

ORDINANCE NO. 1438-20

AN ORDINANCE RELATING TO ZONING; ESTABLISHING THE MIXED USE COMMERCIAL (MUC) ZONING DISTRICT; DELETING THE MIXED USE COMMERCIAL OVERLAY DISTRICT FROM THE TUALATIN DEVELOPMENT CODE; AMENDING TUALATIN DEVELOPMENT CODE CHAPTERS 5, 6, 31, 38, 54, 57, 73A, 73B, 73C, AND FIGURE 57-1 (PTA 20-0001); AND AMENDING PLAN MAP 9-1 (PMA 20-0001).

WHEREAS, the Council wishes to amend the Tualatin Comprehensive Plan and Tualatin Development Code to establish the Mixed Use Commercial (MUC) zoning district and eliminate the Mixed Use Commercial Overlay District (MUCOD);

WHEREAS, the Council wishes to amend Tualatin Development Code Chapters 5, 6, 31, 38, 54, 57, 73A, 73B, 73C, and Figure 57-1 to establish the Mixed Use Commercial (MUC) zoning district and related provisions;

WHEREAS, the Council wishes to amend Tualatin Comprehensive Plan Map 9-1 to implement the MUC zoning district;

WHEREAS, upon the application of Community Development Department, a public hearing was held before the City Council of the City of Tualatin on June 8, 2020, to consider adopting the proposed amendments to the Tualatin Comprehensive Plan and Tualatin Development Code;

WHEREAS, the City provided notice of proposed amendments to the Oregon Department of Land Conservation and Development, as provided in ORS 197.610;

WHEREAS, the City provided notice of the public hearing, as required by TDC 32.250 and TDC 33.070 and notice to all affected property owners in compliance with ORS 227.186 (Ballot Measure 56);

WHEREAS, at the public hearing, the Council heard and considered the testimony and evidence presented by City staff, and those appearing at the public hearing, and approved the proposed amendments; and

WHEREAS, the Council finds the proposed amendments to be in the best interest of the residents and inhabitants of the City and the public, the public interest will be served by adopting the amendments at this time, and the amendments conform to the Tualatin Community Plan and Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 5.020(4) (Assumptions) is amended to read as follows:

