

## Proposed Tualatin Development Code Amendments – Fall 2022

### CHAPTER 32 - PROCEDURES

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

EXPAND

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
[...]						
<b>Architectural Review</b>						
<ul style="list-style-type: none"> <li>Architectural Review (except as specified below) (limited land use)</li> </ul>	II	CM	CC	Yes	Yes	TDC <a href="#">33.020</a>
<ul style="list-style-type: none"> <li>Single Family Dwelling, Duplexes, Townhouses, Triplexes, Quadplexes, and Cottage Clusters following Clear and Objective Standards</li> <li>Accessory Dwelling Units (ADUs) following Clear and Objective Standards</li> <li>Minor AR including façade</li> </ul>	I	CM	Circuit Court	No	No	TDC <a href="#">33.020</a>

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
 PROPOSED DEVELOPMENT CODE AMENDMENTS

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
and landscape modifications						
<ul style="list-style-type: none"> <li>• Commercial <b><u>and Institutional</u></b> Buildings <b><u>25,000</u></b><del>50,000</del> square feet and larger</li> <li>• Industrial Buildings <b><u>75,000</u></b><del>150,000</del> square feet and larger</li> <li>• Multifamily Housing Projects <del>100</del> <b><u>75</u></b> units and above (or any number of units abutting a single family district)</li> <li>• as requested by the CM</li> </ul>	III	ARB	CC	Yes	Yes	TDC <a href="#">33.020</a>
[...]						

**TDC 32.140. - Application Submittal.**

(1) Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
PROPOSED DEVELOPMENT CODE AMENDMENTS

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- (a) A completed application form. The application form must contain, at a minimum, the following information:
    - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - (ii) The address or location of the subject property and its assessor's map and tax lot number;
    - (iii) The size of the subject property;
    - (iv) The comprehensive plan designation and zoning of the subject property;
    - (v) The type of application(s);
    - (vi) A brief description of the proposal; and
    - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
  - (b) A written statement addressing each applicable approval criterion and standard;
  - (c) Any additional information required under the TDC for the specific land use action sought;
  - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
  - (e) Recorded deed/land sales contract with legal description.
  - (f) A preliminary title report or other proof of ownership.
  - (g) For those applications requiring a neighborhood/developer meeting:
    - (i) The mailing list for the notice;
    - (ii) A copy of the notice;
    - (iii) An affidavit of the mailing and posting;
    - (iv) The original sign-in sheet of participants; and
    - (v) The meeting notes described in TDC [32.120\(7\)](#).
  - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
  - (i) All proposed tracts, easements, and dedications must be illustrated on preliminary plans;**
  - (j) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;**
- (2) *Application Intake.* Each application **shall be considered received on the date of submittal electronically or if a physical application is submitted or mailed, the date on which it is received by City offices.** ~~when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.~~
- (3) *Administrative Standards for Applications.* The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

## CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

### TDC 33.010. - Annexations.

- (1) *Purpose.* The purpose of this Section is to establish the application requirements for annexing territory to the City Limits, consistent with Metro Code 3.09 and Oregon law.
- (2) *Applicability.* The requirements of this section apply to all applications for annexation to the City of Tualatin.
- (3) *Procedure Type.* Annexations are processed in accordance with the annexation procedure in TDC [Chapter 32.260](#).
- (4) *Specific Submittal Requirements.* In addition to the general application submittal requirements in TDC [32.140](#) (Application Submittal), an applicant(s) for a quasi-judicial annexation must submit the following:
  - (a) The Application for Annexation form;
  - (b) The Petition to Annex to the City of Tualatin form;
  - (c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;
  - (d) The Certification of Legal Description and Map form;
  - (e) The Certification of Property Ownership form;
  - (f) The Certification of Registered Voters form;
  - (g) The Property Owner Information Sheet form;
  - (h) The City application fee, and the Metro application fee in a separate check made payable to Metro;
  - (i) The three column by ten row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:
    - (i) The owner (fee title) of the subject territory, and
    - (ii) Recipients pursuant to TDC [32.240](#) (3) and the governing jurisdiction of any public street right-of-way to be annexed;
  - (j) The Annexation Property Information Sheet form;
  - (k) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within 1,000 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed must be outlined with a wide, light colored ink marker;
  - (l) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; ~~and~~
  - (m) Completed Measure 37 and 49 Waiver Form recorded with the County where the territory to be annexed is located; and**
  - (n) ~~(m)~~ Any information required by the City Manager in addition to the above.**
- (5) *Approval Criteria.* To grant an annexation application, the Council must find:
  - (a) The territory to be annexed is within the Metro Urban Growth Boundary;
  - (b) The owners of the territory to be annexed have petitioned to be annexed;
  - (c) The application conforms to the applicable criteria in Metro Code 3.09; and
  - (d) The application is consistent with applicable provisions of ORS Chapter 222.

**TDC 33.020. - Architectural Review.**

[...]

- (3) Types of Architectural Review Applications—Procedure Type.
- (a) Single Family Dwelling and Duplex, Clear and Objective. Development applications submitted for a single family dwelling or duplex in compliance with the Clear and Objective Standards in TDC [73A.110](#) through [73A.130](#) 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.210](#) 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.310](#) are subject to Type I review.
  - (d) Cottage Cluster, Clear and Objective. Development applications submitted for a cottage cluster in compliance with the Clear and Objective Standards in TDC [73A.410](#) are subject to Type I review.
  - (e) Accessory Dwelling Unit. Development applications submitted for an accessory dwelling unit in compliance with the Clear and Objective Standards in TDC [73A.170](#) (Accessory Dwelling Units Standards) are subject to Type I review.
  - (f) General Development. All development applications, (except Single Family Dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.
  - (g) Large Commercial, Industrial, and Multifamily Development. Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:
    - (i) New Commercial **and Institutional** Buildings ~~50,000~~**25,000** square feet and larger;
    - (ii) New Industrial Buildings ~~150,000~~**75,000** square feet and larger; and
    - (iii) New Multifamily Housing Projects with ~~100~~**75** units or more units ~~(or any number of units abutting a single family district).~~
  - (h) Minor Architectural Review. An application for a Minor Architectural Review must be approved, approved with conditions, or denied following review based on finding that:
    - (i) The proposed development is in compliance with all applicable standards and objectives in TDC [Chapter 73A](#) through [73G](#), [74](#) and [75](#);
    - (ii) The proposed development is in compliance with all conditions of approval on the original decision; and
    - (iii) The modification is listed in [33.020\(7\)\(a\)](#).
  - (i) Structures accessory to a primary use located in the RL and RML Districts are subject to Chapter 34.**
- (4) Application Materials. The application must be on forms provided by the City. In addition to the application materials required by TDC [32.140](#) (Application Submittal), the following application materials are also required:
- (a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;
  - (b) Existing conditions plan – **including existing easements**, site plan – **showing proposed lots, tracts, easements, and right of way dedications**, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;

- (c) An **electronic** building materials plan that includes a written description and image representation of facade, windows, trim, and roofing materials, colors, and textures;
  - (d) ~~Preliminary~~ title report **and referenced attachments**; ~~and~~
  - (e) A ~~Service Provider~~ **Pre-Screen** Letter from Clean Water Services.
  - (f) A Service Provider Letter from TVF&R; and**
  - (g) A Service Provider from the franchise waste and recyclables hauler which serves the subject site.**
- (5) Approval Criteria.
- (a) Clear and Objective approval Criteria.
    - (i) Single Family Dwelling or Duplex. Applications for Single Family Dwelling or Duplex, Clear and Objective, must comply with the standards in TDC [73A.110](#) through [73A.130](#), **74 and 75**.
    - (ii) Townhouse. Applications for a Townhouse, Clear and Objective, must comply with the standards in TDC [73A.110](#) through [73A.130](#), **74 and 75**.
    - (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](#), **74 and 75**.
    - (iv) Cottage Cluster. Applications for a Cottage Cluster, Clear and Objective, must comply with the standards in TDC [73A.150](#), **74 and 75**.
  - (b) Discretionary approval criteria:
    - (i) 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](#).
    - (v) The above development must comply with applicable standards of TDC 74 and 75.**
  - (c) General Development. Applications for General Development must comply with the applicable standards and objectives in ~~the~~ TDC [Chapter 73A](#) through [73G](#).
  - (d) Large Commercial, Industrial, and Multifamily Development. Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in ~~the~~ TDC [Chapter 73A](#) through [73G](#).
- (6) Conditions of Approval.
- (a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:
    - (i) Implement identified public facilities and services needed to serve the proposed development;
    - (ii) Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and
    - (iii) Implement the requirements of the Tualatin Development Code.
  - (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.
- (7) 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 **building** material, **landscaping or hardscaping**;
    - (iv) Expanding the gross floor area of a development, including primary and accessory buildings, may be expanded by no more than ~~200~~**500** square feet maximum.
  - [...]
  - (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) ~~Site modification or new land uses~~ **Site modification or new land uses** 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 **up to 10** trees **in a calendar year that were** originally required to be retained or planted by a previously approved Architectural Review proposal. **All other tree removal is subject to Chapter 34.**
  - (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.

[...]

**TDC 33.040. - Conditional Use Permit.**

- (1) *Purpose.* It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:
  - (c) Provide siting criteria for the conditional uses specified herein and guidelines for the imposition of conditions to the end that such uses will:

- ~~(i) Be consistent with the intent and purpose of the zone in which it is proposed to locate such use, meet the requirements of the Tualatin Comprehensive Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place; and~~
- (i) (ii) Comply with the requirements of the zone within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this chapter.**

[...]

- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC [32.140](#) (Application Submittal), the applicant must submit the following additional information and materials:
  - (a) Project title;
  - (b) The architect, landscape architect and engineer;
  - (c) A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;
  - ~~(d) A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and~~
  - ~~(e) If a railroad highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application and the City must notify the ODOT Rail Division and the railroad company that the application has been received.~~
- (5) *Approval Criteria.* The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:
  - (a) The use is listed as a conditional use in the underlying zone;
  - (b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;
  - (c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;
  - (d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and
  - (e) The proposal **complies with the requirements of the zone within which the conditional use is proposed** ~~satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.~~

#### **TDC 33.090. - Temporary Outdoor Sales Permit.**

(1)*Purpose.* Temporary Outdoor Sales is the temporary sale of goods or merchandise outside of a building located at a single location for fewer than 55 consecutive days. This includes the temporary sales of holiday vegetation, fireworks, and produce. Temporary outdoor sales may be conducted at mobile stand, tent, or in the open air. This section establishes an application process for the permitting of the temporary sale of seasonal goods or merchandise from a location outside of a building in a mobile stand, tent or in the open air.

(2)*Applicability.*

- (a) Temporary Outdoor Sales Permits are only allowed in the following zones:
  - (i) Central Commercial (CC); ~~and~~



(ii) General Commercial (CG); **and**

**(iii) Mixed Use Commercial (MUC)**

(b) This section is not intended to circumvent the strict application of the provisions governing permitted and conditional uses in **MUC**, CC and CG zones.

(c) Exemptions: A Temporary Outdoor Sales Permit is not required for:

(i) Activities in public spaces subject to a Community Services Special Event Permit;

(ii) Seasonal displays or sales located in Architectural Review approved plaza areas adjacent to buildings in the **Mixed Use Commercial**, Central Commercial and General Commercial Zones; or

(iii) Mobile food units authorized by the Tualatin Municipal Code.

(3) *Procedure Type*. Applications for Temporary Outdoor Sales Permits are subject to Type I Review in accordance with TDC [Chapter 32](#).

(4) *Specific Submittal Requirements*. An application for a Temporary Outdoor Sales Permit must comply with the general submittal requirements in TDC [32.140](#) (Application Submittal).

(5) *Approval Criteria*.

(a) The total number of days that a parcel of land may be used for temporary outdoor sales in a calendar year is 55 days.

(b) The proposed outdoor sale must be located entirely within private property in a **Mixed Use Commercial**, Central Commercial or General Commercial Zone and the applicant must have the written permission from the property owner to utilize the subject property.

(c) The outdoor sale must be located on a site with Architectural Review approved access, parking and landscaping improvements.

