin Overlay zone, see TDC 58.800, Table 58-7 for applicable modified standards.](#)

**Table 53-2  
Development Standards in the CC Zone**

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>MINIMUM LOT SIZE</b>		
All Uses	5,000 square feet	
<b>MINIMUM LOT WIDTH</b>		
Minimum Average Lot Width	75 feet	When lot has frontage on public street or is located on a cul-de-sac street, minimum lot width at the street must be 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front	None	Determined through Architectural Review Process. Buildings over 45 feet in height are subject to TDC 53.310(1). Residential garage doors facing public street must be set back 20 feet from public right-of-way.
Side and Rear	0 - 20 feet	Determined through Architectural Review Process.
Rear	0 - 15 feet	Determined through Architectural Review Process.
Corner Lots	0 - 20 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
<b>MAXIMUM SETBACK</b>		
Front	20 feet	See standards in TDC 53.310(2).
<b>MAXIMUM STRUCTURE HEIGHT</b>		

All Uses	45 feet	Flagpoles may extend up to 100 feet.  Height bonus available in limited locations, see TDC 53.410(1).
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(Ord. No. 1486-24, § 7, 6-10-24)

**TDC 53.310. Additional Development Standards.**

- (1) *Height Bonus.* In the CC zone, north of SW Boones Ferry Road and south of the Tualatin River, the maximum height for a structure is 125 feet, when approved with a conditional use permit and subject to the following setback requirements:
  - (a) *Front yard.* Any structure south of Hedges Creek must comply with the CC District setbacks and any structure north of Hedges Creek must comply with the TDC Chapter 72 setbacks for Hedges Creek.
  - (b) *Side yard.* The minimum side yard setback is:
    - (i) For structures 45 feet or less in height, zero to 15 feet as determined through the Architectural Review process;
    - (ii) For structures greater than 45 feet, but less than 84 feet, the side yard setback must be 30 feet for that portion of the structure greater than 45 feet and less than 84 feet in height; and
    - (iii) For structures greater than 84 feet but less than or equal to 125 feet in height, the side yard setback must be 45 feet for that portion of the building greater than 84 feet in height.
- (2) *Frontage Requirements.* ~~Commercial~~ Buildings must meet the following frontage requirements:
  - (a) On sites with 100 feet or more of street frontage, at least 50 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
  - (b) On sites with less than 100 feet of frontage, at least 40 percent of the site width must be occupied by a building(s) meeting the maximum setback standard.
  - (c) A publicly accessible plaza or other pedestrian amenity space may be used to meet up to 20 percent of the frontage requirement, provided the following standards are met.
    - (i) The space must abut the sidewalk of a public street and must be hardscaped for pedestrian use.
    - (ii) The space must include benches or seating that provide at least 5 linear feet of seats. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.
    - (iii) A minimum of 10 percent of the pedestrian amenity space must be landscaped.
    - (iv) A minimum of one tree is required for each 500 square feet of pedestrian amenity space.

(Ord. 1414-18, 12-10-18)

[...]

## CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)<sup>1</sup>

### TDC 57.010. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

(Ord. No. 1438-20, § 14, 6-22-20)

### TDC 57.200. Use Categories.

- (1) *Use Categories.* Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

**Table 57-1  
Use Categories in the MUC**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 57.220
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P	—
Commercial Parking	P	—
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Retail sale of furniture and large appliances, pursuant to TDC 57.210; and</li> <li>• Battery electric vehicle showroom subject to TDC 57.210</li> </ul>

<sup>1</sup>Editor's note(s)—Ord. No. 1438-20, §§ 13, 14, adopted June 22, 2020, repealed ch. 57, §§ 57.005—57.900 and enacted a new ch. 57 as set out herein. Former ch. 57 pertained to mixed use commercial overlay district and derived from Ord. 1062.00, § 9, adopted December 11, 2000; Ord. 1062-00, adopted January 3, 2001; Ord. 1103-02, adopted March 25, 2002; Ord. 1246-07, § 1, adopted September 10, 2007; Ord. 1247-07, adopted October 22, 2007; and Ord. 1427-19, § 28, adopted November 25, 2019.

		Conditional uses limited to: <ul style="list-style-type: none"> <li>Outdoor sales subject to TDC 57.210.</li> </ul>
Eating and Drinking Establishments	P (L)	Drive-through facilities prohibited. All other uses permitted outright.
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Other Educational and Vocational Servicing	P	—
Quick Vehicle Servicing	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>Automobile service station subject to TDC 57.210.</li> </ul>
Retail Sales and Services	P/C (L)	Pet day care without outdoor activity area is permitted outright. Mortuaries prohibited. Drive-through facilities prohibited. Conditional uses limited to: <ul style="list-style-type: none"> <li>Outdoor sales subject to TDC 57.210.</li> </ul> All other retail sales and service uses permitted outright.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>Religious institutions or major event entertainment.</li> </ul>
Colleges, Universities, and Private Career Schools	C	—
Community Services	P	—
Medical Centers	C	—
Schools	C	—
<b>INFRASTRUCTURE AND UTILITIES CATEGORIES</b>		
Basic Utilities	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>Sewer and water pump stations;</li> </ul>

		<ul style="list-style-type: none"> <li>• Pressure reading stations.</li> </ul>
Greenways and Natural Areas	P	P
Parks and Open Space	P (L)	<p>Golf courses and country clubs prohibited.</p> <p>All other uses permitted outright.</p>
Public Safety Facilities	P/C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> <li>• Fire stations; and publicly- and privately-operated ambulance facilities.</li> </ul> <p>All other uses permitted outright.</p>
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> <li>• Wireless communication facility attached.</li> </ul>

(Ord. No. 1438-20, § 14, 6-22-20; Ord. No. 1484-24, § 4, 4-22-24)

**TDC 57.210. Additional Limitations on Uses.**

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
  - (a) *Retail sale of furniture and large appliances.*
    - (i) The building footprint is less than 60,000 square feet of gross floor area.
    - (ii) Incidental repair of appliances is permitted as an accessory use.
  - (b) *Battery Electric Vehicle Showroom.*
    - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
    - (ii) Must contain all sales inventory, materials, equipment, and up to four vehicles for test drives inside a building.
  
- (2) *Outdoor uses.* All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a), (b) below.
  - (a) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
  - (b) *Conditional Uses.* Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:
    - (i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
    - (ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
    - (iii) The outdoor area must abut a wall of the store.

- (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
  - (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
- (3) *Major event entertainment.* Requires a conditional use permit and are subject to the following standards:
- (a) Excludes outdoor entertainment.
- (4) *Automobile Service Station.* Requires a conditional use permit and are subject to the following standards:
- (a) The minimum street frontage on each street on a corner lot is 120 feet.
  - (b) The minimum street frontage on an interior lot is 150 feet.
  - (c) The minimum building setback from any street right-of-way is 40 feet.
  - (d) The minimum pump island set-back from any lot line is 15 feet.
  - (e) Only two access points are allowed for an interior lot. A corner lot and a through lot are allowed only one access per street frontage.
  - (f) The storage and display of merchandise such as tires and batteries offered for sale must be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.
  - (g) Outside storage or sale of any vehicles is not permitted.
  - (h) Must comply with TDC Chapter 34.200.

(Ord. No. 1438-20, § 14, 6-22-20; Ord. No. 1484-24, § 4, 4-22-24)

**Commentary:** Housing Types in the MUC Zone

Similar to the residential zones, Retirement Housing Facilities are proposed to be updated from Conditional (C) to Permitted (P) in the MUC Zone. See commentary in Section 40.210 for further discussion.

**TDC 57.220. Housing Types.**

Table 57-2 lists housing types permitted in the Mixed-Use Commercial District. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N).

**Table 57-2  
Housing Types in the MUC**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
<del>Duplex</del> ; Townhouse (or Rowhouse)	P	
<del>Multi-Family</del> Multifamily Structure	P	
Manufactured Dwelling	N	
Manufactured Dwelling Park	N	

Retirement Housing Facility	<u>C-P</u>	Subject to TDC 34.400
Congregate Housing Facility	<u>C</u>	Subject to TDC 34.400.
Residential Home	N	

(Ord. No. 1438-20, § 14, 6-22-20)

**TDC 57.300. Development Standards.**

Development standards in the MUC zone are listed in Table 57-3. Additional standards may apply to some uses and situations, see TDC 57.400.

Table 57-3  
Development Standards in the MUC District

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	None	
MINIMUM SETBACKS		
Front	None	
Interior Side and Rear	0-20 feet	Setbacks are 20 feet where the site abuts a residential district.
Corner	None	
MAXIMUM SETBACKS		
<i>Commercial Uses</i>		
Front/Corner	10 feet	
<i>Residential Uses</i>		
Front/Corner	20 feet	
MINIMUM STRUCTURE HEIGHT		
All uses	20 feet	Except for theaters and cinemas which can be one story
MAXIMUM STRUCTURE HEIGHT		
All uses	70 feet	Refer to Figure 57-1
MINIMUM FLOOR AREA RATIO		
All uses	0.5	Floor Area Ratio <del>R</del> does not apply to residential-only projects.
DENSITY		
All uses with a residential component	25-50 units per acre	
MAXIMUM LOT COVERAGE		
All uses	90%	

(Ord. No. 1438-20, § 14, 6-22-20)

## CHAPTER 58 CENTRAL TUALATIN OVERLAY ZONE

### TDC 58.100 Purpose.

The overall goal of the Central Tualatin Overlay Zone is to strengthen the social and economic development of central Tualatin; encourage and facilitate land uses, private and public, that result in activity during all business hours, evenings, nights, and weekends; and to encourage indoor and outdoor uses. The overlay zone regulations are intended to ensure development contributes towards these goals.