Ordinance No. 1438-20 - Exhibit 1

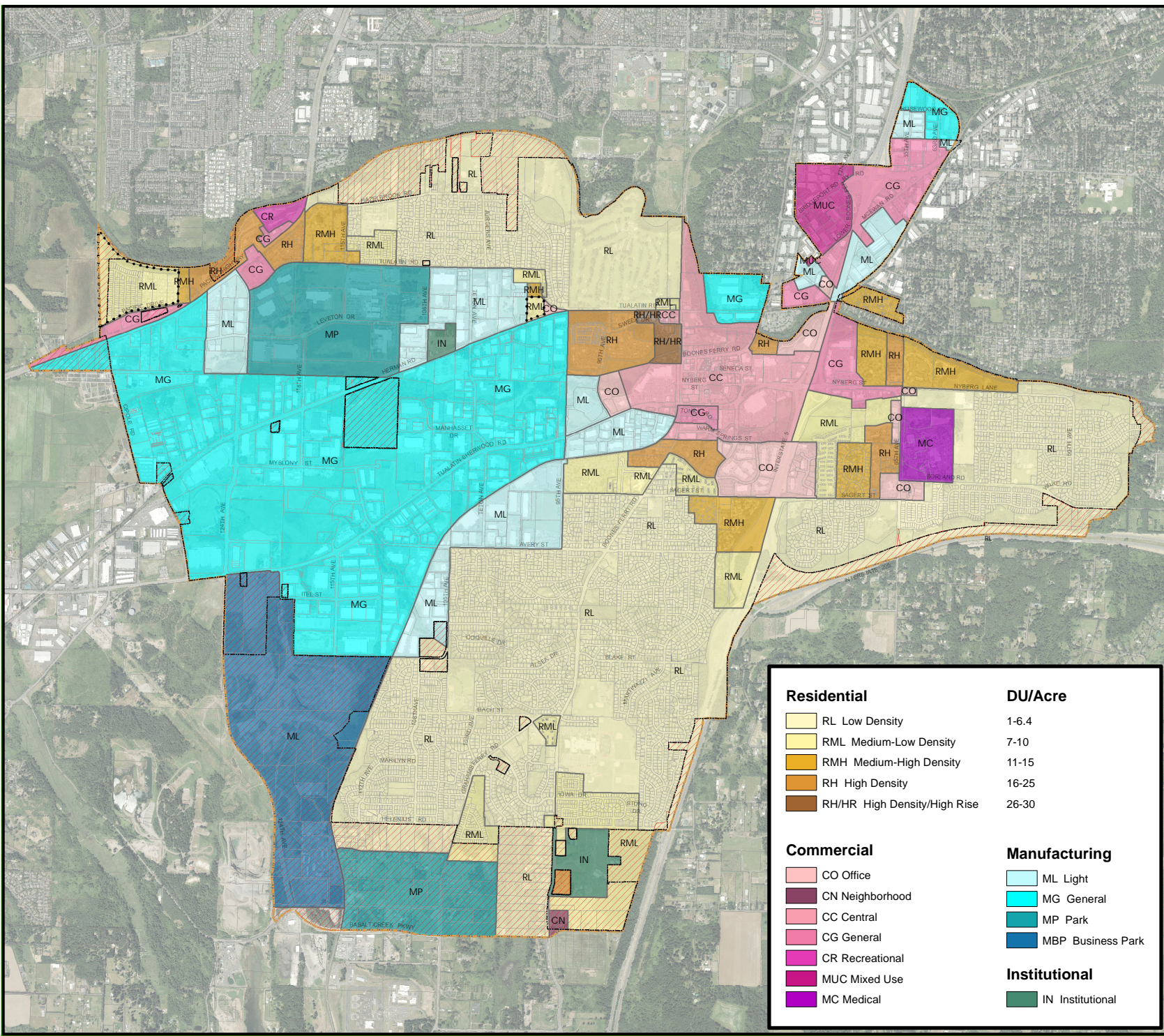


Community Plan Map -Planning Districts- Map 9-1

NOTES:

1. All plan designation boundaries are intended to follow property lines, center lines of streets, or can be scaled pursuant to the scale of this map. If mapping errors occur, the City Council shall be the sole arbitration body to decide the location of boundaries.
2. Specific requirements for each Planning District are found within the Tualatin Development Code.
3. The Wetland Protection District and the Greenway and Riverbank Protection District locations are described in the Tualatin Development Code. Maps of the districts are available from the Planning Department.
4. Properties within the Tualatin Urban Renewal Area boundary are subject to the Tualatin Urban Renewal Plan which may contain specifications and requirements that are more restrictive than those found within the Planning District standards.

- Planning Area Boundary
- City Boundary
- In Planning Area/
Outside of City
- Manufactured Dwelling
Park Permitted



Residential		DU/Acre	
	RL Low Density	1-6.4	
	RML Medium-Low Density	7-10	
	RMH Medium-High Density	11-15	
	RH High Density	16-25	
	RH/HR High Density/High Rise	26-30	
Commercial		Manufacturing	
	CO Office		ML Light
	CN Neighborhood		MG General
	CC Central		MP Park
	CG General		MBP Business Park
	CR Recreational		IN Institutional
	MUC Mixed Use		
	MC Medical		



RF 1:38,000

Effective: TBD



**Analysis and Findings for
PTA 20 -0001 PMA 20-0001**

Project:	Mixed Use Commercial District Updates
Applicant:	City of Tualatin

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I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Divisions 9 and 12 of the Oregon Administrative Rules; applicable Goals and Policies from the City of Tualatin Comprehensive Plan; applicable Sections of the City of Tualatin Development Code, including Section 33.070 (Plan Amendments).