(d) The use is listed as a permitted use in the **Mixed Use Commercial**, Central Commercial or General Commercial Zones.

(e) The proposed outdoor sale will not result in vehicular traffic congestion.

(f) The applicant can make provision for adequate parking facilities.

(g) The outdoor sale will not result in the elimination of parking spaces required by the applicable City ordinance unless the business or businesses using such required spaces are closed for business on the day of the sale.

(h) The outdoor sale will meet all state and county health rules and regulations.

(6) *Application Fee for Temporary Uses*. The application fee does not apply to non-profit or charitable organizations.

[...]

### **TDC 33.110. - Tree Removal Permit/Review.**

(1) *Purpose*. To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC [Chapter 74](#).

(2) *Applicability*. No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.

(3) *Exemptions*. The following actions are exempt from the requirements of a tree removal permit.

(a) *General Exemption*. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

(i) Not located in the Natural Resource Protection Overlay District (NRPO);

(ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);

- (iii) Not a Heritage Tree; and
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.
- (b) *Forest Harvesting Exemption.* Forest Harvesting Uses, as provided by Agricultural Uses in TDC [39.300](#) are exempt.
- (c) *Orchard Exemption.* Orchards Uses, as provided by Agricultural Uses in TDC [39.300](#), are exempt.
- (d) *Public Property Exemption.* Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC [Chapter 74.](#))
- (4) ~~(3)~~ Procedure Type.** Tree Removal Permit applications are subject to Type II Review in accordance with TDC [Chapter 32](#). Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.
- (e) Prior Architectural Review Exemption. Removal of up to 10 trees in a calendar year that were originally required to be retained or planted by a previously approved Architectural Review proposal is reviewed as a Minor Architectural Review under Chapter 33.**
- (5) ~~(4)~~ Specific Submittal Requirements.** In addition to the general submittal requirements in TDC [32.140](#) (Application Submittal), an applicant must submit the following:
  - (a) *Tree Preservation Plan.* A tree preservation plan drawn to scale must include:
    - (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
    - (ii) All trees proposed for removal and all trees proposed to be preserved;
    - (iii) All existing and proposed structures;
    - (iv) All existing and proposed public and private improvements; and
    - (v) All existing public and private easements.
  - (b) *Tree Assessment Report.* A tree assessment prepared by a certified arborist must include:
    - (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
    - (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
    - (iii) a statement addressing the approval criteria set forth in TDC [33.110\(5\)](#);
    - (iv) the name, contact information, and signature of the arborist preparing the report; and
    - (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.
  - (c) *Tree Tags.* All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.
- (6) ~~(5)~~ Approval Criteria.**
  - (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
    - (i) The tree is diseased and:
      - (A) The disease threatens the structural integrity of the tree; or

- (B) The disease permanently and severely diminishes the esthetic value of the tree; or
- (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.
- (ii) The tree represents a hazard which may include but not be limited to:
  - (A) The tree is in danger of falling; or
  - (B) Substantial portions of the tree are in danger of falling.
- (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.
- (b) If none of the conditions in TDC [33.110](#)(5)(a) are met, the certified arborist must evaluate the condition of each tree.
  - (i) *Evergreen Trees*. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
    - (A) Trunk Condition—extensive decay and hollow; or
    - (B) Crown Development—unbalanced and lacking a full crown;
  - (ii) *Deciduous Trees*. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
    - (A) Trunk Condition—extensive decay and hollow;
    - (B) Crown Development—unbalanced and lacking a full crown; or
    - (C) Structure—Two or more dead limbs.
- (7)** ~~(6)~~ *Emergencies*. If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit must be issued by the City Manager without payment of a fee and without formal application, provided the owner provides enough information to the City Manager to document that an emergency exists. If an emergency exists and the City Offices are closed, the emergency condition may be abated provided the person files information documenting the emergency and necessity of immediate removal of the tree as soon as practical after the City Offices reopen. An "emergency condition" for purposes of this section is when a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property. For the purposes of this section, "immediate danger of collapse" means that the tree is already leaning, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Examples of emergency conditions include:
  - (a) A tree leaning on a structure;
  - (b) A tree leaning on another tree and there is a significant likelihood that the tree will topple or otherwise fail; or
  - (c) If a utility service has been interrupted and repairs cannot be completed without the removal of a tree.
- (8)** ~~(7)~~ *Conditions of Approval*. Any tree required to be retained must be protected in accordance with the TDC [73B](#) and [73C](#).
- (9)** ~~(8)~~ *Permit Expiration*. A Tree Removal Permit is valid for one year from the date of issue. A Tree Removal Permit approved in conjunction with an Architectural Review, Subdivision, or Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.
- (10)** ~~(9)~~ *Tree removal in violation of Zone Standards*.

- (a) In addition to any applicable civil violation penalties, any property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions must pay an Enforcement Fee and a Restoration Fee to the City of Tualatin, as follows:
  - (i) Enforcement Fee of \$837.00 per incident, plus \$10.00 for each tree removed; and
  - (ii) Restoration Fee of \$2,000.00 per tree removed.
- (b) The City Manager may administratively reduce or waive these fees based upon a demonstration of hardship, adequate mitigation, or other good cause shown.

## 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

### Residential Accessory Uses

[...]

#### TDC 34.800. – Residential Accessory Uses

- (1) Structures and buildings accessory to an existing primary use, including detached Accessory Dwelling Units subject to TDC 73A, located in the RL and RML Districts are subject to the following:**
- (a) Accessory structures less than 200 square feet and up to 12 feet in height measured at the peak of the structure are not subject to setbacks, except as necessary to comply with the Oregon Fire or Building Codes.**
  - (b) Accessory structures up to 500 square feet and up to 15 feet in height may be sited no closer than 5 feet to a rear property line provided that the structure is sited behind the front building line and meets applicable front and side yard setbacks.**
  - (c) Accessory structures 501 square feet in size and greater than 15 feet in height shall be subject to the underlying structure setbacks of the applicable District where it is located.**
  - (d) Accessory structures in RL and RML must comply with all other development standards not addressed in this section, but are not subject to the Architectural Review process identified in TDC 33, with the exception of detached Accessory Dwelling Units which must comply with the applicable provisions of TDC 33 and 73A.**

[...]

## CHAPTER 38 – SIGNS

### **TDC 38.240. - Signs Permitted in the Light Manufacturing (ML), General Manufacturing (MG), Manufacturing Business Park (MBP) and Manufacturing Park (MP) Planning Districts.**

- (1) No sign shall be permitted in the ML, MG, **MBP** or MP Planning Districts for permitted and conditional uses except the following:
  - (a) Monument signs are permitted. If used, the following standards apply:

- (i) Location on Site: No greater than 100 feet from the frontage property line along the public street right-of-way.
  - (ii) Number: One per frontage on a public street right-of-way with a maximum of two and no more than one on each frontage.
  - (iii) Number of Sides: No more than two.
  - (iv) Height Above Grade: No higher than ten feet.
  - (v) Area: No more than 40 square feet.
  - (vi) Illumination: Indirect or internal.
  - (vii) For schools for kindergarten through 12 in a ML Planning District, one sign may be an internally illuminated mechanical readerboard provided it is on the frontage of an arterial or collector street designated in the City's Transportation System Plan and Map 8-1 of the Comprehensive Plan and the readerboard portion is no more than 75 percent of the allowed sign face area.
- (b) Wall signs are permitted. If used, the following standards apply:
- (i) Number: One on each owned or leased wall not to exceed two walls for each owned or leased space and not to exceed four elevations of each building.
  - (ii) Number of Sides: No more than one.
  - (iii) Height Above Grade: No higher than the height of the sign band.
  - (iv) Height of Each Letter, Number, Symbol or Logo: No higher than four feet.
  - (v) Area: No more than five percent of the wall's elevation provided that an area of at least 32 square feet is permitted and the maximum is 150 square feet.
  - (vi) Illumination: Indirect or internal.
  - (vii) In the **MBP or** MP District in place of one wall sign, one monument sign, in addition to the monument signs allowed in (a) above, is allowed, provided it is in the yard setback area abutting the wall where the wall sign would have been located, is within 100 feet of a primary public customer doorway in the wall where the wall sign would have been located and is at least 100 feet from any other monument sign.
- (2) See TDC [38.110](#)(5-17) for additional signage and if used, the standards of TDC [38.110](#)(5-17) apply.

**CHAPTER 40 - LOW DENSITY RESIDENTIAL ZONE (RL)**

**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/C	Single-family dwellings in a small lot subdivision permitted with conditional use permit, subject to TDC <a href="#">36.410</a>

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
PROPOSED DEVELOPMENT CODE AMENDMENTS

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
		All other single family dwellings permitted outright.
<b><u>Accessory Structures</u></b>	<b><u>P</u></b>	<b><u>Subject to TDC 34.800</u></b>
Accessory Dwelling Unit	P	Subject to TDC <a href="#">73A.170</a> .
Duplex	P	See TDC definition in <a href="#">31.060</a> .
Townhouse	P	See TDC definition in <a href="#">31.060</a> .
Triplex	P	See TDC definition in <a href="#">31.060</a> .
Quadplex	P	See TDC definition in <a href="#">31.060</a> .
Cottage Cluster	P	See TDC definition in <a href="#">31.060</a> .
Multi-Family Structure	C	See TDC definition in <a href="#">31.060</a> .
Manufactured Dwelling	P	Subject to TDC <del>40.300</del> (4) <b>40.320(3)</b>
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC <a href="#">34.400</a> .
Residential Home	P	See TDC definition in <a href="#">31.060</a>

**CHAPTER 41 - MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)**

**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**

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
PROPOSED DEVELOPMENT CODE AMENDMENTS

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	P/L	Limited to single-family dwellings in a flexible lot subdivision subject to TDC <a href="#">36.410</a> .
<b><u>Accessory Structures</u></b>	<b><u>P</u></b>	<b><u>Subject to TDC 34.800</u></b>
Accessory Dwelling Unit	P	Subject to TDC <a href="#">73A.170</a> .
Duplex	P	See TDC definition in <a href="#">31.060</a> .
Townhouse	P	See TDC definition in <a href="#">31.060</a> .
Triplex	P	See TDC definition in <a href="#">31.060</a> .
Quadplex	P	See TDC definition in <a href="#">31.060</a> .
Cottage Cluster	P	See TDC definition in <a href="#">31.060</a> .
Multi-Family Structure (5 or more units)	P	See TDC definition in <a href="#">31.060</a> .
<del>Manufacturing</del> <b><u>Manufactured</u></b> Dwelling	N	See TDC definition in <a href="#">31.060</a> .
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC <a href="#">34.400</a> .
Residential Home	P	See TDC definition in <a href="#">31.060</a> .

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

**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**

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
PROPOSED DEVELOPMENT CODE AMENDMENTS

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

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

**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	
<del>Duplex</del> Townhouse (or Rowhouse)	P	See TDC definition in <a href="#">31.060</a> .



- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
 PROPOSED DEVELOPMENT CODE AMENDMENTS

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Multi-Family Structure	P	See TDC definition in <a href="#">31.060</a> .
Manufacturing Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC <a href="#">34.400</a> .
Residential Home	P	See TDC definition in <a href="#">31.060</a> .

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

**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	
<del>Duplex</del> Townhouse (or Rowhouse)	P	See definition in TDC <a href="#">31.060</a> .
Multi-Family Structure	P	See definition in TDC <a href="#">31.060</a> .
Manufacturing Dwelling	N	
Manufactured Dwelling Park	N	

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
 PROPOSED DEVELOPMENT CODE AMENDMENTS

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Retirement Housing Facility	C	Subject to TDC <a href="#">34.400</a> .
Residential Home	P	See definition in TDC <a href="#">31.060</a> .

**CHAPTER 57 - MIXED USE COMMERCIAL ZONE (MUC)**

[...]

**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**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	N	
Accessory Dwelling Unit	N	
Duplex; Townhouse (or Rowhouse)	P	
Multi-Family Structure	P	
Manufactured Dwelling	N	
Manufactured Dwelling Park	N	
Retirement Housing Facility	C	Subject to TDC <a href="#">34.400</a>
Residential Home	N	

**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 73A through 73D** ~~57.400~~.

**CHAPTER 58 - CENTRAL TUALATIN OVERLAY ZONE**

[...]