(Ord. No. 1450-20, § 29, 12-14-20)

### TDC 58.110 Zone Boundaries.

The boundaries of the Central Tualatin Overlay Zone and block numbers are depicted in Comprehensive Plan Map 10-3.

(Ord. No. 1450-20, § 30, 12-14-20)

### TDC 58.200 Use Categories in the CC Zone.

- (1) *Modifications to Base Zone Use Regulations.* Some of the uses permitted in the CC zone are modified in the Central Tualatin Overlay zone. Table 58-1 lists use categories that are modified in the overlay zone as Permitted Outright (P), Conditionally Permitted (C), or Prohibited (N). Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 58-1 and restrictions identified in TDC 58.210. Use categories not listed in Table 58-1 are regulated as specified in the CC zone see TDC Chapter 53.
- (2) *Sub-Districts.* Modifications to use regulations may vary by the sub-district within the overlay zone. There are three sub-districts within the CC zone in the Central Tualatin Overlay Zone. These sub-districts are defined by the block numbers listed below, except as otherwise noted.
  - (a) *Residential Sub-District.* Blocks 2, 3, 15, 16, 17, 18, 19, 20, 22 and 23.
  - (b) *Commercial Sub-District.* Block 30.
  - (c) *Central Design District.* Central Design District shown on Figure 73-4 and Map 8 of the Central Urban Renewal Plan.

**Table 58-1  
Modifications to Use Regulations in the CC Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P (L)	Residential Sub-District: Permitted housing types limited to: <ul style="list-style-type: none"> <li>• Townhouses;</li> <li>• Duplexes;</li> <li>• Triplexes;</li> <li>• Quadplexes;</li> <li>• Cottage Clusters;</li> </ul>

		<ul style="list-style-type: none"> <li>• <del>Multi-Family</del>Multifamily Structure;</li> <li>• Retirement Housing Facility, <del>subject to Subject to TDC 58.210(1);</del> and</li> <li>• Residential Homes.</li> </ul>
Group Living	P (L)	Residential Sub-District: Permitted uses limited to: <ul style="list-style-type: none"> <li>• Residential Facilities; and</li> <li>• Congregate Care Facility, subject to 58.210(1)</li> </ul>
<b>COMMERCIAL USE CATEGORIES</b>		
All uses permitted in the CG zone	P (L)	Commercial Sub-District: All uses permitted in the CG zone, pursuant to TDC 54.200, are permitted.
Eating and Drinking Establishments	N	Central Design District: Take-out restaurant and drive-through facilities are prohibited. <sup>1</sup>
Retail Sales and Service	C/N	Central Design District: <ul style="list-style-type: none"> <li>• Photo service drive-through facilities are prohibited.<sup>1</sup></li> <li>• Bank drive-through facilities and other drive-through facilities are permitted as a conditional use.</li> </ul>
<p><u>Notes:</u></p> <p>1. New drive-through restaurant and photo service facilities are prohibited in the Central Tualatin Overlay Zone. Drive-through facilities existing as of November 24, 2025 may be rebuilt, expanded, or relocated on the site but must meet the standards in TDC 73A.110(6).</p> <p>If the existing use with the drive-through facility is discontinued for one year, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. This provision prevails over any allowance in the nonconforming use and development chapter regarding discontinuation and reestablishment of a nonconformity.</p>		

(Ord. No. 1450-20, § 31, 12-14-20; Ord. No. 1463-21, § 21, 12-13-21)

**TDC 58.210 Additional Standards in the CC Zone.**

- (1) ~~Retirement Housing~~Congregate Care Facility. Retirement housingCongregate Care Facilities permitted in the Residential Sub-District ~~is~~are allowed as part of a mixed-use development or as a stand alone development. Congregate Care Facilities are subject to ~~the following~~additional standards in TDC 34.400.:
- (a) ~~The building, or dwelling units in a mixed-use building, must be designed or renovated specifically for retirement housing;~~
  - (b) ~~A retirement housing building, or retirement housing areas of a mixed-use building, must not be occupied without first obtaining a valid State license. A valid State license must be maintained at all times as a condition of occupancy;~~
  - (c) ~~Public facilities must have capacity to serve the proposed development;~~
  - (d) ~~The housing may be provided as congregate care or as separate units in a retirement housing facility or any combination thereof; and~~

~~(e) Occupancy of retirement housing is limited to persons 55 years of age and older. In the case of couples, one member of the couple must be 55 years of age or older. This restrictive condition must be recorded in the County deed records.~~

- (2) *Architectural Focal Elements.* Architectural focal elements are permitted on Blocks 14, 17, 18 and 20 of the Central Tualatin Overlay Zone.

**TDC 58.300 Use Categories in the CG Zone.**

- (1) *Modifications to Base Zone Use Regulations.* Some of the uses permitted in the CG zone are modified in the Central Tualatin Overlay zone. Table 58-3 lists use categories that are modified in the overlay zone as Permitted Outright (P), Conditionally Permitted (C), or Prohibited (N). Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 58-3. Use categories not listed in Table 58-3 are regulated as specified in the CG zone see TDC Chapter 54.
- (2) *Sub-Districts.* Block 11 is the only sub-district in the overlay zone. The modifications to use regulations in Table 58-3 apply exclusively to Block 11.

**Table 58-3  
Modifications to Use Regulations in the CG Zone (Block 11)**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>COMMERCIAL USE CATEGORIES</b>		
Retail Sales and Service	N	Pet Day Care prohibited.
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Wireless Communication Facilities	N	All wireless communication facilities prohibited.

(Ord. No. 1450-20, § 32, 12-14-20)

**TDC 58.400 Use Categories in the CO Zone.**

- (1) *Modifications to Base Zone Use Regulations.* Some of the uses permitted in the CO zone are modified in the Central Tualatin Overlay zone. Table 58-4 lists use categories that are modified in the overlay zone as Permitted Outright (P), Conditionally Permitted (C), or Prohibited (N). Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 58-4. Use categories not listed in Table 58-4 are regulated as specified in the CO zone see TDC Chapter 50.
- (2) *Sub-Districts.* Block 1 is the only sub-district in the overlay zone. The modifications to use regulations in Table 58-4 apply exclusively to Block 1.

**Table 58-4  
Modifications to Use Regulations in the CO Zone (Block 1)**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P (L)	Permitted housing types limited to: <ul style="list-style-type: none"> <li>• Townhouse; <del>and</del></li> <li>• <del>Multi-Family</del> Multifamily Structure; and <del>duplex</del></li> <li>• Residential Home.</li> </ul>
Residential Accessory Uses	P (L)	Permitted uses limited to Family Day Care subject to ORS 329A.440.

Group Living	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>Residential Facility.</li> </ul>
<b>COMMERCIAL USE CATEGORIES</b>		
Commercial Lodging	C	—
Commercial Recreation	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and</li> <li>Private meeting hall, club or lodge hall, or fraternal organizations.</li> </ul>
Durable Goods Sales	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>Furniture store, including antiques and second-hand furniture;</li> <li>Appliance store, subject to TDC 53.210(2).</li> </ul>
Eating and Drinking Establishments	C	—
Retail Sales and Services	C/N	Memorial Planning and Products Center (as defined in TDC 39.115) not permitted.  All other uses permitted as conditional uses.
<b>INSTITUTIONAL USE CATEGORIES</b>		
Colleges, Universities and Private Career Schools	C (L)	Conditional uses limited to business college.
Community Services	C	—
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
Parks and Open Areas	C (L)	Conditional uses limited to public park or playground.
Public Safety Facilities	C	—
Wireless Communication Facilities	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>Wireless Communication Facility Attached; and</li> <li>Wireless Communication Facility, located within 300 feet of the centerline of I-5. Maximum height and minimum setbacks subject to TDC Chapter 73F.</li> </ul>

(Ord. No. 1450-20, § 33, 12-14-20)

**TDC 58.500 Use Categories in the ML Zone.**

- (1) *Modifications to Base Zone Use Regulations.* Some of the uses permitted in the ML zone are modified in the Central Tualatin Overlay zone. Table 58-6 lists use categories that are modified in the overlay zone as Permitted Outright (P), Conditionally Permitted (C), or Prohibited (N). Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 58-6. Use categories not listed in Table 58-6 are regulated as specified in the ML zone see TDC Chapter 60.
- (2) *Sub-Districts.* Blocks 28 and 29 are the only sub-districts in the overlay zone. The modifications to use regulations in Table 58-6 apply exclusively to Blocks 28 and 29.