B. Project Description

The City requests consideration of a Plan Text and Map Amendment (PTA 20-0001/PMA 20-0001) that would establish a Mixed Use Commercial District, which would be applied in the Durham Quarry Area, also known as the Bridgeport Village Area, which is currently subject to the provisions of the Mixed Use Commercial Overlay Zone (Chapter 57 of the Development Code). The updates also include a maximum building height increase from 70 to 100 feet in a limited geographic area, further limited to mixed use commercial/commercial lodging uses. The District would be applied to all lots eligible for the existing MUCOD designation. This area is located to the south and east of the boundary shared with Tigard, west of Interstate 5, and north of SW Lower Boones Ferry Road. The proposed amendments would facilitate development of vacant land and foster economic growth in the Bridgeport area.

C. Site Description and Surrounding Uses

Surrounding uses include a variety of commercial and residential uses:

North: City of Tigard

- Movie theater

South: General Commercial (CG)

- SW Lower Boones Ferry Road
- Providence Medical Group- Center for Medical Imaging

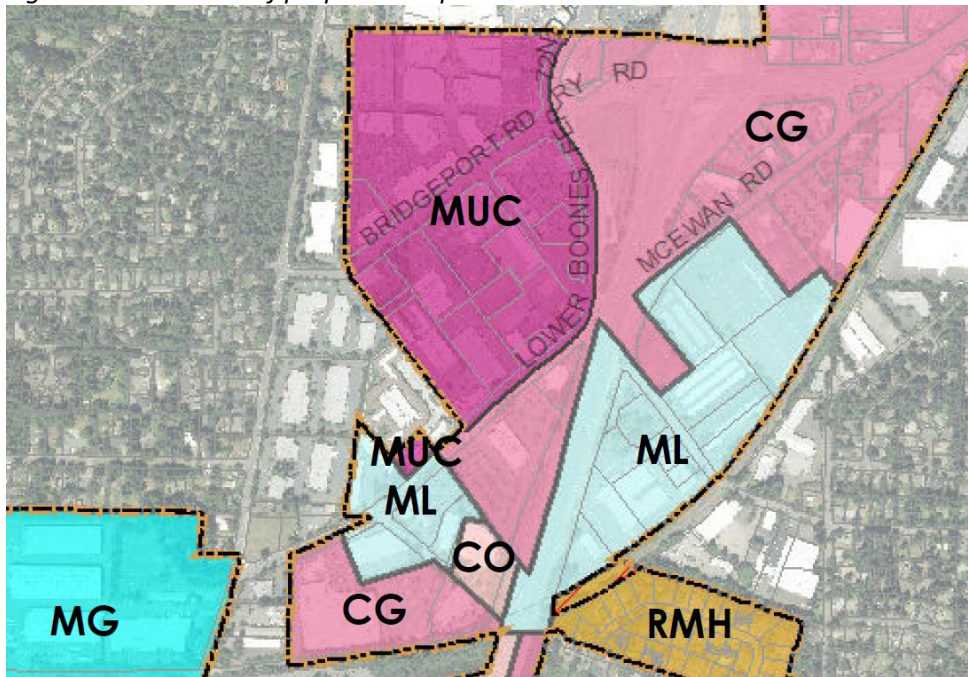
West: City of Tigard

- Business Parks

East: General Commercial (CG)

- Trimet Park and Ride
- Interstate 5

Figure 1: Aerial view of proposed map amendment area



D. Exhibit List

1. Transportation Planning Rule (TPR) Memorandum

II. FINDINGS

A. Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The Tualatin Planning Commission held a public meeting on May 21, 2020, at which, an opportunity for public input was provided. The Planning Commission considered the proposed amendments, and forwarded a recommendation of approval of said amendments. The Planning Commission is an advisory body to the City Council, which was created to satisfy Goal 1 Public Involvement requirements. The Tualatin City Council will hold a hearing on the proposed amendments on June 8, 2020, at which an additional opportunity for public input will be provided. The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

[...]

Finding:

The proposed amendments has been reviewed pursuant to the City's established land use planning process and procedures, including its acknowledged Comprehensive Plan, and adopted Development Code. The proposed amendments conform to Goal 2.