**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> <li>• Multi-Family Structure;</li> <li>• Retirement Housing Facility, subject to Subject to TDC <a href="#">58.210(1)</a>; and</li> <li>• Residential Homes.</li> </ul>
[...]		

**CHAPTER 60. - LIGHT MANUFACTURING ZONE (ML)**

[...]

**TDC 60.300. - Development Standards.**

Development standards in the ML zone are listed in Table 60-2. Additional standards may apply to some uses and situations, see TDC [60.310](#).

**Table 60-2  
 Development Standards in the ML Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
[...]		
<b>STRUCTURE HEIGHT</b>		
Maximum Height	50 feet	May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure.

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
		<p><del>Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line.</del></p> <p>Flagpoles may extend to 100 feet.</p>
Maximum Height Adjacent to Residential District	28 feet	<p><b><u>Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line.</u></b></p>

**CHAPTER 73A – SITE DESIGN STANDARDS**

General Purpose and Objectives of Site and Building Design Standards

Residential Design Standards

Multi-Family Design Standards

Commercial Design Standards

Industrial Design Standards

Institutional Design Standards

**GENERAL PURPOSE AND OBJECTIVES ~~CRITERIA FOR~~ OF SITE AND BUILDING DESIGN STANDARDS**

**TDC 73A.010. - Site and Building Design Standards Purpose and Objectives ~~Criteria.~~**

- (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:~~
- (2) Criteria. Except development identified under TDC 73A.100 through 73A.200, development must satisfy the above purpose by providing:**
  - (a) ~~The~~ **A** building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features **that is compatible with the site and surrounding development;** ~~and~~
  - (b) ~~The~~ **p**lacement, design, and relationship of proposed site elements **that is compatible both within the site and with surrounding development, including** 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 a;~~

- ~~(c)~~ **(c)** Attractively designed development and streetscapes;
- ~~(b)~~ **(d)** Encourage ~~(d)~~ Originality, flexibility, and innovation in building design;
- ~~(c)~~ **(e)** Create ~~(e)~~ Opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
- ~~(fd)~~ **(a)** Provide ~~(a)~~ a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
- ~~(e)~~ **(b)** Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
- ~~(gf)~~ **(c)** Enhance ~~(c)~~ Energy efficiency through the use of landscape and architectural elements; and
- ~~(hg)~~ **(d)** Minimization of ~~(d)~~ disruption of natural site features such as topography, trees, and water features.

**TDC 73A.100. - 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.

**(f) Clear and Objective Design Standards in TDC 73A.110 and 73A.150 only apply to RL and RML zones.**

[...]

**TDC 73A.170. - Accessory Dwelling Unit Design Standards.**

(1) The purpose of accessory dwelling units, as defined in TDC [31.060](#), is to increase the variety and availability of housing with the goal of increasing housing affordability.

(2) Accessory Dwelling Units are allowed on lots or parcels with one or more primary dwelling units and must comply with the following standards:

- (a) An accessory dwelling unit is allowed in the RL and RML Zones.
- (b) There must be no more than one accessory dwelling unit per lot or parcel;
- (c) An accessory dwelling unit must not exceed 800 square feet of gross floor area;
- (d) The accessory dwelling unit must be served by the same water meter, electric meter, and natural gas meter as the primary dwelling, except if prohibited by State building code requirements;

**(2) Accessory Dwelling Units that are not interior to a primary dwelling unit and are either attached or connected to the exterior of a primary dwelling unit must comply with the following standards:**

- ~~(e)~~ **(a)** An accessory dwelling unit must provide at least ~~two~~ **one** Residential Roof Design Elements in TDC [73A.120](#) (Site Design), and **each façade must contain** at least ~~four~~ **two** Residential Wall Design Elements in TDC [73A.130](#) (Site Design); and

- (f)(b) An accessory dwelling unit must be set back at least one foot from a line parallel to the main entrance of the primary dwelling.

**TDC 73A.300. - Commercial Design Standards.**

The following standards are minimum requirements for commercial development in all zones, except the Mixed-Use Commercial (~~MCU~~**MUC**) zone, which has its own standards:

[...]

(2) Accessways.

- (a) When Required. Accessways are required to be constructed when a ~~multi-family~~ 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.

[...]

(6) Adjacent to Transit. Commercial development adjacent to transit must comply with the following:

- (a) Development on a transit street ~~designated in~~ **illustrated on TDC Chapter 11 Comprehensive Plan Map (Figure Map 118-5)** 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.
- (b) Development abutting major transit stops as ~~designated in~~ **illustrated on TDC Chapter 11 Comprehensive Plan Map (Figure Map 118-5)** 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 between the major transit stop and a building entrance on the site;
  - (iii) Provide a transit passenger landing pad accessible to disabled persons;
  - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
  - (v) Provide lighting at the major transit stop.

**TDC 73A.400 - Mixed Use Commercial Design Applicability; Exceptions.**

(1) Applicability. The mixed-use design standards apply to:

- (a) New buildings in the Mixed-Use Commercial (MUC) zone.
- (b) Expansion or substantial exterior remodeling of existing non-residential development in the Mixed-Use Commercial (MUC) zone which is greater than 50 percent of the building's gross floor area or alters any facade visible from a public or private street frontage by more than 50 percent.

(2) Exceptions: The City Manager may allow exceptions to these standards as determined through the Architectural Review process, if the physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical.

**TDC 73A.410 - Mixed Use Commercial Design Standards.**

The following are the minimum standards for development in the Mixed-Use Commercial (**MUC**) zone.

- (1) Walkways. ~~Mixed-Use Commercial~~ **MUC** zone 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; and adjacent development, transit stops, and public greenways and parks; and
  - (e) Walkways must provide connection to an abutting street every 200 linear feet of frontage.
- (2) Accessways.**
- (a) When Required. Accessways are required to be constructed when a ~~multi-family~~ development is adjacent to any of the following:**
- (i) Residential property;**
  - (ii) Commercial property;**
  - (iii) Mixed residential and commercial property;**
  - (iv) Areas intended for public use, such as schools and parks; and**
  - (v) 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, but not gravel or woody material;**
  - (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.**
- (3)(2) Parking Location.** Parking for all Mixed-Use Commercial zone uses 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;
  - (c) Parking must be setback a minimum of 50 feet from the front property line; and
  - (d) Parking required for residential uses must be provided on the development site of the primary structure.
- ~~(4)(3)~~ Drive-up Uses. Drive-up uses must comply with the following:
- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:
    - (i) Banks—Each lane must be 100 feet long;
    - (ii) Restaurants—Each lane must be 160 feet long; and
    - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.
  - (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.
  - (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.
  - (d) The width and turning radius of drive-up aisles must be approved by the City.
  - (e) A wall or other visual or acoustic may be required by the City.
- ~~(5)(4)~~ Adjacent to Transit. Mixed-Use Commercial zone development adjacent to transit must comply with the following:
- (a) Development on a transit street ~~designated in~~**illustrated on TDC Chapter 11 Comprehensive Plan Map (FigureMap 118-5)** 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.
  - (b) Development abutting major transit stops as ~~designated in~~**illustrated on TDC Chapter 11 Comprehensive Plan Map (FigureMap 118-5)** 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 between the major transit stop and a building entrance on the site;
    - (iii) Provide a transit passenger landing pad accessible to disabled persons;
    - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
    - (v) Provide lighting at the major transit stop.
- ~~(6)(5)~~ 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.
- ~~(7)(6)~~ Building Design Standards. Mixed Use Commercial Zone development must meet the following building design standards.
- [...]

**TDC 73A.500. - Industrial Design Standards.**

The following standards are minimum requirements for industrial development in all zones, except the Mixed-Use Commercial (MUC) zone, which has its own standards:

- (1) Walkways. Industrial development must provide walkways as follows:
  - (a) Walkways must be a minimum of five feet in width;
  - (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;



- (c) Walkways must meet ADA standards applicable at time of construction or alteration;
  - (~~ed~~) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
  - (~~fe~~) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; ~~and~~
  - (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**
  - (g) 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.
- (2) Accessways.
- (a) When Required. Accessways are required to be constructed when a ~~multi-family~~ 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.
  - [...]
  - (6) Adjacent to Transit. Industrial development adjacent to transit must comply with the following:
    - (a) Development on a transit street ~~designated in~~ **illustrated on** TDC Chapter 11 **Comprehensive Plan Map** (Figure ~~Map 118-5~~) 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; and
    - (b) Development abutting major transit stops as ~~designated in~~ **illustrated on** TDC Chapter 11 **Comprehensive Plan Map** (Figure ~~Map 118-5~~) 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 between the major transit stop and a building entrance on the site;
      - (iii) Provide a transit passenger landing pad accessible to disabled persons;
      - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
      - (v) Provide lighting at the major transit stop.

**TDC 73A.600. - Institutional Design Standards.**

The following standards are minimum requirements for institutional development in all zones:

- [...]
- (2) Accessways.
  - (a) When Required. Accessways are required to be constructed when a ~~multi-family~~ 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.
  - [...]
- (5) Adjacent to Transit. Institutional development adjacent to transit must comply with the following:

- (a) Development on a transit street ~~designated in~~ illustrated on ~~TDC Chapter 11~~ Comprehensive Plan Map (FigureMap 118-5) 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; and
- (b) Development abutting major transit stops as ~~designated in~~ illustrated on ~~TDC Chapter 11~~ Comprehensive Plan Map (FigureMap 118-5) 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 between the major transit stop and a building entrance on the site;
  - (iii) Provide a transit passenger landing pad accessible to disabled persons;
  - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
  - (v) Provide lighting at the major transit stop.

**CHAPTER 73B - LANDSCAPING STANDARDS**

[...]

**TDC 73B.090. - Minimum Standards Trees and Plants.**

(1) Deciduous Shade Trees	<ul style="list-style-type: none"> <li>• One and <u>one</u>-half inch caliper measured six inches above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>• Reach a mature height of 30 feet or more;</li> <li>• Cast moderate to dense shade in summer;</li> <li>• Live over 60 years;</li> <li>• Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>• Require little maintenance and mechanically strong;</li> <li>• Insect- and disease-resistant;</li> <li>• Require little pruning; and</li> <li>• Barren of fruit production.</li> </ul>
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> <li>• One and <u>one</u>-half inch caliper measured six inches above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>• Five feet in height above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant</li> </ul>

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	<p>during their dormant season; and</p> <ul style="list-style-type: none"> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>
(5) Groundcovers	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>
(6) Lawns	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>

[...]

**CHAPTER 73C - PARKING STANDARDS**

In General

Parking Lot Landscaping

IN GENERAL

**TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.**

- (1) Applicability. Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:
  - (a) Establishment of a new structure or use;
  - (b) Change in use; or
  - (c) Change in use of an existing structure.
- (2) General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC [73C.100](#), unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.
  - (a) The following apply to property and/or use with respect to the provisions of TDC [73C.100](#):
    - (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;

- (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
- (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
- (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
- (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;
- (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;
- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones;
- (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage; **and**
- ~~(xii) Where uses are mixed in a single building, parking must be a blend of the ratio required less ten percent for the minimum number of spaces. The maximum number of spaces must be ten percent less than the total permitted maximum for each use; and~~
- (xiii) If the applicant demonstrates that too many or too few parking spaces are required, applicant may **demonstrate through the Architectural Review process provision of a parking study or other means**~~seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.~~ **Alternatively, the applicant may seek a reduction or increase in parking spaces by Variance.**

**TDC 73C.020. - Parking Lot Design Standards.**

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, must comply with the following:

[...]

**(14) The following table states the minimums for parking space dimensions:**

Table 73C.140-1 Off-Street Parking

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Required Space and Aisle Dimensions in Feet

Standard Size Vehicles						Compact Size Vehicle				
Angle	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang
0° (parallel)	8.0	24.0	N/A	N/A	N/A	8.0	20.0	N/A	N/A	N/A
45°	9.0	17.5	12.0	47.0	2.0	8.0	15.5	11.0	42.0	2.0
60°	9.0	19.0	16.0	54.0	2.5	8.0	17.0	14.0	48.0	2.5
75°	9.0	19.5	23.0	62.0	2.5	8.0	17.5	21.0	56.0	2.5
90°	9.0	18.5	24.0	61.0	2.5	8.0	16.0	20.0	52.0	1.5

[...]