**Table 58-6  
Modifications to Use Regulations in the ML Zone (Blocks 28 and 29)**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>COMMERCIAL USE CATEGORIES</b>		
Commercial Recreation	P (L)	Permitted uses limited to health or fitness facility.
Durable Goods Sales	P (L)	Some uses subject to limitations, see TDC 58.510(1).
Eating and Drinking Establishments	P (L)	All uses subject to TDC 58.510(2).
Medical Office	P	—
Office	P	—
Other Educational and Vocational Services	P	—
Quick Vehicle Servicing	N	Retail automobile service stations (gas stations) and nonretail cardlock stations (cardlock gas stations) are prohibited.
Retail Sales and Services	P	—
Vehicle Repair	P	—
Vehicle Storage	P (L)	Permitted uses limited to automobile towing company office and dispatch office with no outdoor storage of towed vehicles.
<b>INDUSTRIAL USE CATEGORIES</b>		
Light Manufacturing	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Assembly, packaging, and treatment of beer and other alcohol products, with or without a tasting or tap room;</li> <li>• Optical lens grinder; and</li> <li>• Testing laboratory.</li> </ul>
<b>INSTITUTIONAL USE CATEGORIES</b>		
Colleges, Universities and Private Career Schools	P (L)	Permitted uses limited to business college.

(Ord. No. 1450-20, § 34, 12-14-20)

**TDC 58.510 Additional Standards in the ML Zone.**

- (1) *Durable Goods Sales*. Additional limitations apply to Durable Goods Sales uses, as specified by this section:
- (a) *Home Improvement Stores*. Garden tractors sold on-site must not exceed 25 horsepower.
  - (b) *Auto Leasing Office*. No more than five (5) vehicles may be stored on site.
  - (c) *Boat, Boat Motor and Boat Trailer Sales*.
    - (i) Maintenance, service and repair of boats, motors and trailers is not permitted.
    - (ii) The scale of products sold on-site is limited as follows:
      - (A) Boats must not exceed 18 feet in length; and
      - (B) Boat motors must not exceed 40 horsepower.

- 
- (2) *Eating and Drinking Establishments.* Eating and Drinking Establishments are subject to the following provisions:
- (a) Drive-through facilities are prohibited; and
  - (b) Take-out restaurants must be smaller than 1,500 square feet, seat no more than 50 people, and be located at least 200 feet away from a public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant must be at least 100 feet away from a public street right-of-way.
- (3) *Outdoor Uses.* All additional uses permitted in the ML Plan District pursuant to this section must be conducted wholly within an enclosed building, except the following:
- (a) *Home Improvement Stores.* Building and home improvement materials and supplies retail sales store's that have a gross floor exceeding 50,000 square feet may have an outdoor storage, display, and sales area subject to the following provisions:
    - (i) The outdoor area must abut a wall of the store;
    - (ii) The outdoor area must not exceed 15,000 square feet;
    - (iii) No less than 50 percent of the outdoor area must be covered by a permanent roof;
    - (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than 6 feet in height as approved through the Architectural Review process; and
    - (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
  - (b) *Boat, Boat Motor and Boat Trailer Sales.* Retail sales of boats, motors, and trailers may have an outdoor storage, display, and sales area subject to the following provisions:
    - (i) The sales of boats, motors, and trailers must not be the primary products sold by the store;
    - (ii) The outdoor area must abut a wall of the store;
    - (iii) The outdoor area must not exceed 5,000 square feet;
    - (iv) No less than 25 percent of the outdoor area must be covered by a permanent roof;
    - (v) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height as approved through the Architectural Review process; and
    - (vi) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level;
- (4) *Size Limitation.* All additional uses, or combination of additional uses, permitted in the ML Plan District pursuant to this section cannot exceed 60,000 square foot per parcel.

### **TDC 58.600 Use Categories in the RH Zone.**

- (1) *Modifications to Base Zone Use Regulations.* Within the Central Tualatin Overlay Zone, the uses permitted in the RH zone may be mixed with the uses permitted in the CC zone. Development standards for sites within the RH zone in the Central Tualatin Overlay are subject to TDC 58.800.
  - (2) *Sub-Districts.* Blocks 25 and 4 are the only sub-districts in the overlay zone.
- (Ord. No. 1450-20, § 35, 12-14-20)

**TDC 58.700 Use Categories in the RH-HR Zone.**

Within the Central Tualatin Overlay Zone, the uses permitted in the RH-HR zone are not modified. The RH-HR zone allows for high-density development in the Central Tualatin Overlay Zone. Some development standards, including density and minimum lot size, for sites within the RH-HR zone in the Central Tualatin Overlay are subject to TDC 58.800.

**Commentary:** Standards for housing in the in the Central Tualatin Overlay District

The proposed amendments in Table 58-7 are similar to those proposed for residential uses in the CO and CC zones within Central Tualatin (see commentary in Sections 50.300 and 53.300). The proposed changes establish C&O standards by requiring setbacks to meet the development standards in the RH zone. Setbacks for non-residential uses can still be determined through Architectural Review.

**TDC 58.800 Central Tualatin Overlay Development Standards.**

- (1) Development standards in the Central Tualatin Overlay Zone are listed in Table 58-7 by zone and by block. Where no standard is listed, the standards of the base zone apply.
- (2) *Exceptions.* Existing nonconforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 58-7  
Development Standards in the Central Tualatin Overlay District**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>CENTRAL COMMERCIAL (CC)</b>		
Density within the Residential Sub-District	16-25 dwelling units per acre	
Minimum Lot Width	40 feet	For mixed use developments, and multi-family multifamily dwellings on separate lots, lot areas, widths and frontages <u>must comply with the standards of the RH District, per TDC 43.300, Table 43-3, are determined through the Architectural Review Process.</u>
Minimum Lot Width at the Street	40 feet	
Minimum Lot Width at the Street on a Cul-De-Sac Street	35 feet	
<u>Minimum Setbacks</u>	=	<u>For Residential Uses, setbacks shall comply with the standards of the RH District, per TDC 43.300, Table 43-3.</u>
<b>GENERAL COMMERCIAL (CG)</b>		
Minimum Lot Size	25,000 square feet	—
Minimum Lot Width	100 feet	—
Minimum Lot Width at the Street	40 feet	—
Minimum Lot Width at the Street on a Cul-De-Sac Street	40 feet	—

<b>OFFICE COMMERCIAL OFFICE (CO)</b>		
Density	16-25 dwelling unit per acre	
Minimum Lot Size	25,000 square feet	Lot sizes for townhouses must conform to the lot size standards of the RH District.
<u>Minimum Setbacks</u>	—	<u>For Residential Uses, side, rear, and corner lot setbacks shall comply with the standards of the RH District, per TDC 43.300, Table 43-3.</u>
<b>LIGHT MANUFACTURING (ML)</b>		
Minimum Lot Size, Block 28	20,000 square feet	—
Minimum Lot Size, Block 29	25,000 square feet	—
<b>GENERAL MANUFACTURING (MG)</b>		
Minimum Lot Size, Block 24	25,000 square feet	
<b>RESIDENTIAL HIGH DENSITY (RH)</b>		
Density	16—25 dwelling units per acre	
Minimum Lot Size, Block 25	40,000 square feet	When permitted uses are mixed with the uses permitted in the CC zone, lot sizes <del>are determined through the Architectural Review Process,</del> shall comply with the standards of the RH District, per TDC 43.300, Table 43-3.
Minimum Setbacks, Block 25	—	When permitted uses are mixed with the uses permitted in the CC zone, setbacks <del>shall comply with the standards of the RH District, per TDC 43.300, Table 43-3.</del>  are determined through the Architectural Review Process.
Maximum Structure Height	45 feet	<del>This height standard applies</del> when permitted uses are mixed with the uses permitted in the CC zone.
<b>RESIDENTIAL HIGH DENSITY HIGH RISE (RH/HR)</b>		
Density	26-30 dwelling units per acre	
Minimum Lot Size, Blocks 31 and 33	40,000 square feet	—
Minimum Lot Size, Block 26	25,000 square feet	—

(Ord. No. 1450-20, § 36, 12-14-20; Ord. No. 1463-21, § 22, 12-13-21; Ord. No. 1486-24, § 8, 6-10-24)

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## **TDC 58.810 Additional Development Standards.**

- (1) *Lot Size for Infrastructure and Utilities Uses.* Lot Size for Infrastructure and Utilities Uses must be established through the Subdivision, Partition or Lot Line Adjustment process.
- (2) *Minimum Lot Width for Flag Lots.* For flag lots, the minimum lot width at the street must be sufficient to comply with at least the minimum access requirements in TDC 73C.

[...]

## **CHAPTER 73A SITE DESIGN STANDARDS<sup>2</sup>**

### **TDC 73A.010. Site and Building Design Standards Purpose and Objectives.**

- (1) *Purpose.* The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:
  - (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
  - (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.
- (2) *Objectives.* The objectives of site and building design standards in TDC 73A through TDC 73G are to:
  - (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
  - (b) Encourage originality, flexibility, and innovation in building design;
  - (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
  - (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
  - (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
  - (f) Enhance energy efficiency through the use of landscape and architectural elements; and
  - (g) Minimize disruption of natural site features such as topography, trees, and water features.

(Ord. No. 1486-24, § 11, 6-10-24)

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<sup>2</sup>Ord. No. 1486-24, § 11, adopted June 10, 2024, repealed ch. 73A, §§ 73A-010, 73A-100—73A-170, 73A-200, 73A-300, 73A-400, 73A-410, 73A-500, 73A-600 and 73A-700 and enacted a new ch. 73A as set out herein. Former ch. 73A pertained to similar subject matter and derived from Ord. 1414-18, adopted December 10, 2018; Ord. No. 1438-20, §§ 15—19, 6-22-20; Ord. No. 1463-21, §§ 23—28, 31—34, adopted December 13, 2021; Ord. No. 1480-23, § 10, adopted August 28, 2023.