Goal 5 – Open Spaces, Scenic and Historic Area, and Natural Resource

Finding:

Applicability of Goal 5 to post-acknowledgment plan amendments is governed by OAR 660- 023-0250. The proposed amendments do not modify the acknowledged Goal 5 resource list, or a policy that addresses specific requirements of Goal 5. The proposed amendments do not allow uses that would conflict with a particular Goal 5 resource site on an acknowledged resource list. The proposed amendments conform to Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Finding:

The proposed Plan Amendments will establish a new Mixed Use Commercial District that will bring compatible land uses closer together to make more efficient use of land and urban services. Permitted uses in the Mixed Use Commercial zone include housing, commercial, and offices uses. Development of needed housing close to jobs and services allows for reduced vehicle trips and greenhouse gas emissions. These changes will continue to preserve environmentally sensitive lands. The Oregon Department of Environmental Quality (DEQ) regulates air, water and land with Clean Water Act (CWA) Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater Permits. The Oregon Department of State Lands and the U.S. Army Corps of Engineers regulate jurisdictional wetlands and

CWA Section 404 water of the state and the country respectively. Clean Water Services (CWS) coordinates storm water management, water quality and stream enhancement projects throughout the city. Future development will still need to comply with these state, national and regional regulations and protections for air, water and land resources. The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding:

The proposed amendments do not affect policies associated with Goal 7 established by the Comprehensive Plan. Approval of the proposed amendments will not eliminate the requirement for future development to meet the requirements of the Chapters 70 and 72 of the Tualatin Development Code, which address development in hazard areas, such as the FEMA floodplain. The proposed amendments conform to Goal 7.

Goal 9 – Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

[...]

Finding:

The proposed amendments would facilitate compact development with multiple compatible uses commonly found within main streets, downtowns, and neighborhood commercial centers which will facilitate an increase in economic opportunities. The proposed amendments conform to Goal 9.

Goal 10 – Housing

Finding:

The proposed amendments would add multifamily residential development (25 minimum dwelling units per acre) as a permitted use. This density is comparable to the High Density/High Rise (26-30 units an acre) district and will permit the greatest density in Tualatin. Additionally the amendments support the key findings and goals of the Housing Needs Analysis that was adopted on December 9, 2019 which calls for an additional 456 multi-family units (or 45% of supply) by 2040. Tualatin currently has a small deficit of land for higher density single-family and multifamily housing; therefore the proposed amendments will support and conform to Goal 10.

Goal 11 – Public Facilities and Services

Finding:

Land within the City of Tualatin is adequately served by public facilities and services. The amendments encourage compact development and efficient use of existing urban services and facilities, as an alternative to extending new facilities. The proposed amendments conform to Goal 11.

Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding:

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. The proposed amendments will foster compact, pedestrian oriented

development and are consistent with the City's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 the Transportation Planning Rule (TPR), the findings for which are found under Oregon Administrative Rules Chapter 660, Division 12. The proposed amendments conform to Goal 12.

B. Oregon Administrative Rules

OAR Chapter 660 Division 7 (Metropolitan Housing)

[...]

660-007-0030

New Construction Mix

(1) Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances. Factors to be considered in justifying an alternate percentage shall include, but need not be limited to:

- (a) Metro forecasts of dwelling units by type;**
- (b) Changes in household structure, size, or composition by age;**
- (c) Changes in economic factors impacting demand for single family versus multiple family units; and**
- (d) Changes in price ranges and rent levels relative to income levels.**

(2) The considerations listed in section (1) of this rule refer to county-level data within the UGB and data on the specific jurisdiction.

[...]

660-007-0035

Minimum Residential Density Allocation for New Construction

The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing:

[...]

(2) Clackamas and Washington Counties, and the cities of Forest Grove, Gladstone, Milwaukie, Oregon City, Troutdale, Tualatin, West Linn and Wilsonville must provide for an overall density of eight or more dwelling units per net buildable acre.

[...]