**TDC 73C.100. - Off-Street Parking Minimum/Maximum Requirements.**

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC [73C.110](#).

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING (See <a href="#">Figure 73-3 for Parking Zones</a> )	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<b>(a) Residential Uses</b>				
(i) Detached single-family dwelling, residential home, residential facilities (located in low density (RL) zones)	2.00 vehicle parking spaces per dwelling unit, residential home or residential facility	None	None Required	N/A
(ii) Duplexes	1.00 vehicle parking space per dwelling unit	None	None Required	

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USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING <u>(See Figure 73-3 for Parking Zones)</u>	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(iii) Townhouses	1.00 vehicle parking space per dwelling unit	None	None Required	
(iv) Triplexes and (v) Quadplexes	1.00 space in total for lots less than 3,000 SF. 2.00 spaces in total for lots greater than or equal to 3,000 SF and less than 5,000 SF. 3.00 spaces in total for lots greater than 5,000 SF and less than 7,000 SF. 4.00 spaces in total for lots equal to or greater than 7,000 SF.	None	None Required	
<del>(vii)</del> <b>(vi)</b> Cottage Clusters	1.00 space per dwelling unit in a Cottage Cluster. Spaces may be provided for individual cottages or in shared parking clusters.	None	None Required	
<del>(vii)</del> <b>(vi)</b> Multi-family dwellings in subdivisions	1.50 spaces per unit	None	<del>Developments with five or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit</del>	100
<del>(viii)</del> <b>(vi)</b> Multi-family dwellings	1.0 space/studio, 1.25 space/1 bedroom,	None	Developments with five or more units;	100

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USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING <u>(See Figure 73-3 for Parking Zones)</u>	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
in complexes with private internal driveways	1.50 space/2 bedroom, 1.75 space/3= bedroom		none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	
<del>(ix)</del> <b>(vii)</b> Retirement housing facility	1.00 space per dwelling unit	None	0.50 space per unit	50
<del>(x)</del> <b>(viii)</b> Boarding house, lodging	1.00 space per guest house accommodation	None	0.25 space per guest house accommodation	50
<del>(xi)</del> <b>(x)</b> Congregate care, assisted living and residential care facilities	0.50 space per dwelling unit	None	2, or 0.20 spaces per dwelling unit, whichever is greater	50
<del>(xii)</del> <b>(xi)</b> Residential facilities (located in other than low density residential zones)	1.00 space per three beds, plus 1.00 space per employee	None	2, or 1.00 space for every six beds, whichever is greater	50
<del>(xiii)</del> <b>(xii)</b> Dwelling units within the Central Design District except	1.50 space per dwelling unit, including garage	None	Multi-family residential developments with five or more units; none required if a	100

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USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING <u>(See Figure 73-3 for Parking Zones)</u>	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
as specified in (d), (e), and (f) above			garage is provided as an integral element of a unit; otherwise 1.00 space per unit	
[...]				
<b>(e) Commercial</b>				
(i) Retail shops (under <del>100,000</del> <u>25,000</u> square feet of gross floor area)	4.00 spaces per 1,000 square feet of gross floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	0.50 space per 1,000 square feet of gross floor area	50
(ii) Retail store handling exclusively bulky merchandise such as furniture or automobiles and service or repair shops	1.00 space per 400 square feet of sales floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.20 space per 1,000 square feet of sales floor area, whichever is greater	50
(iii) Shopping center (over <del>100,000</del> <u>25,000</u> )	4.1 spaces per 1,000 square feet of gross floor area	Zone A: 5.1 spaces per 1,000 square	0.50 space per 1,000 square feet of gross floor area	50



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USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING <u>(See Figure 73-3 for Parking Zones)</u>	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
square feet of gross floor area)		feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area		
[...]				

(2) In addition to the general parking requirements in subsection (1), the following are the minimum number of off-street **hybrid, electric**, vanpool and carpool parking for commercial, institutional, and industrial uses. **The required spaces must be identified by signage but may be designated any combination of hybrid, electric, vanpool or carpool.**

Number of Required Parking Spaces	Number of <b>Hybrid, Electric</b> , Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

**TDC 73C.110. - Core Area Parking District Minimum Parking Requirements.**

Uses in the Core Area Parking District must comply with the following parking requirements:

- (1) The following uses must provide 75 percent of the spaces required in TDC [73C.100\(1\)](#), whether provided individually, in accordance with the Shared Parking in TDC [73C.030](#), or the Joint Use Parking in TDC [73C.040](#):
  - (a) Multi-Family dwellings in complexes with private internal driveways;
  - (b) Retirement housing facility;
  - (c) Boarding house, lodging;
  - (d) Congregate care, assisted living and residential care facilities;
  - (e) Residential facilities (located in other than low density residential planning districts);

- (f) Library, reading room;
  - (g) Nursery, primary, elementary or middle school, and child day care center;
  - (h) Other places of public assembly, including churches;
  - (i) Theater;
  - (j) Bowling alley;
  - (k) Retail shops (under ~~100~~**25**,000 square feet of gross floor area);
  - (l) Retail store handling exclusively bulky merchandise such as furniture or automobiles and service or repair shops;
  - (m) Mortuary;
  - (n) Office furniture and office furniture sales; ~~and~~
  - (o) Major transit stops (not Park and Ride lots); ~~and~~;
  - (p) Shopping center over 25,000 square feet of gross floor area.**
- (2) At the time of enlargement of an existing structure or change in use, there must be no net loss of existing off-street parking, in addition to providing new off-street parking as required under TDC 73C.110.
- (3) The following uses are exempt from providing off-street parking within the Core Area Parking District:
- (a) The publicly-owned community center on Tract 8 of the Tualatin Commons; and
  - (b) Outdoor dining facilities.

Table 73C.140-1 Off-Street Parking  
 Required Space and Aisle Dimensions in Feet

Standard Size Vehicles						Compact Size Vehicle				
Angle	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang	Stall Width	Stall Depth	Aisle Width	Module Width	Bumper Overhang
0° (parallel)	8.0	24.0	N/A	N/A	N/A	8.0	20.0	N/A	N/A	N/A
45°	9.0	17.5	12.0	47.0	2.0	8.0	15.5	11.0	42.0	2.0
60°	<del>9.0</del>	<del>19.0</del>	<del>16.0</del>	<del>54.0</del>	<del>2.5</del>	<del>8.0</del>	<del>17.0</del>	<del>14.0</del>	<del>48.0</del>	<del>2.5</del>
75°	9.0	19.5	23.0	62.0	2.5	8.0	17.5	21.0	56.0	2.5
90°	9.0	18.5	24.0	61.0	2.5	8.0	16.0	20.0	52.0	1.5

**CHAPTER 73G - MASONRY WALL STANDARDS**

[...]

**TDC 73G.020. - Applicability.**

- (1) New Construction of Access-Restricted Lot Lines in the RL and RML Zones. A masonry wall is required to be installed for all properties in the RL and RML zones that meet either of the following:
- (a) The property has access-restricted lot lines abutting the following streets for a distance greater than 60 feet:
    - (i) Major collectors;

- (ii) Minor collectors;
  - (iii) Major arterials;
  - (iv) Minor arterials;
  - ~~(v) Expressway right-of-way; or~~
  - ~~(vi) Interstate highway.~~
- (b) No existing masonry wall is located along an access restricted lot line and more than 50 percent of masonry walls are constructed along the abutting access restricted street to the nearest intersecting streets, or hypothetical extensions thereof on both sides of the subject property (See Figure 73-56 for illustration), meet the masonry wall standard, then any new masonry wall must be in conformance with the required design standards.
- (2) Subdivisions and Partitions of Access-Restricted Lot Lines in the RL and RML Zones. A masonry wall is required to be installed for all subdivisions and partitions in the RL and RML zones that have access-restricted lot lines abutting the following streets for a distance greater than 60 feet:
- (a) Major collectors;
  - (b) Minor collectors;
  - (c) Major arterials;
  - (d) Minor arterials,
  - ~~(e) Expressway right-of-way; or~~
  - ~~(f) Interstate highway.~~
- (3) Replacement and Repair of Nonconforming Masonry Wall **(See Figure 73.6)**.  
[...]
- (4) Exceptions to Masonry Wall Location or Configuration. The following exceptions apply to the masonry wall location or configuration requirements:
- (a) Where the City Manager determines that vehicular access is to be provided from the arterial/collector/expressway to a parcel or lot abutting the arterial/collector/expressway, the masonry wall is not required along the arterial/collector/~~expressway~~ frontage of that particular parcel or lot.
  - (b) For public streets classified as an arterial/collector/~~expressway~~, where the City Manager determines that an opening or passage through the masonry wall must be provided, the masonry wall must include such required opening. The same must be provided in masonry walls along state-owned interstate highways when required by the state or Tualatin Valley Fire & Rescue or the City Manager.
  - (c) All vision clearance requirements must be met.
  - (d) The City Manager, in the case of public streets classified as an arterial/collector/~~expressway~~, or the state in the case of state-owned interstate highways, may require an alternate location or configuration of the masonry wall alignment to accommodate stormwater facilities, easements, or other requirements, such as, but not limited to, bicycle paths, multi-use paths, or for maintenance purposes.
  - ~~(e) For state-owned interstate highways, where an area of vegetation at least 200 linear feet in width runs parallel to the interstate highway and forms a visual, esthetic or acoustic barrier, or land in a Natural Resource Protection Overlay (NRPO) district or other protected area as defined in TDC Chapter 72 runs parallel to the interstate highway, and such land is located between the interstate highway property line and the developable area of a property being developed in the RL or RML Planning District, a masonry wall is not required. Where the area of vegetation is less than 200 linear feet in width, the required masonry wall must be located entirely outside the~~

~~vegetated, NRPO or other protected area and as close as physically possible to, approximately parallel with, the edge of said vegetated, NRPO or other protected area on the developable portion of the property being developed.~~

**TDC 73G.030. - Masonry Wall Design Standards.**

- (1) *Masonry Wall Design.* All masonry walls must comply with the following design standards. (See Figure 73-6-7 for illustration)  
[...]

**CHAPTER 74 PUBLIC IMPROVEMENT REQUIREMENTS**

[...]

**TDC 74.130. Private Improvements.**

All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

**TDC 74.140. Construction Timing.**

- (1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.
- (2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy. **Per TDC 33.020(6)(b)(iii), installation of approved private improvements may be secured by performance bond, cash surety, or cash equivalent, for a period not to exceed one year from the date of issuance of a Certificate of Occupancy, for subdivision and partition applications, private improvements shall be installed** in accordance with the requirements of the Subdivision regulations.

**TDC 74.210. Minimum Street Right-of-Way Widths.**

The width of streets in feet must not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-~~12A~~ through 74-~~22G~~.

- (1) For subdivision and partition applications, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-~~12A~~ through 74-~~22G~~ must be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.
- (2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-~~12A~~ through 74-~~22G~~ must be dedicated to the City for use by the public

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prior to issuance of any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

- (3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.
- (4) If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.
- (5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-~~12A~~ through 74-~~72G~~, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.
- (6) When a proposed development is adjacent to or bisected by a street proposed in the Transportation System Plan and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-~~12A~~ through 74-~~72G~~ must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.

[...]

#### **TDC 74.330. Utility Easements.**

- (1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.
- (2) For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and
- (3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

- 
- (4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.
  - (5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a ~~86-foot~~ 86-foot public utility easement adjacent to the street ~~and a 5-foot public utility easement adjacent to all side and rear lot lines.~~ Other easements may be required as determined by the City Manager.

[...]