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## **TDC 73A.020. Residential Design Standards Applicability; Exceptions.**

- (1) *Applicability.* The Residential Design Standards apply to:
  - (a) New single-family dwelling;
  - (b) Duplex; Triplex, or Quadplex;
  - (c) Townhouses;
  - (d) An addition or alteration to an existing single-family dwelling, duplex, triplex, quadplex, or townhouse when it results in:
    - (i) A 35 percent or more expansion of the structure's existing footprint.
    - (ii) An increase in building height of 35 percent or more.
    - (iii) A 35 percent or more alteration of an existing wall plane.
  - (e) The creation of a new dwelling unit or units through conversion of an existing residential structure, resulting in a duplex, triplex, or quadplex.
- (2) *Exceptions.*
  - (a) The Residential Design Standards in subsection (1) do not apply to a side wall plane that abuts the side yard of an adjacent dwelling.
  - (b) Façades of dwellings that are separated from a street by another dwelling are exempt from meeting the standards in TDC 73A.030(1) and (2).

(Ord. No. 1486-24, § 11, 6-10-24)

## **TDC 73A.030. Clear and Objective Residential (Type I) Design Standards.**

Residential housing types using the Clear and Objective (Type I) standards must comply with the following:

- (1) *Front Face.* The front face of a residential structure must contain:
  - (a) Windows that occupy at least 12 percent of the wall plane.
    - (i) This requirement may be reduced to ten percent if one additional Residential Wall Design Element is provided beyond the minimum.
    - (ii) This requirement may be reduced to eight percent if two or more additional Residential Wall Design Element are provided beyond the minimum.
    - (iii) Garage door windows may be counted toward the window coverage percentage.
  - (b) At least three Residential Roof Design Elements; and
  - (c) At least five of the Residential Wall Design Elements.
- (2) *Rear.* The rear of a residential structure must contain:
  - (a) Windows that occupy at least 12 percent of the wall plane
    - (i) This requirement may be reduced to ten percent if one or more additional Residential Wall Design Element is provided beyond the minimum.
    - (ii) Garage door windows may be counted toward the window coverage percentage.
  - (b) At least two Residential Roof Design Elements; and

- 
- (c) At least four Residential Wall Design Elements
- (3) *Side-Corner Lot*. If the side of a residential structure abuts a public street, the side must contain:
- (a) Windows that occupy at least eight percent of the wall plane;
    - (i) This requirement may be reduced to six percent of the wall plane if one or more additional Residential Wall Design Elements are provided on the same side elevation.
    - (ii) Garage door windows may be counted toward the window coverage percentage.
  - (b) At least two Residential Roof Design Elements; and
  - (c) At least four Residential Wall Design Elements.
- (4) *Walkways*. Walkways must be provided ~~for single-family dwellings, duplexes, triplexes, quadplexes, and townhouses~~ as follows:
- (a) A walkway is required to connect main entrances to sidewalks along the adjacent public right-of-way, in accordance with the following:
    - (i) For single-family dwellings, duplexes, triplexes, quadplexes, at least one main entrance of each residential structure must have a connection to the sidewalk.
    - (ii) For townhouses, the main entrance of each townhouse must have a connection to the sidewalk.
  - (b) Walkways must be a minimum of three feet in width;
  - (c) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and
  - (d) The walkways must meet ADA standards applicable at time of construction or alteration.
  - (e) For single-family dwellings, duplexes, triplexes, quadplexes, this standard may be met by a driveway that has a walkway connection to the main entrance and that connects to the public right-of-way.

(Ord. No. 1486-24, § 11, 6-10-24)

### **TDC 73A.040. Type I Residential Roof Design Elements.**

The following are the Type I Residential roof design elements:

- (1) Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, vent, or decorative element.
- (2) Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle.
- (3) Roof eave of at least 12 inches.
- (4) Roof overhang (barge-board or verge board) of at least six inches measured outward from the face of the dwelling wall or wall plane.
- (5) Window, decorative vent, door, decorated verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends; and
- (6) Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.

(Ord. No. 1486-24, § 11, 6-10-24)

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**Commentary:** Type I Residential Wall Design Elements

The standards in TDC 73A.030 through 73A.050 are intended to provide C&O design standards for single-family, duplex, triplex, quadplex, and townhouse development. Most of the “wall element” menu options are C&O, but a few need revisions. For example, one type of wall design element is a “recessed entry,” but this standard does not specify a minimum depth for how recessed the entry should be. For other menu items, the use of the words “decorative” and “architectural” are also discretionary. The proposed amendments make these standards measurable or otherwise remove discretionary language.

### **TDC 73A.050. Type I Residential Wall Design Elements.**

The following are the Type I Residential wall design elements:

- (1) Recessed entry a minimum of 2 feet—Front façade only;
- (2) Portico—Front façade only. A roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure;
- (3) Covered porch at least 36 square feet in area and at least four feet deep;
- (4) Balcony, which development from the wall plane and is enclosed by a railing or parapet (low protective wall);
- (5) Vertical offsets, at least two, either projecting or recessed, and at least six inches deep and a minimum of four feet long;
- (6) Horizontal offset, either projecting or recessed, at least five inches deep;
- (7) Bay window, box window, or box bay, which development at least six inches outward from the wall plane and forms a bay, alcove, or window seat;
- (8) Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling;
- (9) Exterior chimney of brick, stone, composite masonry or similar materials;
- (10) Engaged tower, either square, rectangular, circular or polygonal in form;
- (11) Window trim or surround (casing) at least three and one-half inches wide that completely surrounds the window, either with or without a sill beneath the window;
- (12) Window grids, windows with multi-paned sashes, or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows;
- (13) Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane;
- (14) Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers;
- (15) Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar;
- (16) ~~Decorative or "architectural" g~~Garage door(s), ~~with or without windows, and that~~ include ~~ing~~ patterning relief at least five-eighths inches deep over the door(s) surface, excepting the window area if windows are present;

- (17) ~~Decorative trellis~~**Trellis or trellis-work**, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow; and
  - (18) Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection marking a division in the wall plane and adding architectural interest to a façade or elevation.
- (Ord. No. 1486-24, § 11, 6-10-24)

[...]

**Commentary:** Multifamily Design Standards

Proposed amendments to the multifamily design standards are intended to make the standards fully C&O. In addition, new purpose statements are proposed for each standard, which are necessary for implementation of the new “design departures” option. As discussed in Section 33.020, design departures allow applicants to request a modification to a standard, provided the proposal still meets the purpose of the standard. As such, purpose statements are an essential component of the design departure review criteria in TDC 33.020(6).

**TDC 73A.100. ~~Multi-Family~~**Multifamily** Design Standards.**

The following clear and objective standards are the minimum requirements for ~~multi-family~~**multifamily** development (including Retirement Housing Facilities) in all zones, except the Central Design District and Mixed Use Commercial (MUC) zones, which have separate standards and may be less than the minimums provided below. Where applicable, these standards apply to all multifamily and Retirement Housing Facilities unless otherwise specified in this section.

An applicant for a multifamily or Retirement Housing Facility development that does not meet the standards in the section may request one or more Design Departures pursuant to TDC 33.020(6). Design Departure requests are evaluated as part of an Architectural Review application. For each requested Design Departure, the proposal must be consistent with the approval criteria in TDC 33.020(6)(d).

- (1) *Private Outdoor Areas.*
  - (a) Purpose. To ensure that each multifamily dwelling unit has access to an outdoor area for recreation and relaxation that is adequately sized, and located, with features that ensure privacy for ground level outdoor areas.
  - (b) Standards. ~~Multi-family~~**Multifamily** uses must provide private outdoor area features as follows:
    - (i) Ground Level Dwelling Units.
      - (aA) A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and
      - (bB) The private outdoor area must be separated from common outdoor areas ~~with walls, fences or shrubs~~ by a minimum 4-foot high fence, wall, or evergreen hedge.
- ~~(2) *Balconies, Terraces, and Loggias.* Multi-family uses must provide balconies, terraces, and loggias features as follows:~~
  - (a) Upper Level Dwelling Units. A separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias must be provided for each unit located above the ground level.
- ~~(3) *Entry Areas.* Multi-family uses must provide entry area features as follows:~~

- 
- ~~(a) A private main entry area must be provided as a private extension of each dwelling unit;~~
  - ~~(b) The entry area must be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, or walls;~~
  - ~~(c) The entry area must be a minimum of 24 square feet in area for each dwelling unit; and~~
  - ~~(d) The entry area may be combined to serve more than one unit as determined by the City.~~

(2) Entry Orientation.

(a) Purpose. To ensure that multifamily development along Local streets provides visible, accessible, and pedestrian-oriented building entries that contribute to an active and engaging streetscape.

(eb) Applicability. These standards apply to ~~if the sites has with~~ frontage on a street with a Local classification, ~~the following standards must be met:~~

(c) Standards.

- (i) At least one main entry must meet one of the following standards, as applied to the frontage along the Local street:
  - (1) Street Option. The main entry must be within 8 feet of the building façade that faces the street. The main entry must either face the street; be at an angle of up to 45 degrees from the street; or open onto a covered porch that is at least ~~2524~~ square feet in area.
  - (2) Courtyard Option. The main entry must face a courtyard that abuts the Local street and that is no less than 15 feet in width.
- (ii) At least 25 percent of ground floor dwelling units ~~that have with~~ individual exterior entries must have ~~at least one a~~ main entry that meets the standards in subsection (i).