Finding:

The proposed amendments would add multifamily residential development (25 minimum dwelling units per acre) as a permitted use. Tualatin's 2019 HNA identified a deficit of capacity for about 101 dwelling units of high density residential zoning, which the proposed amendments would help to address. Detached single-family residential is a prohibited use in the existing MUCOD and proposed MUC District. These criteria are met.

OAR 660 Division 12 (Transportation Planning)

[...]

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule,

unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

- (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**
- (B) The providers of facilities being improved at other locations provide written statements of approval; and**
- (C) The local jurisdictions where facilities are being improved provide written statements of approval.**
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:**
- (a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**
- (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**
- (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and**
- (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.**
- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**
- (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**
- (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**
- (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within

a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

- (A) An existing central business district or downtown;**
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;**
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or**
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.**
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:**
- (A) A concentration of a variety of land uses in a well-defined area, including the following:**
 - (i) Medium to high density residential development (12 or more units per acre);**
 - (ii) Offices or office buildings;**
 - (iii) Retail stores and services;**
 - (iv) Restaurants; and**
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.**
 - (B) Generally include civic or cultural uses;**
 - (C) A core commercial area where multi-story buildings are permitted;**
 - (D) Buildings and building entrances oriented to streets;**
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;**
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;**
 - (G) One or more transit stops (in urban areas with fixed route transit service); and**
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.**
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**
- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**
- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks,**

bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect

transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

[...]

Finding:

As identified in the provided Transportation Planning Rule (TPR) memorandum (Exhibit 1), the trip generation potential for application of the Mixed Use Commercial zoning district to the Bridgeport area was calculated using site redevelopment assumptions for a reasonable worst-case use and ITE trip generation rates. Applying the reasonable worst case scenario to the proposed MUC zoning site, the proposed text and map amendments would have the potential to add an increase of approximately 49 p.m. peak hour vehicle trips. The location and accessibility of the proposed zoning district from various existing roads that connect to the broader transportation system (Bridgeport Road, Lower Boones Ferry Road, Upper Boones Ferry Road) and trip distribution to each, would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the amendments are not likely to create a significant effect on the transportation system and TPR requirements are addressed. Future application of the MUC zone to additional lands would be subject to a plan map amendment and transportation planning rule analysis to evaluate the impacts to the existing transportation system. These criteria are met.

D. Tualatin Comprehensive Plan

Chapter 11. Transportation

Section 11.610. Transportation Goals and Objectives

(2) Goal 1: Mobility and access

Maintain and enhance the transportation system to reduce travel times, provide travel-time reliability, provide a functional and smooth transportation system, and promote access for all users.

Finding:

As addressed in the finding above and in Exhibit 1, the reasonable worst case scenario of the proposed text and map amendments would have the potential to add an increase of approximately 49 p.m. peak hour vehicle trips and would not likely add more than 20 trips to an individual movement during the weekday p.m. peak hour. Given this potential degree of change, the amendments are deemed to not create a “significant” effect on the adjacent transportation system and, therefore, TPR requirements are addressed. Future application of the MUC zone to additional lands would be subject to a plan map amendment and corresponding transportation planning rule analysis to evaluate the impacts to the

existing transportation system. The proposed amendments have been determined to be in compliance with OAR Chapter 660 Division 12 and therefore, comply with the above goal. This criterion is met.

(3) Goal 2: Safety, improve safety for all users, all modes, all ages, and all abilities within the City of Tualatin.

Finding:

The proposed amendments include design standards that promote human scale building development for aesthetic appeal and comfort. The amendments also encourage the development of multifaceted environments by permitting a variety of uses including housing alongside office centers, shopping, parks and entertainment amenities that generate a community presence throughout the day and thereby creating opportunities for people to observe the space around them for their own safety and the protection of others. This criterion is met.

(4) Goal 3: Vibrant Community. Allow for a variety of alternative transportation choices for citizens of and visitors to Tualatin to support a high quality of life and community livability.