**TDC 74.350. Maintenance Easement or Lots.**

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

**TDC 74.410. Future Street Extensions.**

- (1) Streets must be extended to the proposed development site boundary where necessary to do any one of the following:
  - (a) Give access to, or permit future development of adjoining land;
  - (b) Provide additional access for emergency vehicles;
  - (c) Provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;
  - (d) Eliminate the use of culs-de-sac except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension; and
  - (e) Eliminate circuitous routes. The resulting dead end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.
- (2) Proposed streets must comply with the general location, orientation and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local Streets Plan (Comprehensive Plan Map 8-3) and the Street Design Standards (Figures 74-~~12A~~ 12A through 74-~~22G~~ 22G).

[...]

- (iv) Allowing culs-de-sacs and closed-end streets to be no longer than 200 feet or with more than 25 dwelling units, except for streets stubbed to future developable areas.

[...]

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#### **TDC 74.420. Street Improvements.**

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the ~~Transportation~~ **Comprehensive** Plan (TDC Chapter ~~8~~ **Transportation**11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

[...]

- (11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and ~~TDC Chapter 11, Transportation~~ **Comprehensive** Plan (**Chapter 8 Transportation**), and TDC 74.425 (Street Design Standards).

[...]

- (14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.(15)Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

- (16)The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. **In such a case, the City may approve payment of a fee-in-lieu of design and construction of improvements in (14) and (15) of this section. This fee must be based on a registered Engineer's cost estimate of design, preparation, installation of these improvements,** applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.

- (17)Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

- (18)Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to ~~comply with the City's Mid-Block Crossing Policy~~ **provide adequate pedestrian and ADA access (in the judgment of the city) to the transit stop.**

#### **TDC 74.425. Street Design Standards.**

[...]

- (3) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-~~12A~~ through 74-~~72G~~ to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.
- (4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no

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event will the requirement be less than the minimum standard, **except as provided below**. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

(a) *Arterials:*

- (i) Whether adequate right-of-way exists;
- (ii) Impacts to properties adjacent to right-of-way;
- (iii) Current and future vehicle traffic at the location; and
- (iv) Amount of heavy vehicles (buses and trucks).

(b) *Collectors:*

- (i) Whether adequate right-of-way exists;
- (ii) Impacts to properties adjacent to right-of-way;
- (iii) Amount of heavy vehicles (buses and trucks); and
- (iv) Proximity to property zoned manufacturing or industrial.

(c) *Local Streets:*

- (i) Local streets proposed within areas which have environmental constraints and/or sensitive areas and will not have direct residential access may utilize the minimum design standard.
- (ii) When the minimum design standard is allowed, the City Manager may determine that no parking signs are required on one or both sides of the street.

**(5) Exception to Compliance with Minimum Street Design Standards**

**(a) The applicant may propose, concurrent with an application for Architectural Review under Chapter 33 or Partition/Subdivision under TDC 34 a request for an exception to the Minimum Street Design Standards.**

**(b) The City Manager may grant an exception based on the following factors:**

- (i) Extent and location of existing and available right-of-way;**
- (ii) Extent and location of existing public improvements;**
- (iii) Extent and location of trees, creeks, streams, or natural areas; and**
- (iii) Location of existing private improvements;**

**(c) The proposed exception may not modify standards necessary to meet:**

- (i) One or more safety standards; and**
- (ii) One of more operational standard.**

**(d) The City Manager may allow for a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-striped separation two to four feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.**

**(e) 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.**

[...]

**~~TDC 74.430. Streets, Modifications of Requirements in Cases of Unusual Conditions.~~**

~~(1) When, in the opinion of the City Manager, the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City 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,~~



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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.

- ~~(2) When the City Manager determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. The City Manager must forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC Chapter 32 (Procedures). The decision of the City Manager may be appealed to the City Council in accordance with TDC Chapter 32 (Procedures).~~
- ~~(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to ten feet (the minimum specified in AASHTO's A Policy on Geometric Design of Highways and Streets (1990)), a reduction of bike lane width to 4 feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-striped separation two to four feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.~~

#### **TDC 74.450. - Bikeways and Pedestrian Paths.**

(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in **the Comprehensive Plan, Map 8-4**~~TDC Chapter 11, Transportation Figure 11-4~~, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.

**(2) Assure shared use pathways and bikeways are developed as land rights and resources are available.**

~~(2)~~**(3)** Where required, bikeways and pedestrian paths must be provided as follows:

- (a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.
- (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.

[...]

## **UTILITIES**

#### **TDC 74.610. Water Service.**

- (1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.
- (2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized

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to provide service to future development, in accordance with the City's ~~Water System Master~~ **Comprehensive** Plan, Chapter 9 Public Facilities and Services ~~TDC Chapter 12~~.

- (3) ~~As set forth in TDC Chapter 12~~ **illustrated on Comprehensive Plan Map 9.1 Water System Master Plan**, ~~Water Service~~, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

**TDC 74.620. Sanitary Sewer Service.**

- (1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.
- (2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's **Comprehensive Plan Map 9-2** Sanitary Sewer System Master Plan, ~~TDC Chapter 13~~.

**TDC 74.630. Storm Drainage System.**

- (1) Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.
- (2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations.
- (3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin **Comprehensive Plan** ~~Drainage Plan in~~ **Chapter 9 Public Facilities and Services** ~~14~~.

[...]

**CHAPTER 75 - ACCESS MANAGEMENT**

**TDC 75.040. - Driveway Approach Requirements.**

(12) *Vision Clearance Area.*

- (a) *Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be **provided consistent with AASHTO requirements** ~~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 73-2 for illustration).~~

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(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 **provided consistent with AASHTO requirements** 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 73-2** for illustration).

(c) *Vertical Height Restriction*. Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area established by applicable **AASHTO requirements** (see **Figure 73-2** for illustration).

[...]

## **APPENDIX B - FIGURES**

Figure 34-1: New Fence

Figure 34-2: Masonry Fence Design Type

Figure ~~38~~**35**-1: Freeway-Oriented Activity Areas

Figure 57-1: 100-Foot Maximum Structure Height

Figure 71-1: Development Setbacks

Figure 73-1: Parking Space Design Standards

Figure 73-2: Vision Clearance Area

Figure 73-3: Parking Maximum Map

Figure 73-4: Central Design District

Figures 74-2A-G: Street Design Standards

**Figure 73-6: Masonry Wall Installation or Replacement**

**Figure 73-7: Masonry Fence Design**

**Figure 74-1: Major Arterial Street Design**

**Figure 74-2: Minor Arterial Street Design**

**Figure 74-3: Major Collector Street Design**

**Figure 74-4: Minor Collector Street Design**

**Figure 74-5: Connector Street Design**

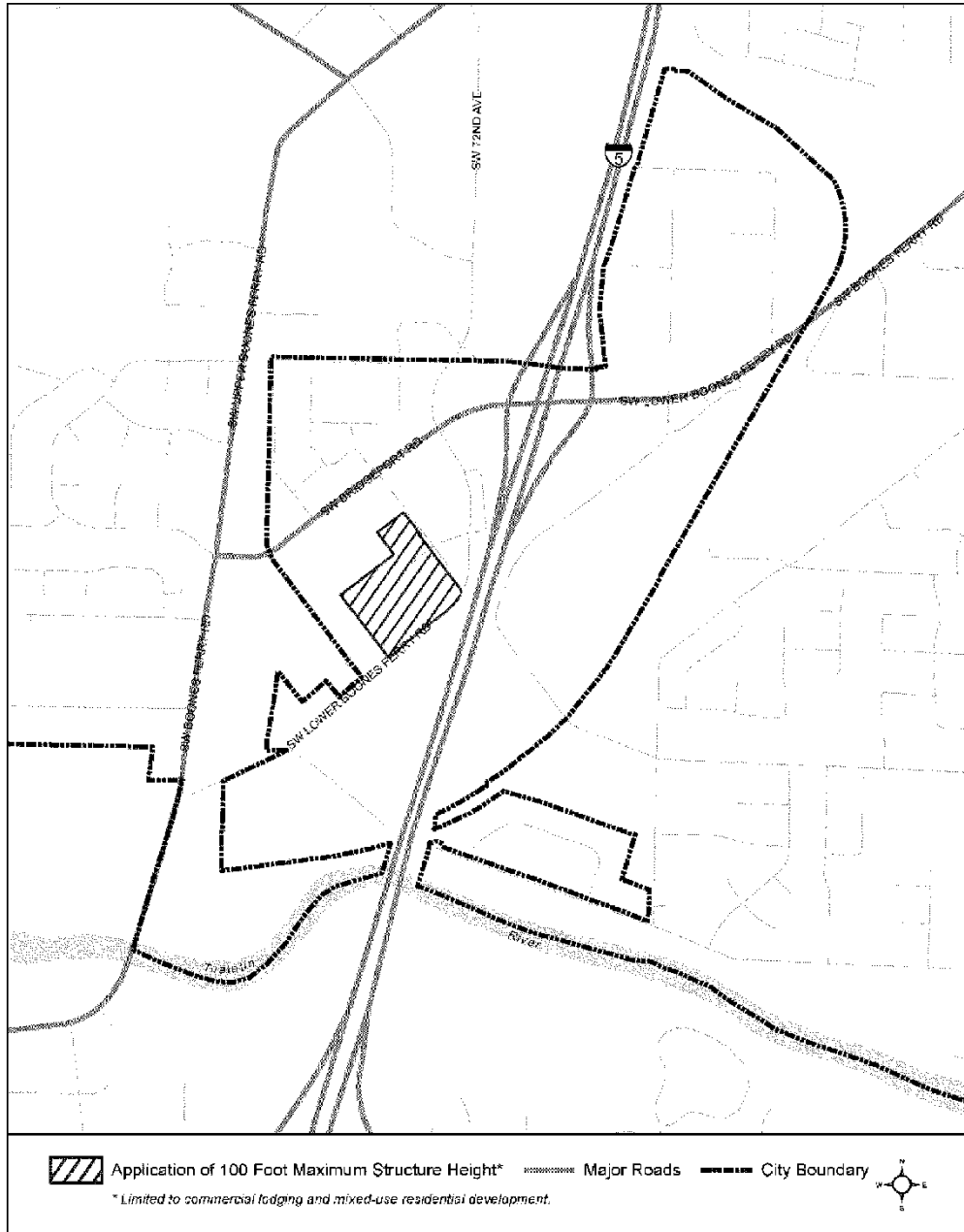
**Figure 74-6: Local Street Design**

**Figure 74-7: With Multi-Use Path Street Design**

**Figure 35-1: Freeway-Oriented Activity Areas**



Figure 57-1  
100-Foot Maximum Structure Height

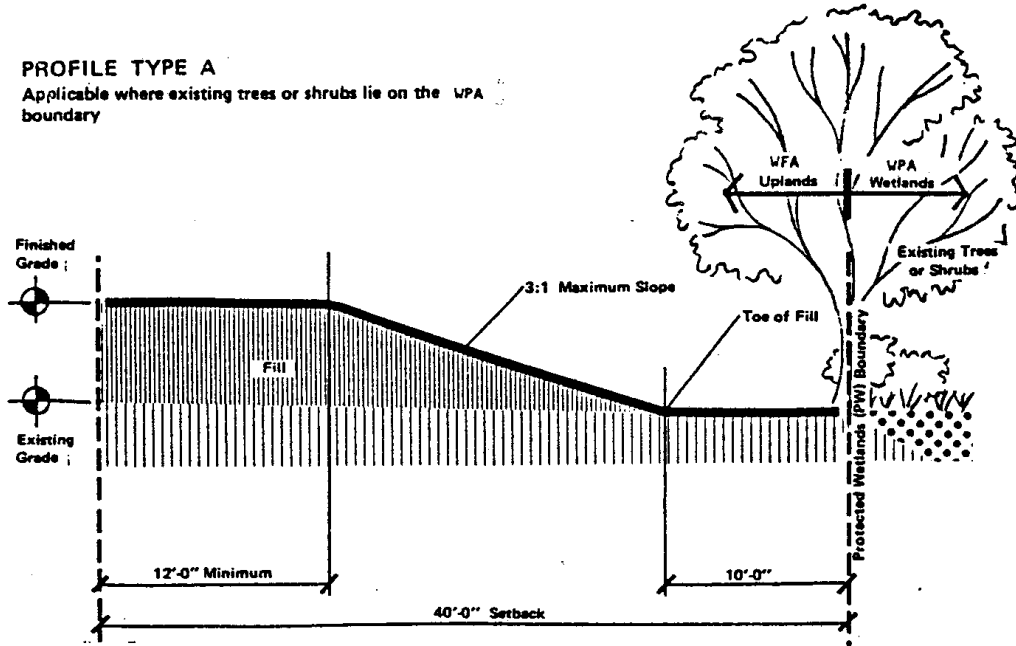


(Ord. No. [1438-20](#), § 14, 6-22-20)