(3) Private Entry Areas.

(a) Purpose. To ensure that individual ground floor entries provide: a sense of privacy for residents, a transition from public to private space, and visual separation from on-site parking areas.

(b) Applicability. These standards apply to all ground floor dwelling units with individual, exterior main entrances.

(c) Standards. Entry area features must be provided as follows:

- (i) The entry area must be separated from on-site parking areas and public streets by at least two of the following features:
  - (A) A wall or fence that is at least 18 inches and no more than 36 inches high.
  - (B) Landscaping with a width of at least 5 feet, measured perpendicular to the parking area or street, and provided along the length of the entry area. The landscaped area must be planted with an evergreen hedge or shrubs that will reach a mature height of at least 36 inches. Landscaping must meet the planting standards of TDC 73B.070.
  - (C) One canopy tree that is at least 1.5 inches in diameter, or at least 4 feet in height when planted, and that will achieve a mature canopy spread of at least 10 feet. Trees must meet the planting standards of TDC 73B.070. An existing, retained tree may be used to meet this standard.
  - (D) Individual private outdoor area of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. This outdoor area may be used to meet the standard in subsection (1)(b)(i), above, provided it is at least 80 square feet in size.

(ii) The entry area must be a minimum of 24 square feet in area for each dwelling unit.

(4) Shared Building Entrances.

(a) Purpose. To ensure that shared entrances in multifamily buildings are identifiable, accessible, and protected from the weather through the provision of pedestrian connections, entrance treatments, and lighting.

(b) Applicability. These standards apply to building entrances that provide common access to two or more dwelling units through an interior corridor, lobby, or similar shared circulation area.

(c) Standards.

(i) At least one common main entry must be connected to the public sidewalk or internal walkway system by a walkway meeting TDC 73A.100(8).

(ii) Weather protection must be provided by either:

(A) Recessing the entry by at least 3 feet; or

(B) Providing an awning, canopy, or other cover that projects at least 3 feet from the building facade.

(iii) Entrance lighting shall be provided at a minimum of 3 foot-candles at the building entry. Lights shall be 6 to 12 feet in height and shall be shielded to minimize glare.

(45) Shared Outdoor Areas.

(a) Purpose. To ensure that multifamily development provides shared outdoor areas that are usable, safe, and accessible, and that support a range of active and passive recreational opportunities for residents year-round.

(b) Applicability. These standards apply to multifamily development with 20 or more dwelling units.

(c) Standards. ~~Multi-family~~Multifamily uses must provide shared outdoor area features as follows:

(a) Outdoor areas must provide year round ~~shared outdoor areas opportunities~~ for both active and passive recreation;

(b) The ~~total amount of~~ shared outdoor area must be a minimum of:

(i) Three hundred square feet per dwelling unit; or

(ii) Four hundred fifty square feet per dwelling unit for ~~55 and older communities~~Retirement Housing Facilities.

(c) Gazebos, canopies, and other covered spaces ~~are encouraged~~may be used to satisfy this requirement ~~but are not required~~;

(d) The ~~s~~Shared outdoor areas must be separated from all entryway and parking areas with a landscaped transition area ~~measuring~~that is a minimum of ten feet wide. ~~The landscaped area must meet the "B" standard of Table 73B-4 and the planting standards of TDC 73B.070;~~

(e) The ~~s~~Shared outdoor areas must ~~have controlled access~~be separated from adjacent public streets, off-site areas, and as well as from on-site parking and entrance areas ~~with~~by a minimum 4-foot high fence, wall, or ~~landscaping~~evergreen hedge; ~~and~~

(f) The shared outdoor area standard does not apply to any development with less than 12 dwelling units.

(gvi) Publicly accessible plazas or other pedestrian amenity spaces provided pursuant to TDC 43.315(3) or 43.315(3) and children's play areas pursuant to TDC 73A.100(6) shall count toward meeting the shared outdoor area requirements in this subsection.

~~(56)~~ *Children's Play Areas.*

(a) Purpose. To ensure that multifamily development provides safe, usable, and appropriately scaled outdoor play areas for children that support active recreation and contribute to overall site livability.

(b) Applicability. These standards apply to multifamily development with 20 or more dwelling units, except for Retirement Housing Facilities.

(c) Standards. ~~Multi-family~~Multifamily uses must provide children's play area features as follows:

(ai) The children's play area must be a minimum of 150 square feet per dwelling unit;

(bii) The children's play area must provide a separation from all entryway and parking areas with a landscaped transition area measuring that is a minimum of ten feet wide. The landscaped area must meet the "B" standard of Table 73B-4 and the planting standards of TDC 73B.070;

(eiii) The children's play area must ~~have controlled access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with~~ be separated from adjacent public streets, off-site areas, and on-site parking areas by a minimum 4-foot high fence, wall, or landscaping evergreen hedge; and

(eiv) The children's play area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and

(v) The children's play area must include at least two different children's play amenities/equipment approved for use in a public playground.

~~(e) The children's play area standard does not apply to:~~

~~(i) Duplexes and townhouses;~~

~~(ii) Fifty-five and older communities; and~~

~~(iii) Any development with less than 12 dwelling units.~~

~~(67)~~ *Storage.*

a) Purpose. To ensure that each multifamily dwelling unit is provided with functional, secure, and accessible enclosed storage space sufficient to accommodate residents' typical household and seasonal items.

(b) Standards. ~~Multi-family~~Multifamily uses must provide storage features as follows:

(ai) An enclosed storage area ~~s are~~ is required for each unit.

(iA) Garages alone do not satisfy the storage requirements. An enclosed storage area meeting the size requirements of subsection (ii) may be located within the garage of ~~the an~~ individual unit. Enclosed storage areas may also be located within a commonly accessible shared garage or other shared facility, within the dwelling unit, or in a shed that is attached to a ground floor unit.

(bii) Each storage area must be a minimum of six feet in height and have a minimum floor area of:

(iA) 24 square feet for studio and one bedroom units;

(iB) 36 square feet for two bedroom units; and

(iC) 48 square feet for greater than two bedroom units.

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(78) *Walkways.*

(a) Purpose. To ensure that multifamily development provides safe, accessible, and clearly defined pedestrian circulation that connects building entrances with on-site destinations and the public right-of-way.

(b) Standards. Multi-family/Multifamily uses must provide walkways as follows:

- (a) Walkways must be a minimum of six feet in width;
- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete;
- (c) The walkways must meet ADA standards applicable at time of construction or alteration;
- (d) Walkways must provide pedestrian connections between ~~the~~ main building entrances, including individual ground floor entries, and other on-site buildings, common areas, parking areas, postal delivery areas, accessways, and sidewalks along the public right-of-way; and
- (e) Walkways through parking areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas.

(89) *Accessways.*

(a) Purpose. To ensure that multifamily development provides safe, direct, and convenient pedestrian and bicycle connections to adjacent residential and residential properties, public spaces, and transportation facilities.

(a) When-Required/Applicability. Except as provided in subsection (d), aAccessways are required to be constructed when a multi-family/multifamily development is adjacent to any of the following:

- (i) Residential or commercial property on which:
  - (A) There is an existing accessway or walkway that is located in a public right-of-way or public access tract or easement; or
  - (B) There is a planned accessway or walkway, as identified in the Tualatin Transportation System Plan;
- ~~(ii) Commercial property;~~
- (iii) Areas intended for public use, such as schools and parks; and
- ~~(iv)~~ Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) Design Standard. Accessways must meet the following design standards:

- (i) Accessways must be a minimum of eight feet in width;
- (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
- (iii) Private accessways must be constructed of asphalt, concrete, pavers or grasscrete. Gravel or bark chips are not acceptable;
- (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
- (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
- (vi) Accessways must not be gated to prevent pedestrian or bike access;
- (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and

(viii) Must be constructed, owned and maintained by the property owner.

(ed) *Exceptions.* The Accessway standard does not apply to the following:

- (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and
- (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(910) *Carports and Garages.* ~~Multi-family uses may provide Carports and Garage features as follows:~~

(a) *Purpose.* ~~To ensure that garages and carports are visually integrated with primary multifamily buildings, thereby supporting a cohesive and coordinated site design.~~

(ab) *Standards.* ~~The form, materials, color, and construction must be compatible with the complex they serve. Where Garages or Carports are provided, they must use the same colors or materials as the primary buildings on site.~~

(1011) *Safety and Security.*

(a) *Purpose.* ~~To ensure that multifamily development incorporates features that enhance resident safety, and security, including adequate lighting of common areas and clear building identification for efficient wayfinding and access by emergency services.~~

(b) *Standards.* ~~Multi-family~~ Multifamily units must provide safety and security features as follows:

(a) ~~Private outdoor areas must be separated from shared outdoor areas and children's play areas with a minimum 4-foot high fence, wall, or landscaping;~~

(b) An outdoor lighting system that achieves a minimum lighting level of 0.5 foot-candles and a maximum of 2 foot-candles on all shared walkways, accessways, and common outdoor areas. ~~Lighting must be shielded to minimize glare on abutting properties, does not produce direct glare on adjacent properties and without shining into residential units, public rights of way, or fish and wildlife habitat areas;~~ and

(eii) Building identification must be provided consistent with the Oregon Fire Code.

(1112) *Service, Delivery and Screening.*

(a) *Purpose.* ~~To ensure that multifamily development facilitates efficient mail delivery and adequately screens utility and mechanical equipment to enhance site appearance and compatibility with surrounding development.~~

(b) *Standards.* ~~Multi-family~~ Multifamily uses must provide service, delivery, and screening features as follows:

(ai) Provisions for postal delivery must be made consistent with US Postal Service regulations ~~conveniently located and efficiently designed for residents;~~

(b) ~~Pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas; and~~

(eii) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be ~~screened with sight obscuring fences, walls or landscaping~~

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evergreen hedges at least 4 feet in height. If chain-link fencing is used, it must include sight-obscuring slats.

(Ord. No. 1486-24, § 11, 6-10-24)

[...]

**Commentary:** Mixed Use Commercial Design Standards

The design standards for residential development in the MUC zone contain a few standards that are not C&O. Examples include requiring pedestrian walkways to be “reasonably direct” and requiring building features to “emphasize” dwelling units. Proposed amendments update the standards to provide specific dimensions for design requirements and remove discretionary language.

**TDC 73A.120 Mixed Use Commercial Design Standards.**

- (1) *Applicability.* The Mixed Use Commercial (MUC) design standards apply to:
  - (a) New buildings in the Mixed Use Commercial (MUC) zone.
  - (b) Expansion or substantial exterior remodeling of existing development in the Mixed Use Commercial (MUC) zone which is greater than 50 percent of the building's gross floor area or alters any façade which abuts a public or private street frontage by more than 50 percent.
- (2) *Exceptions:* The City Manager may allow exceptions to these standards without the need to obtain a formal variance pursuant to Chapter 33.120 provided at least one of the following circumstances in (a) or (b) below is met. For residential development applications, exceptions are only permitted as part of Type II Architectural Review.
  - (a) The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical (e.g., they include, but are not limited to, steep slopes, wetlands, other bodies of water, trees or other natural features of the site, buildings or other existing development, utility lines and easements, etc.); or
  - (b) The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of this section.
- (3) *Walkways.* Development must provide walkways as follows:
  - (a) Walkways must be a minimum of six feet in width;
  - (b) Walkways must be constructed with scored concrete or modular paving materials;
  - (c) Walkways must meet ADA standards applicable at time of construction or alteration;
  - (d) Walkways must be continuous and connect all building entrances within the development to one another and to all public streets or private access abutting the site, all parking areas, storage areas, recreational facilities and common areas associated with the development, adjacent development, transit stops, and public greenways and parks;
  - (e) Walkways that cross vehicle areas, including parking areas, driveways, and drive-through stacking areas, must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement; and
  - (f) Walkways must provide connection to an abutting street every 200 linear feet of frontage.

- 
- (4) *Accessways.*
- (a) *When Required.* Accessways are required to be constructed when a development is adjacent to any of the following:
    - (i) Residential property;
    - (ii) Commercial property;
    - (iii) Areas intended for public use, such as schools and parks; and
    - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.
  - (b) *Design Standard.* Accessways must meet the following design standards:
    - (i) Accessways must be a minimum of eight feet in width;
    - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
    - (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete;
    - (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
    - (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
    - (vi) Accessways must not be gated to prevent pedestrian or bike access;
    - (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and
    - (viii) Must be constructed, owned and maintained by the property owner.
  - (c) *Exceptions.* The Accessway standard does not apply to the following:
    - (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and
    - (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.
- (5) *Parking Location.* When provided, parking must be provided within garages or parking lots as follows:
- (a) Parking and loading areas are prohibited between the public street and proposed building(s);
  - (b) Parking is allowed on the side or rear of proposed building(s). If located on the side, the parking area may not exceed 50 percent of the total frontage of the site; and
  - (c) Parking must be setback a minimum of 50 feet from the front property line.
- (6) *Adjacent to Transit.* Development adjacent to transit must comply with the following:
- (a) Development on a transit street illustrated on Comprehensive Plan Map 8-5 must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.

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- (b) Development abutting major transit stops as illustrated on Comprehensive Plan Map 8-5 must:
    - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
    - (ii) Provide a ~~reasonably direct~~ pedestrian connection, no longer than 150 percent of the straight line distance, between the major transit stop and at least one building entrance on the site;
    - (iii) Provide a transit passenger landing pad accessible to disabled persons;
    - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
    - (v) Provide lighting at the major transit stop.
  - (7) *Building Location.* Buildings must occupy a minimum of 50 percent of arterial and collector street frontages. Buildings must be located at public street intersections on arterials and collectors.
  - (8) *Building Entries.* At least one main entrance must meet the following orientation standards:
    - (a) The main entrance must either face the street or be located within 25 feet of the public sidewalk.
    - (b) The main entrance must include at least three of the following architectural features to distinguish it as the main entrance: canopy, portico, arcade, arch, wing wall, planters, recessed doorway, transom windows, ornamental light fixtures, larger or more prominent doors, pilasters or columns that frame the doorway, or other similar features that increase the visibility of the entrance for pedestrians.
    - (c) The main entrance must be unlocked during regular business hours, unless impractical for the operations of the proposed use.
    - (d) There must be a direct and convenient walkway from the street sidewalk to the main entrance in conformance with TDC 73A.120(4).
    - (e) For buildings with multiple tenant spaces or multiple entrances, only one entrance must meet the standards.
  - (9) *Building Design Standards.* Development must meet the following building design standards.
    - (a) Non-residential buildings and mixed-use buildings where 50 percent or less of the gross floor area of the building is residential must comply with the following:
      - (i) *Ground floor windows.* Street-facing elevations must include a minimum of 50 percent of the wall area with windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. 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. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.
      - (ii) *Building Façade.* Street-facing façades must extend no more than 50 feet without providing at least one of the following features:
        - (A) A variation in building materials;
        - (B) A building offset of at least one foot;
        - (C) A wall area that is entirely separated from other wall areas by a projection, such as an arcade; or
        - (D) By other design features that reflect the building's structural system.
      - (iii) *Weather Protection.* Weather protection for pedestrians, such as awnings, canopies and arcades, must be provided at building entrances and extend a minimum of six feet over the sidewalk

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connection and must not obstruct or prevent the placement of street trees, tree canopies or other improvements within the public right-of-way. Weather protection is encouraged along building frontages abutting a public sidewalk.

- (iv) *Building Materials.* The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.
    - (A) *Exceptions.* Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.
  - (v) *Roof Lines.* Except in the case of a building entrance feature, roofs must be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.
  - (vi) *Roof-mounted Equipment.* Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.
- (b) *Residential-only, and mixed-use buildings where 50.1 percent or more of the gross floor area of the building is residential, must comply with the following:*
- (i) *Front Façades.* All primary ground-floor common entries or individual unit entries must be oriented to the street, not to the interior or to a parking lot. The front façade of large structures must be divided into smaller areas or planes of 500 square feet or less by using changes in color, material, or horizontal offsets, either projecting or recessed, at least five inches deep. Trim, at least 6 inches wide, must be used to delineate all building roof lines, porches, windows and doors. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged, to create visual interest, but are not required.
  - (ii) *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.
  - (iii) *Unit Definition.* ~~Each dwelling unit must be emphasized with a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. Street-facing façades shall incorporate vertical articulation elements that create the appearance of individual dwelling unit modules. Such articulation elements shall occur at intervals of no more than 40 feet along the street-facing elevation, and may include one or more of the following:~~
    - Horizontal offsets, either projecting or recessed, at least 12 inches deep;
    - Roof forms such as gables or dormers;
    - Porches, stoops, or other entry features;
    - Bay windows or similar projections; or
    - Changes in exterior materials or colors that extend the full height of the façade.

The required articulation need not correspond directly to individual dwelling units, provided the façade is visually divided into modules consistent with the required spacing. Ground-level dwelling units with individual entries must include porches with no dimension less than six feet and an area of at least 48 square feet.
  - (iv) *Building Materials.* The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.

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- (A) *Exceptions.* Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.
- (v) *Roof Lines.* Roofline offsets must 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. Offsets must be a minimum four foot variation, either vertically or horizontally, from the gutter line.
- (vi) *Roof-mounted Equipment.* Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Screening shall be provided by one or more of the following:
- A parapet wall that is at least as high as the tallest portion of the equipment;
  - A screen or enclosure constructed of materials and colors that match the primary building; or
  - Placement of the equipment so that it is not visible from the public street.

Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized they are not visible from the adjacent public street.

(Ord. No. 1486-24, § 11, 6-10-24)

[...]

## CHAPTER 73C PARKING STANDARDS<sup>3</sup>

### TDC 73C.010. Off-Street Parking and Loading Purpose and Applicability.

- (1) *Purpose.* The purpose of the off-street parking and loading area standards are to promote functional and safe parking areas that are:
- (a) Limited in scale;
  - (b) Designed to minimize conflicts with active transportation modes;
  - (c) Designed to mitigate heat island effects or generate sustainable power.
- (2) *Applicability.* The off-street parking and loading provisions of this chapter apply to all new development and modifications to existing development, including changes of use, unless otherwise stated in this chapter.

(Ord. No. 1486-24, § 13, 6-10-24)

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<sup>3</sup>Ord. No. 1486-24, § 13, adopted June 10, 2024, repealed ch. 73C, §§ 73C-010—73C-250 and enacted a new ch. 73C as set out herein. Former ch. 73C pertained to similar subject matter and derived from Ord. 1427-19, § 40, adopted November 25, 2019; Ord. No. 1438-20, §§ 27, 29, 30, adopted June 22, 2020; Ord. No. 1463-21, §§ 37—42, adopted December 13, 2021.