Figure 71-1  
Development Setbacks

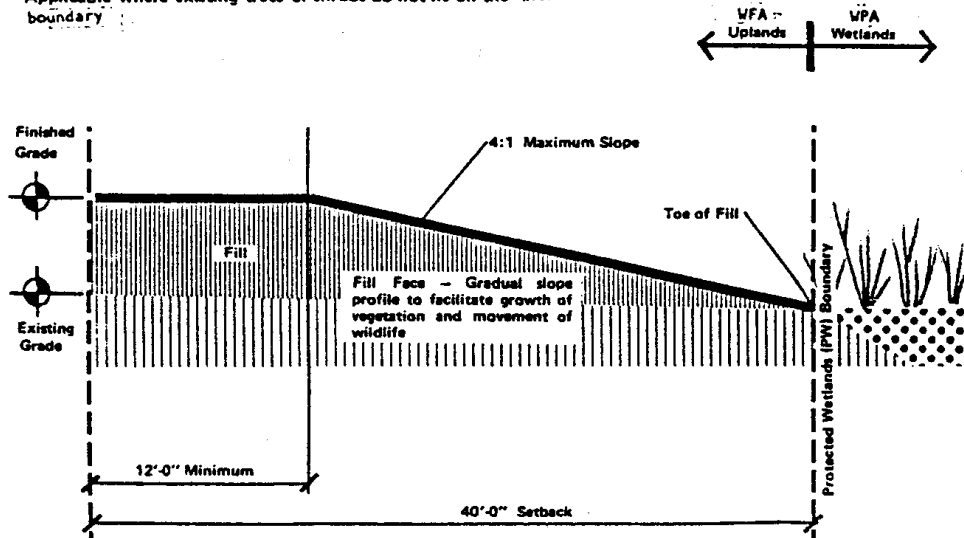
**PROFILE TYPE A**

Applicable where existing trees or shrubs lie on the WPA boundary

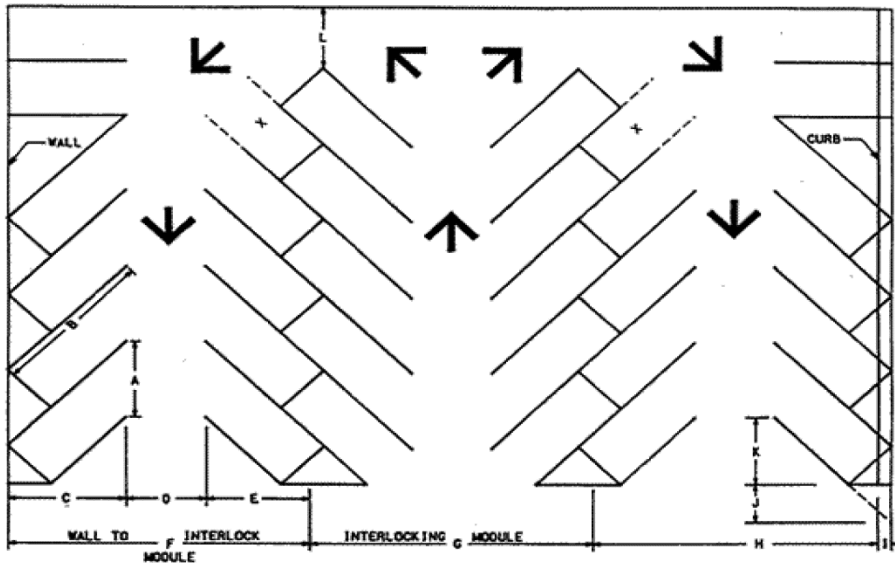


**PROFILE TYPE B**

Applicable where existing trees or shrubs do not lie on the WPA boundary



Tualatin Development Code - Figure 73-1  
 Parking Space Design Standards for 9-Foot Stalls



Dimension	On Diagram	45°	60°	75°	90°
Stall width parallel to aisle	A	12.7	10.4	9.3	9.0
Stall Length of line	B	25.0	22.0	20.0	18.5
Stall depth to wall	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	21.0	24.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, wall to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlocking to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Setback	K	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	12.0	12.0	12.0	12.0
Cross aisle, two way	-	22.0	22.0	22.0	22.0

X = Stall not accessible in some cases.

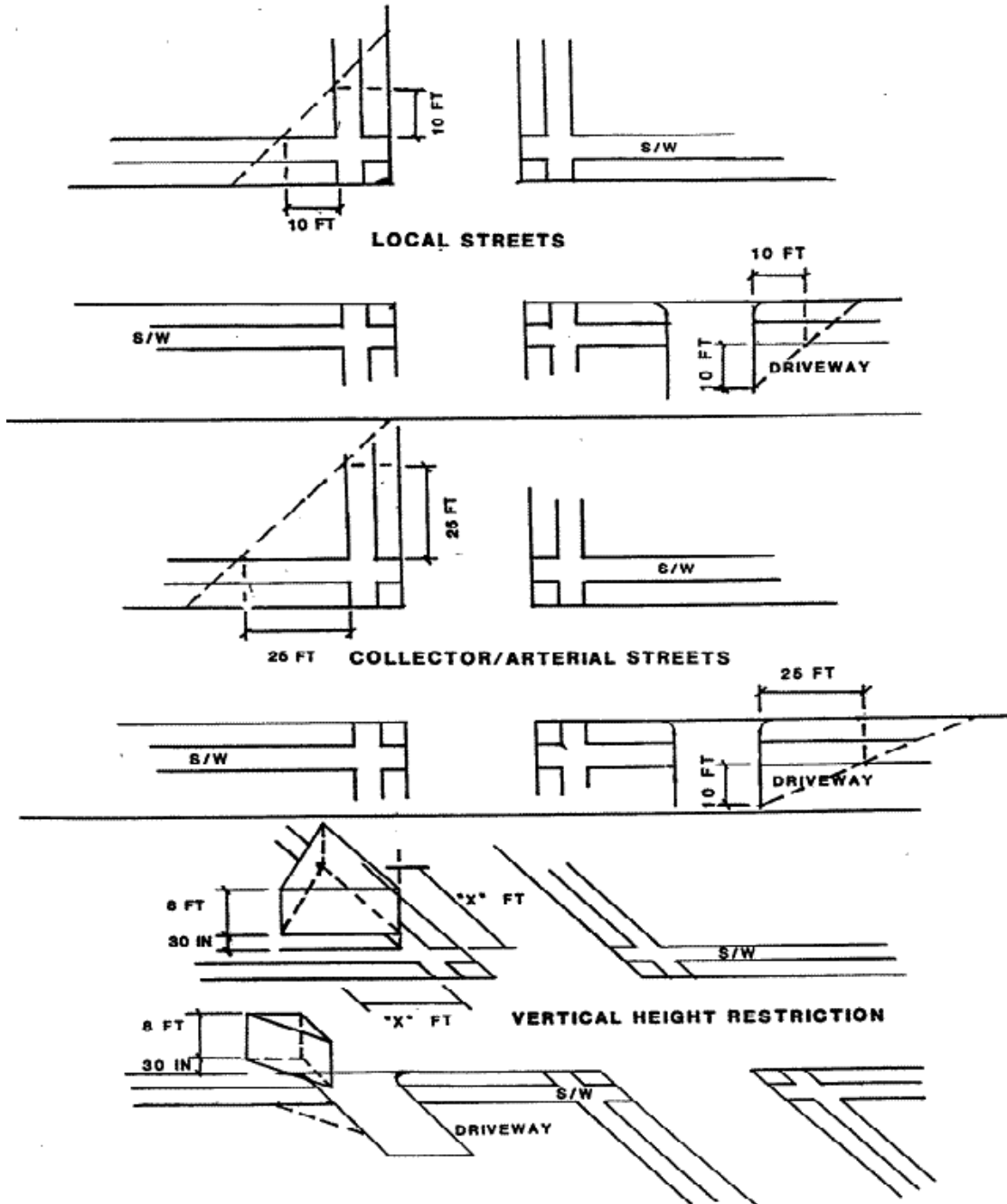
Parking Dimensions for Subcompact Parking

	45°	60°	75°	90°
Stall Width	7.5	7.5	7.5	7.7
Aisle Width per Stall	10.5	8.7	7.8	7.5
Depth of Stalls at right angle to aisle	16.0	16.7	16.3	15.0
Aisle Width	11.0	14.0	17.4	20.0
Wall-to-Wall module	43.0	47.4	50.0	50.0

Note: These measurements are inadequate for average compacts. Each stall depth should be increased about 1 foot (2 feet total for the module) to accommodate for the usual range of compact sizes.

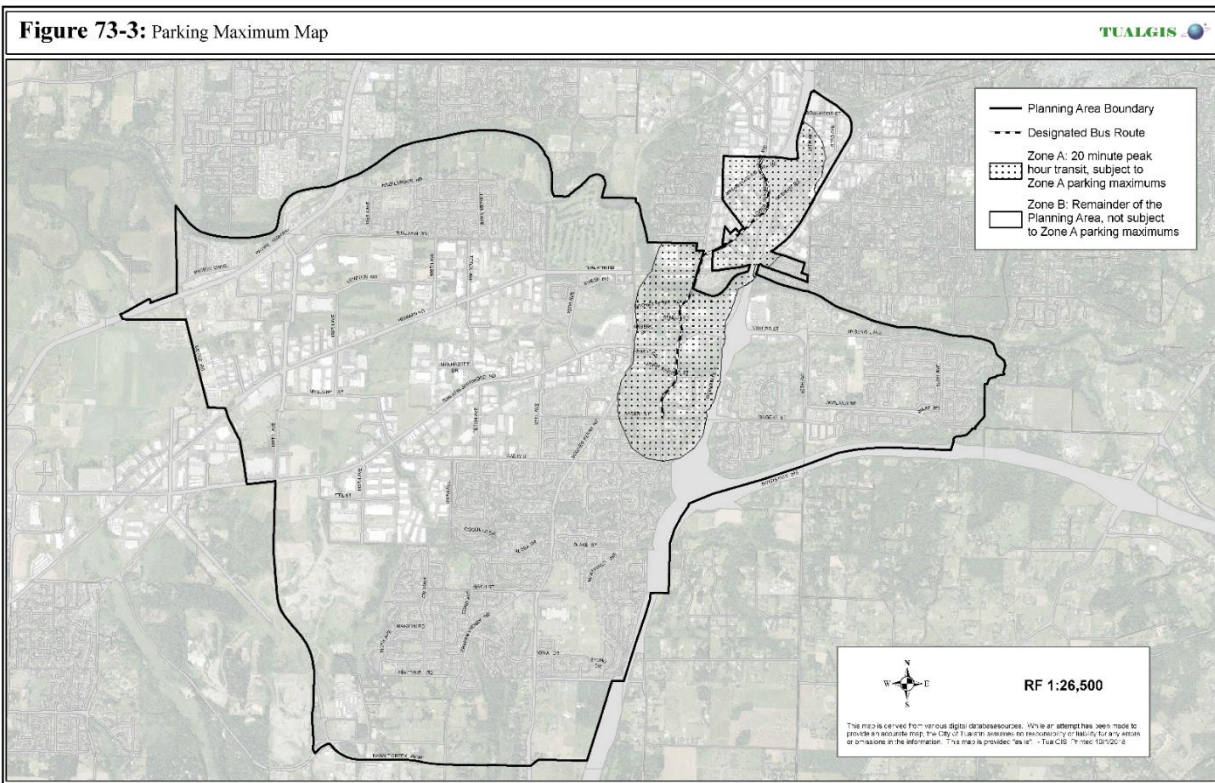
Figure 73-2: Vision Clearance Area

# VISION CLEARANCE AREA

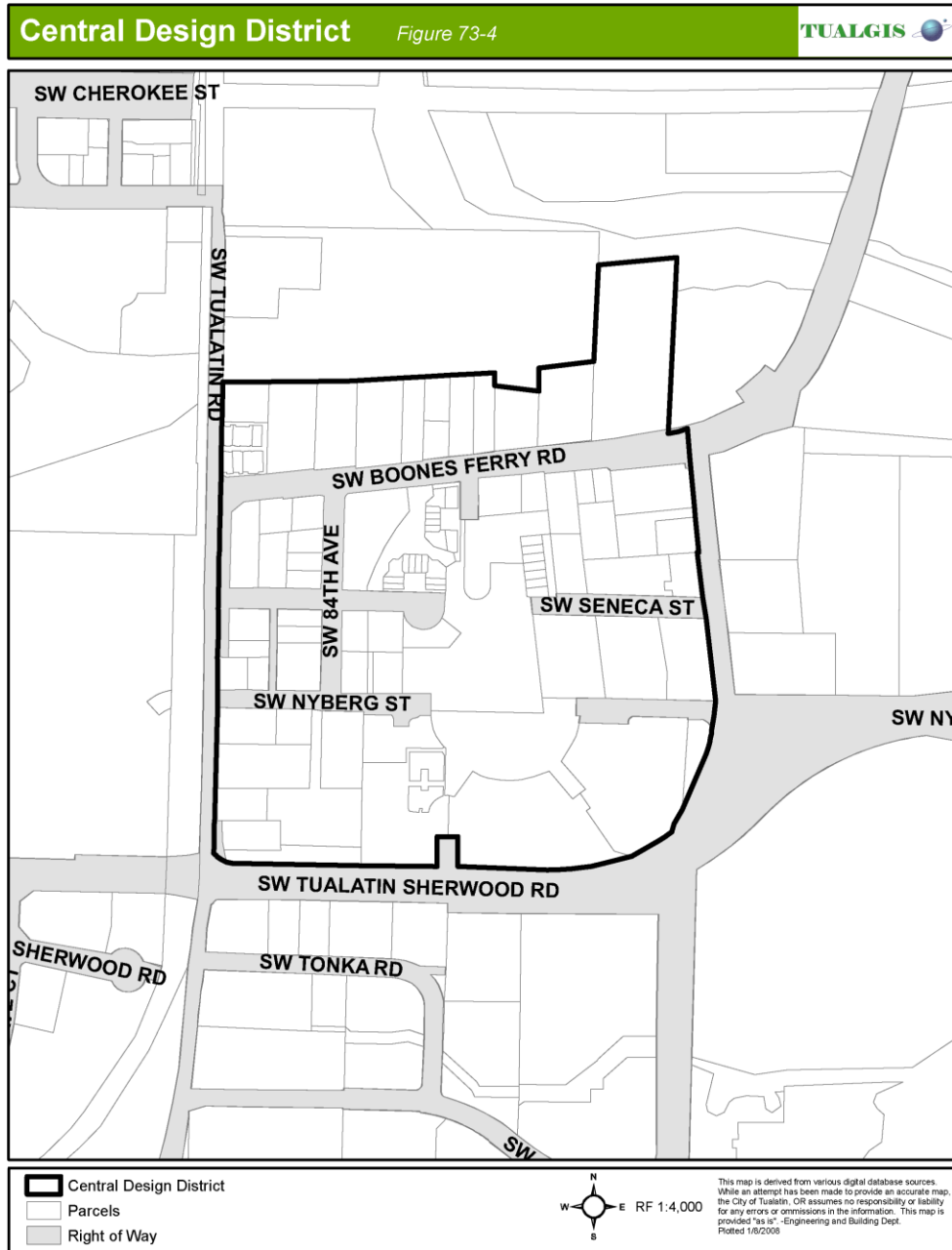




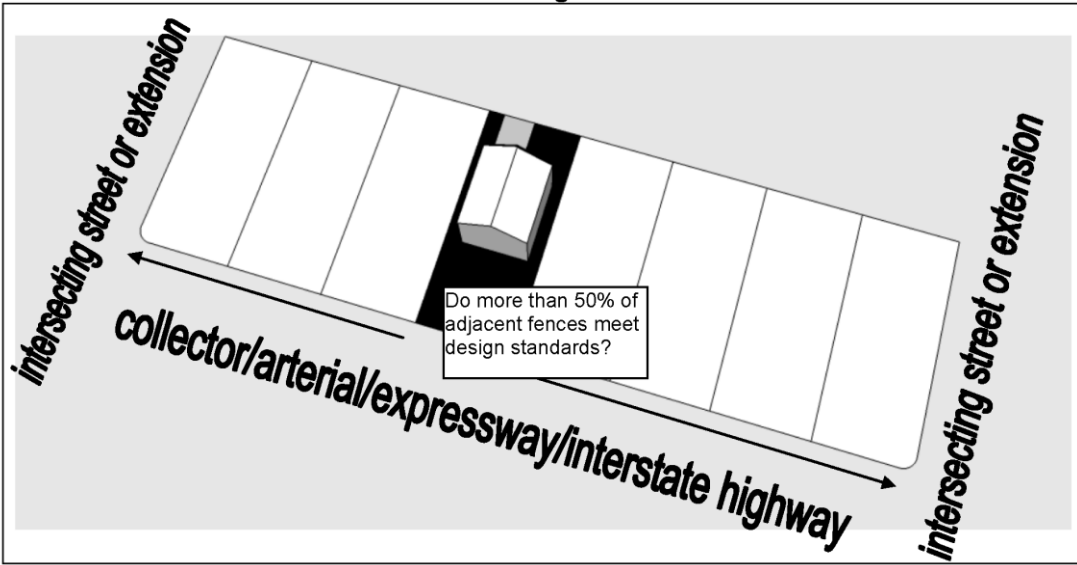
**Figure 73-3: Parking Maximum Map**



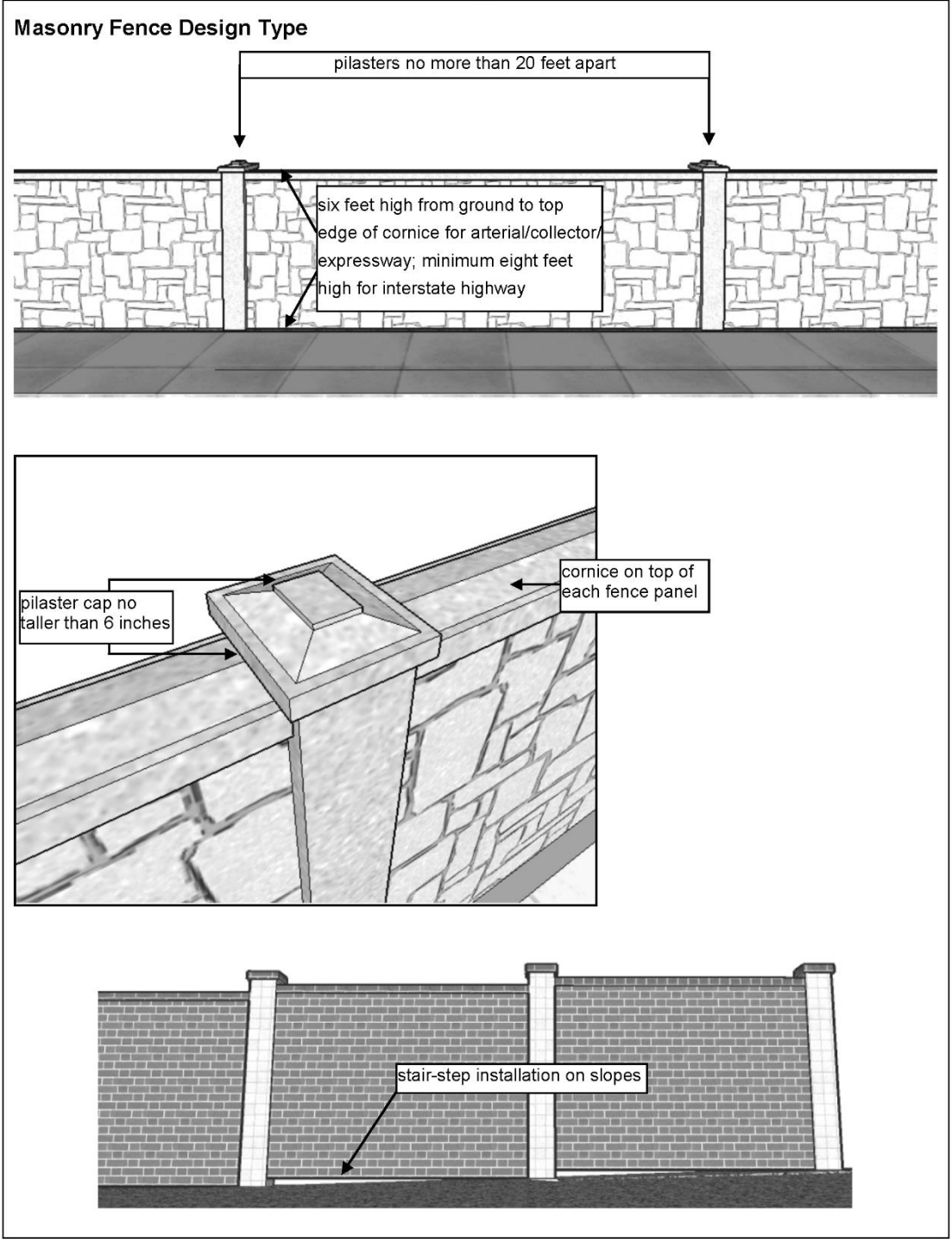
**Figure 73-4: Central Design District**



**Section 34.330 73G.020 (1)(b) & (3) Figure 34-173-6: Masonry Wall Installation or Replacement**



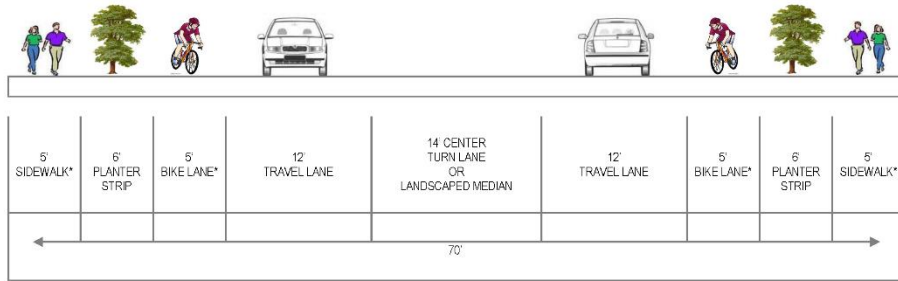
**Section 34.340-73G.030 (1) Figure 34-273-7 Masonry Fence Design**



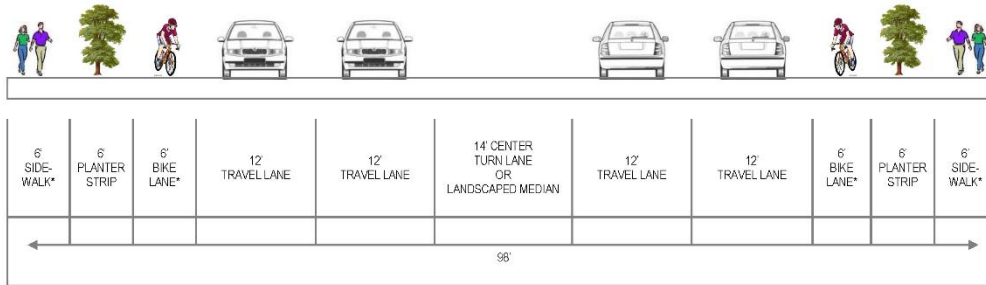
**Figure 74-1: Major Arterial Street Design Standards**

**MAJOR ARTERIAL**

**Minimum**



**Preferred**

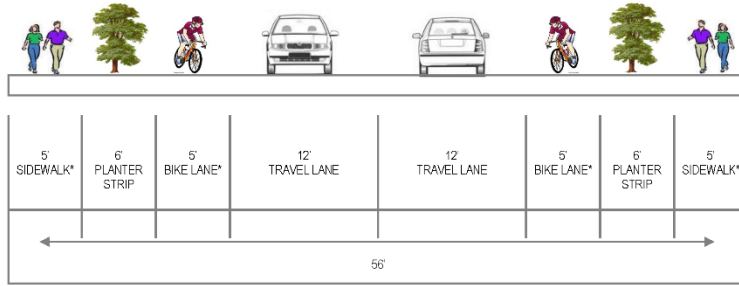


\*The City of Tucson may allow a 12' multi-use path to be substituted for the sidewalk and bicycle lane on either or both sides. If allowed, the planter strip must be installed between the travel lane and the multi-use path.