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## TDC 73C.020. Calculating Parking Lot Area.

Parking lot area shall be based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies to parking areas scattered throughout a property or that span multiple lots but serve a common use or uses.

(Ord. No. 1486-24, § 13, 6-10-24)

### **Commentary:** Parking Lot Design Requirements

Requirements for parking lot design contain standards that are discretionary and would be difficult for the City to enforce. The standards include surface material, circulation, and screening. Proposed amendments add more specific C&O design standards and exempt residential uses from the more discretionary standards that are more applicable to non-residential uses.

## TDC 73C.030. Parking Lot Design Requirements.

All development where new parking is provided, must comply with the following:

- (1) *Parking Space and Aisle Dimensions.* Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1.
  - (a) Exception: Parking structures and underground parking where space length and width requirements for a standard size space may be reduced by one-half feet and vehicular access at the entrance may be a minimum of 18 feet in width, if gated.
- (2) *Surface Materials.*
  - (a) Parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;
  - (b) Pavers, pervious concrete, or grasscrete are encouraged for parking spaces in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor; and
  - (c) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks designed in accordance with the storm drainage standards of the Public Works Construction Code.
- (3) *Wheel Stops.* Parking bumpers, wheel stops, or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.
- (4) *Circulation.*
  - (a) For non-residential uses, drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site; and
  - (b) Groups of more than four parking spaces must be located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way, other than an alley.
- (5) *Lighting.* Artificial lighting, must be deflected to not shine or create direct glare on adjacent properties, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor.

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- (6) *Screening.*
- (a) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200-230; and
  - (b) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.
- (7) *Accessible Parking.* Accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.
- (8) *Compact Parking.* Parking spaces for sub-compact vehicles must not exceed 35 percent of the total parking provided.
- (9) *Employee Parking.* New commercial, institutional, and/or industrial developments with more than 50 parking spaces, must provide preferential parking for carpools and vanpools. The number of carpool/vanpool parking spaces shall be at least ten percent of the amount of parking spaces provided.
- (10) *Electrical Service Capacity.* Electrical service capacity, as defined in ORS 455.417 must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.
- (a) Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.
  - (b) Residential or mixed-use development with five or more dwelling units must provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.
- (11) *Maximum Coverage.* For developments with more than 65,000 square feet of floor area on site, the total area of surface parking must not exceed the total square footage of the floor area on that site.
- (12) *Tree Canopy.* Tree canopy must be provided over parking areas in compliance with the following standards.
- (a) Developments with off-street parking areas less than one-half acre (21,780 square feet) in size, as measured using the method provided in TDC 73C.020, must provide a minimum effective tree canopy coverage of 30 percent over all parking areas.
  - (b) Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide trees along driveways.
    - (i) Trees must be planted an average of not more than 30 feet on center, except when interrupted by driveways, drive aisles, and other site design considerations; and
    - (ii) The required landscape area must be a minimum of five feet in width, as measured from the inside of any proposed curb.
  - (c) Development of a tree canopy plan under this section shall be done in coordination with the local utility provider.
- (13) *Climate Mitigation.* Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide at least one of the following:
- (a) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property, subject to Tualatin Development Code standards.

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- (b) Invest at least 1.5 percent of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.
  - (c) Tree canopy covering at least 40 percent of the new parking lot area at maturity, but no more than 15 years after planting.

(Ord. No. 1486-24, § 13, 6-10-24)

[...]

**Commentary: Bicycle Parking Requirements**

Bicycle parking standards require that the parking be located in “convenient, secure, and well-lighted” locations as approved through the Architectural Review process, which is discretionary. More specific design and location requirements are proposed to make these standards C&O. In addition, some updates to the standards are proposed for compliance with OAR 660-012-0630 Bicycle Parking.

**TDC 73C.050. Bicycle Parking Requirements.**

(1) *Requirements.* Bicycle parking facilities must include:

- (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;
  - (i) Long-term bicycle parking facilities may be provided inside a building and/or parking garage in secure and accessible locations.
- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.

(2) *Standards.* Bicycle parking must comply with the following:

- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;
  - (i) At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide and 7 feet long.
- (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;

- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process, provided in one or more of the following locations on a development site:
  - (i) Outside a building in bicycle racks. Racks must be located within 50 feet of a main entrance to the building, as measured along the most direct pedestrian access route.
  - (ii) Within a restricted access, lockable room with securely anchored racks that allow users to lock at least two points on a bicycle.
  - (iii) Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
- (f) Where bicycle parking is provided in racks, the racks must meet the following standards:
  - (i) The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
  - (ii) If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and
  - (iii) The rack must be securely anchored with tamper-resistant hardware.
- (g) Lighting, which may must be provided for nighttime use of bicycle parking. Outdoor lighting, must be deflected to not shine or create glare into a street rights-of-way, or fish and wildlife habitat areas a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, ~~or with only a nominal charge for key deposits, etc.~~ This does not preclude the operation of private for-profit bicycle parking businesses;
- (g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

(Ord. No. 1486-24, § 13, 6-10-24)

[...]

**Commentary:** Multifamily Residential Parking Lot Landscaping Requirements  
 Proposed amendments clarify that while native trees and shrubs are “encouraged,” they are not required.

**TDC 73C.220. ~~Multi-family~~Multifamily Residential Parking Lot Landscaping Requirements.**

~~Multi-family~~Multifamily residential uses (as defined in TDC 31.060) must comply with the following landscaping requirements for parking lots in addition to those listed in TDC 73C.210:

- (1) *Setback.* Minimum 10-foot landscape setback must be provided between the property lines and parking areas and must comply with the following:
  - (a) Must be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights; and

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- (b) Native trees and shrubs **are encouraged, but not required.**
  - (2) *Transition.* Minimum 10-foot landscaped transition area between parking and vehicle circulation areas and buildings and shared outdoor areas and must comply with the following:
    - (a) Deciduous shade trees located at not less than 30 feet on center must be located in this transition area;
    - (b) Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years;
    - (c) Native trees and shrubs **are encouraged, but not required;** and
    - ~~(d) Exceptions: Minimum 10-foot landscaped transition area does not apply to Duplexes and Townhouses.~~

(Ord. No. 1486-24, § 13, 6-10-24)

[...]

## CHAPTER 73D WASTE AND RECYCLABLES MANAGEMENT STANDARDS

### TDC 73D.010. Applicability and Objectives.

- (1) *Applicability.* The requirements of this Chapter apply to all new or expanded:
  - (a) ~~Common wall residential Multifamily~~ developments containing five or more units;
  - (b) Commercial developments;
  - (c) Industrial developments; and
  - (d) Institutional developments.
- (2) *Objectives.* Mixed solid waste and source separated recyclable storage areas should be designed to the maximum extent practicable to:
  - (a) Screen elements such as garbage and recycling containers from view;
  - (b) Ensure storage areas are centrally located and easy to use;
  - (c) Meet dimensional and access requirements for haulers;
  - (d) Designed to mitigate the visual impacts of storage areas;
  - (e) Provide adequate storage for mixed solid waste and source separated recyclables; and
  - (f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

[..]

### TDC 73D.070. Location, Design and Access Standards.

The following location, design, and access standards are applicable to all storage areas:

- (1) *Location Standards.*

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- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.
  - (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
  - (c) Exterior storage areas must:
    - (i) Be located in central and visible locations on the site to enhance security for users;
    - (ii) Be located in a parking area; and
    - (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.
- (2) *Design Standards.*
- (a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.
  - (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.
  - (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least six feet in height. If chain-link fencing is used, it must include sight-obscuring slats.
  - (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.
  - (e) Gate openings for haulers must be a minimum of ten feet wide and must be capable of being secured in a closed and open position.
  - (f) Horizontal clearance must be a minimum of ten feet and a vertical clearance of eight feet is required if the storage area is covered.
  - (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.
  - (h) Exterior storage areas must have either a concrete or asphalt floor surface.
  - (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.
- (3) *Access Standards.*
- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.
  - (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.
  - (c) Storage areas must be accessible to hauler trucks 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 must be provided to allow hauler trucks to safely exit the site in a forward motion.
  - (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.
  - (e) The following is an exception to the access standard:
    - (i) Access may be limited for security reasons.

[...]

## CHAPTER 74 PUBLIC AND PRIVATE TRANSPORTATION, FACILITIES, AND UTILITIES

### TDC 74.010. Purpose.

The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, water mains, sewers, and drainage.

### TDC 74.020. Applicability.

- (1) Unless otherwise provided, construction, reconstruction or repair of public and private transportation facilities and utilities must comply with the provisions of this chapter. No development may occur and no land use application may be approved unless the public and private facilities related to development comply with the requirements established in this chapter and adequate public facilities are available. Applicants may be required to dedicate land and build required improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.
- (2) Development must also comply with the applicable requirements of the Tualatin Municipal Code, Tualatin Public Works Construction Code, and Clean Water Services Design and Construction Standards.
- (3) Adjustments to the provisions in this chapter related to transportation facility and utility improvements must be requested as an exception in conjunction with ~~an~~ **Type II or III** Architectural Review, Subdivision, Partition, or Driveway Approach Permit application consistent with the requirements of 74.040. Adjustment to the provisions in this chapter requested under 74.040 may also be requested as a separate application through a Type II procedure.

[...]