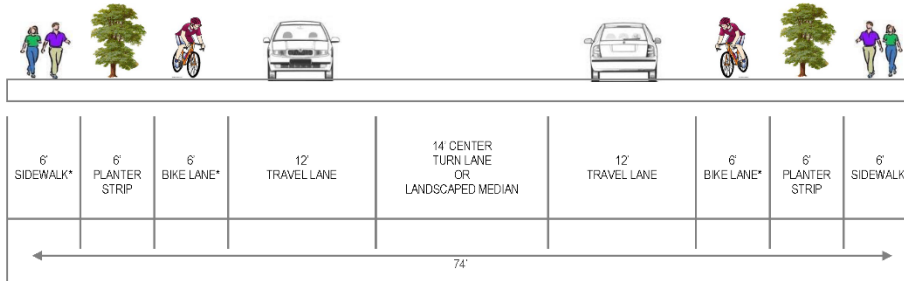
**Figure 74-2: Minor Arterial Street Design Standards**

**MINOR ARTERIAL**

Minimum



Preferred

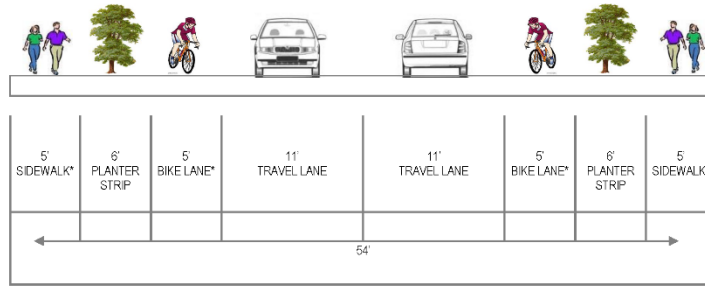


\*The City of Tuslatin may allow a 12' multi-use path to be substituted for the sidewalk and bicycle lane on either or both sides. If allowed, the planter strip must be installed between the travel lane and the multi-use path.

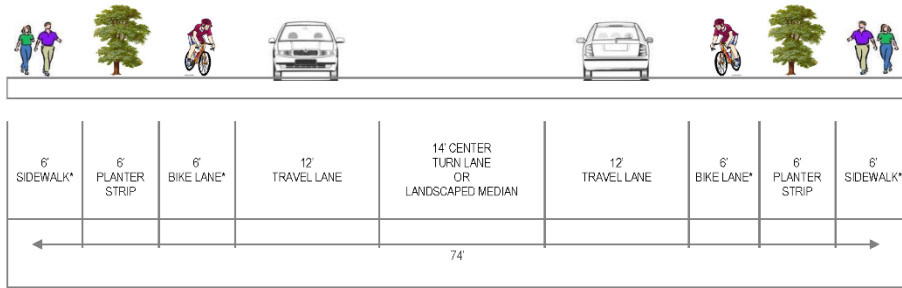
### Figure 74-3: Major Collector Street Design Standards

**MAJOR COLLECTOR**

**Minimum**



**Preferred**

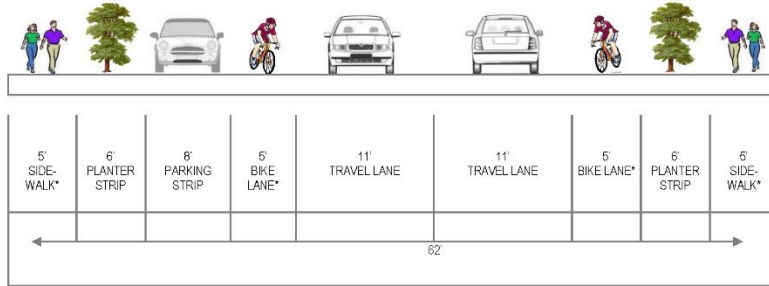


\*The City of Tualatin may allow a 12' multi-use path to be substituted for the sidewalk and bicycle lane on either or both sides. If allowed, the planter strip must be installed between the travel lane and the multi-use path.

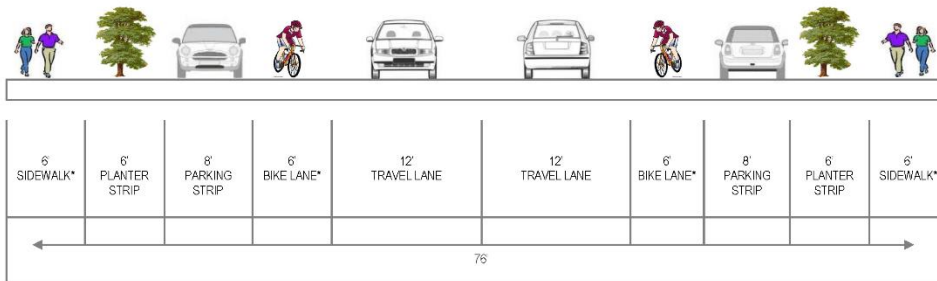
**Figure 74-4: Minor Collector Street Design Standards**

**MINOR COLLECTOR**

**Minimum**



**Preferred**

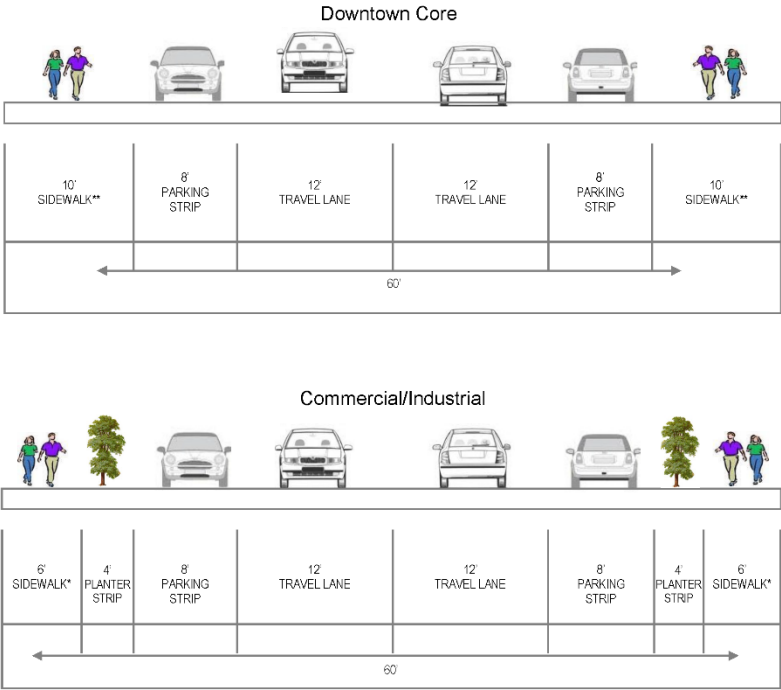


\*The City of Tualatin may allow a 12' multi-use path to be substituted for the sidewalk and bicycle lane on either or both sides. If allowed, the planter strip must be installed between the travel lane and the multi-use path.



**Figure 74-5: Connector Street Design Standards**

**CONNECTOR**



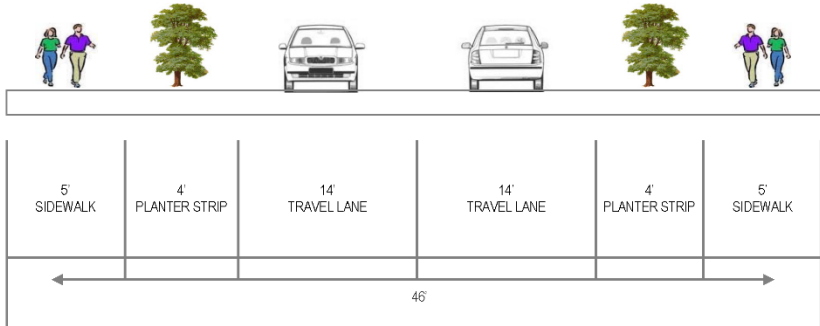
\*The City of Tualatin may allow a 12' multi-use path to be substituted for the sidewalk and bicycle lane on either or both sides. If allowed, the planter strip must be installed between the travel lane and the multi-use path.

\*\*Sidewalks on the downtown connector roads have 5 x 5 tree grates instead of planter strips.

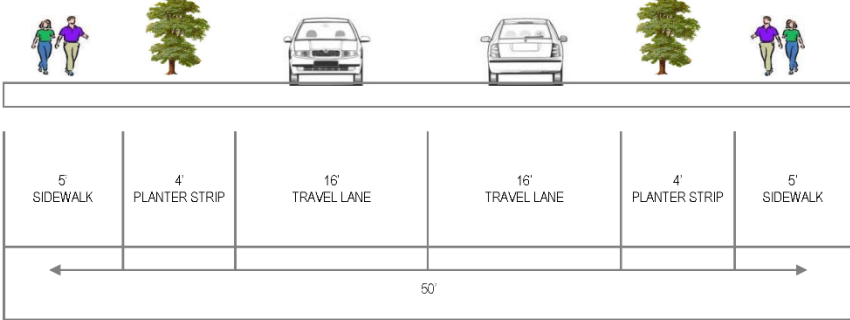
**Figure 74-6: Local Street Design Standards**

**LOCAL**

**Minimum**



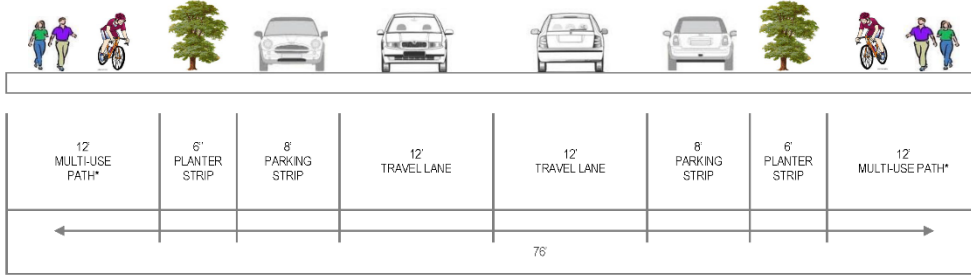
**Preferred**



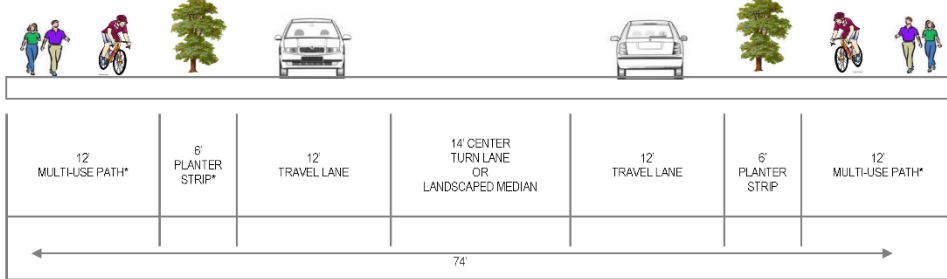
**Figure 74-7: With Multi-Use Path Street Design Standards**

**WITH MULTI-USE PATH**

**Preferred Collector**



**Preferred Arterial**



\*The City of Tualatin may allow a 12' multi-use path to be substituted for the sidewalk and bicycle lane on either or both sides. If allowed, the planter strip must be installed between the travel lane and the multi-use path.

[...]