#### **Commentary:** Exceptions to requirements in TDC 74

This section allows the City Manager to provide exceptions to certain improvements if they would create a hazard, be impractical, or be “detrimental to the City.” Under the clear and objective requirements, it is acceptable to allow standards to be waived or modified, as long as the changes constitute a reduction in scope, not an increase in scope. As such, the proposed amendments modify the wording in this section so it is less based on the “opinion” of the City Manager.

### TDC 74.040. Exceptions.

- (1) ~~When, in the opinion of t~~The City Manager, ~~may waive or defer~~ the construction of improvements ~~in accordance with~~**required by** TDC 74 ~~if the City finds that the improvements~~ would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, ~~the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results.~~ Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City. It is the intent of Figures 74-1A through 74-1B to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.
- (2) When the City Manager determines that modification of the improvement requirements in TDC 74.030 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of

modification. These findings and a determination by the City Manager must be included in the subject application for development, or the applicant may request a separate determination under this section pursuant to the Type II process.

[...]

**Commentary:** Mid-Block Accessways

Subsection (3) applies to residential subdivisions and partitions and enables future connections to abutting properties, but uses discretionary language. Proposed revisions retain the meaning while avoiding phrases such as “the applicant is expected” and “reasonable flexibility.” The requirement for co-locating accessways with utility easements are also proposed to be reworded to be measurable and C&O.

**TDC 74.100. Mid-Block Accessways.**

Mid-block accessways in residential, commercial and industrial subdivisions and partitions may be provided in-lieu of full street connections and must meet the following standards.

- (1) Accessways must be constructed by the applicant and created within public rights-of-way, public tracts, or private tracts with public access easements. If created within a public right-of-way or tract, the accessway must be dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.
- (2) Accessways must be provided between the proposed subdivision or partition and all of the following locations that apply:
  - (a) Adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
  - (b) Adjoining arterial or collector streets upon which transit stops, sidewalks, or bike lanes are provided or designated;
  - (c) Adjoining undeveloped residential, commercial or industrial properties;
  - (d) Adjoining neighborhood activity centers;
  - (e) Adjoining developed sites where an accessway is planned or provided.
- (3) In designing residential, commercial and industrial subdivisions and partitions, ~~the applicant is expected to accessways must be designed and located~~ accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. to allow future connections to abutting properties. Accessways shall not be blocked by permanent structures, fences, grade separation, or other physical barriers that would prevent extension to abutting parcels. Where an abutting parcel is undeveloped or capable of redevelopment, accessways shall extend to the property line to facilitate future extension. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.
- (4) Accessways must not exceed 300 feet in length.
- (5) Accessways must be sufficiently straight that both end points are visible from any point on the accessway.

- (6) Accessways must be located and improved within a right-of-way, tract, or easement of no less than 15 feet.
  - (7) Where possible the location of a required utility easement would be within 200 feet of a proposed accessway, the accessways must be combined with the utility easements.
  - (8) Accessway must have a paved width of at least 10 feet, constructed of asphalt or concrete, unless pervious pavement has been approved by the City Engineer based on usage and site conditions. The slope must not exceed 5 percent.
  - (9) Accessways must be constructed in accordance with the Public Works Construction Code.
  - (10) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.
  - (11) The Federal Americans With Disabilities Act (ADA) and Public Right of Way Accessibility Guidelines (PROWAG) apply to development in the City of Tualatin. Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.
  - (12) Lighting must be provided in an accessway to achieve a minimum lighting level of 0.5 foot-candles and a maximum of 2 foot-candles. Lighting must be shielded to minimize glare on abutting properties.
  - (13) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway. Removable bollards are permitted to allow emergency vehicle access.
  - (14) The developer must obtain City approval of final design and location of accessways.
  - (15) If an accessway is not dedicated as public right-of-way, to ensure accessway maintenance over time, a maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the accessways to City standards.
  - (16) Outdoor Recreation Access Routes must be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated.
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## CHAPTER 75 - ACCESS MANAGEMENT

### TDC 75.010. Purpose and Applicability.

- (1) *Purpose.* The purpose of this chapter is to establish standards and regulations for the development of a safe and efficient transportation system that provides access to properties, while limiting conflicts between driveway access, street intersections, and turning movements.
- (2) *Applicability.* The provisions of this chapter apply when lots are created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation; and to all new development and modifications to existing development, including changes of use.

#### **Commentary:** Driveway Approach Requirements

This section allows the City Manager to use discretion in modifying some of the standards (e.g., “or as required by the City Manager”). The proposed amendments specify that this discretion shall only be applied when requested by the applicant – in other words, when the applicant opts into the discretionary review track.

The discretionary provisions in subsections (6) *Joint and Cross Access* and (7) *Requirements for Development on Less than the Entire Site* are less applicable to residential development and are proposed to be limited to non-residential uses only.

### TDC 75.020. Driveway Approach Requirements.

The standards set forth in this Code are minimum driveway approach standards, the purpose of which are to protect the public health, safety, and general welfare.

- (1) *Public Access.* No development shall occur unless the development has frontage or approved access to a public street. Lots that front on more than one street must locate motor vehicle access on the street with the lower functional classification, except as provided below, or as required by the City Manager.
  - (a) Exceptions. At the applicant’s request as part of a Type II or III application, the City Manager may approve an exception to this standard if it is demonstrated that locating access on the lower classification street would create traffic safety concerns in terms of sight distance, access spacing, queuing, grade change, or other safety issues.
- (2) *Driveway Width.* Minimum driveway approach widths are as provided in TDC 73C-090.
- (3) *Driveway Approach Separation.* There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is requested by the applicant as part of a Type II or III application and approved by the City Manager.
- (4) *Distance between Driveways and Intersections.* Driveways must be outside the stopping queue or storage length of intersections. Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from centerline to centerline.
  - (a) At an intersection with a collector or arterial street, driveways must be located a minimum of 200 feet from the intersection and must be outside marked turn lanes or areas where vehicles regularly queue to get through the intersection as may be determined by a traffic study.
  - (b) At an intersection with a connector, neighborhood route, and local street, driveways must be located a minimum of 100 feet from the intersection.

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- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line. In these cases turning movements into and out of the driveway may be limited for safety reasons.
- (5) *Existing driveways.* If development occurs on properties with existing driveways, the following provisions apply:
- (a) For residential development with access onto an arterial street, where the existing driveway does not meet access spacing standards in TDC 75.030, the driveway shall be restricted to right-in and right-out by construction of raised median barriers or other physical improvements that prevent left-turn movements.
- (b) For non-residential development, the City Manager may restrict the existing driveways to right-in and right-out by construction of raised median barriers or other means, or may require closure of driveways beyond the minimum needed to serve the site.
- (6) *Joint and Cross Access.* The following standards apply only to non-residential development.
- (a) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the County Recorder.
- (b) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.
- (c) A system of joint use driveways and cross access easements may be required and may incorporate the following:
- (i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
- (ii) A design speed of ten mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, loading vehicles, and emergency vehicles;
- (iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and
- (iv) An unified access and circulation system plan for coordinated or shared parking areas.
- (d) Pursuant to this section, property owners may be required to:
- (i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
- (ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- (iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and

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- (iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.
- (7) *Requirements for Development on Less than the Entire Site.* The following standards apply only to non-residential development.
- (a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. **The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage.** All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.
- (b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.
- (8) *Vision Clearance Area.*
- (a) *Connectors, Neighborhood Routes, and Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 75-1 for illustration).
- (b) *Collector Streets.* A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 75-1 for illustration).
- (c) *Vertical Height Restriction.* Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 75-1 for illustration).
- (9) *Sight Distance.*
- (a) New and/or modified intersections or driveways must be constructed with sight distance in accordance with the Intersection Sight Distance section of the current *A Policy on Geometric Design of Highways and Streets* by the American Association of State Highway Transportation Officials (AASHTO), and this sight distance must be verified by an Engineer in accordance with the Public Works Construction Code.

### **TDC 75.030. Access Spacing Standards.**

- (1) Future streets are shown in Functional Classification Plan (Comprehensive Plan Map 8-1) and Local Streets Plan (Comprehensive Plan Map 8-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process.

- (2) New access points connecting to the public street network must meet the spacing standards summarized in Table 75-1. Access points include public streets, private streets, and private driveways, and must meet the following standards:
- (a) Intersection and driveway spacing is measured from centerline of the first access to centerline of the second access.
  - (b) Limited access intersections are restricted to right-in/right-out turn movements. In some cases, left-in turn movements may be permitted.
  - (c) The following are access limited roadways:
    - (i) Basalt Creek Parkway
      - (A) 124th Avenue to Boones Ferry Road: Access must be limited to Grahams Ferry Road and Boones Ferry Road.
- (3) A variation to the access spacing standards may be granted in areas with limited property frontage and/or environmental constraints. Variation to these spacing standards will require an access management plan to be approved by the City Manager.

Table 75-1: Access Spacing Standards

Functional Classification	Minimum Access Spacing: Unrestricted	Minimum Access Spacing: Limited
Primary Arterial	800 feet	400 feet
Arterial	400 feet	200 feet
Collector	200 feet	100 feet
Connector	200 feet from an intersection with an Arterial or Collector; 100 feet from other street intersections.	-
Neighborhood Route	200 feet from an intersection with an Arterial or Collector; 100 feet from other street intersections.	-
Local	200 feet from an intersection with an Arterial or Collector	-