Finding:

The proposed amendments include standards that support compatible uses, human scale development, buildings and entrances oriented to street sidewalks, weather protection, and provide maximum setbacks to create desirable pedestrian experience. The amendments also include standards for transit stop amenities in designated areas. The area is also adjacent to the planned terminus of the SW Corridor Light Rail Line. The development of compatible land uses close together will encourage shorten trips and facilitate alternative modes of transportation, such as walking, bicycling and public transportation. This criterion is met.

(5) Goal 4: Equity. Consider the distribution of benefits and impacts from potential transportation options, and work towards fair access to transportation facilities for all users, all ages, and all abilities.

Finding:

The proposed text amendments include standards that orient building entrances to street sidewalks, break up large areas of surface parking with pathways and landscaping, and provide direct, safe, and comfortable access to buildings for walking and wheelchairs. Further, the existing and future mix of pedestrian, bicycle, transit, ridesharing, and vehicular modes of transportation are also supportive of equity in that they provide the opportunity for equitable access to the area, which includes entertainment, recreation, employment, and housing opportunities. This criterion is met.

(6) Goal 5: Economy. Support local employment, local businesses, and a prosperous community while recognizing Tualatin's role in the regional economy.

Finding:

The proposed amendments allow for a mix of complimentary land uses including housing, retail, offices, commercial services, and civic uses to create economic and social vitality. Co-locating residential uses on or adjacent to employment lands both provides built-in local business customers that will support the district's economic base, as well as nearby potential business owners, sole proprietors, and employees. This criterion is met.

(7) Goal 6: Health/Environment. Provide active transportation options to improve the health of citizens in Tualatin. Ensure that transportation does not adversely affect public health or the environment.

Finding:

The proposed text amendments include standards that orient building entrances to street sidewalks, break up large areas of surface parking with pathways and landscaping, and provide direct, safe, and comfortable access to buildings for walking and wheelchairs. As discussed above, the area is also served by both pedestrian and bicycle facilities, which provide for active transportation options. This criterion is met.

(8) Goal 7: Ability to Be Implemented. Promote potential options that are able to be implemented because they have community and political support and are likely to be funded.

Finding:

The proposed amendments have been duly noticed to the affected property owners, the public, and partner agencies and governments via the means proscribed in the Tualatin Development Code, as well as having been posted to the City's website. The Tualatin Planning Commission, the advisory body to the City Council, have reviewed the proposed amendments and have forwarded a recommendation of approval of said amendments. Lastly, the proposed amendments have been presented in draft form to the Tualatin City Council, which has provided its support. This criterion is met.

E. Tualatin Development Code

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. [...] Legislative amendments may only be initiated by the City Council.

(3) Procedure Type.

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC [Chapter 32](#).

Finding:

The proposed text and map amendments are legislative in nature and will be processed consistent with the Type IV-B procedures in Chapter 32. City Council directed staff to proceed with the subject amendments at the February 24, 2020 work session. A pre-adoption noticed was filed with DLCD on April 30, 2020, 39 days before the scheduled hearing. Measure 56 notices were mailed to affected property owners on May 4, 2020, 35 days before the scheduled hearing. Public notice was mailed on May 25, 2020, 14 days before the scheduled hearing and published in The Times14 calendar days before the hearing. This criterion is met.

[...]

(5) Approval Criteria.

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

Finding:

The Tualatin Comprehensive Plan and Development Code implement the Oregon Statewide Planning Goal 2. These documents help create predictable development outcomes. Creating a Mixed Use Commercial District (MUC) will provide development standards to foster vibrant, pedestrian-friendly areas within Tualatin that permit a variety of housing, commercial, and entertainment options. Approval of the proposed amendments would facilitate mixed-use development opportunities, which will increase economic opportunities and the property tax base. The proposed increase in maximum building height, within a limited area of the District, limited to mixed use commercial/commercial lodging uses is in the public interest due to the fact the members of the public and the City Council have supported such a change. The aforementioned limited area is uniquely located such that it has been deemed to have adequate transportation access due to its location with adequate existing or planned public sidewalk facilities and being at the intersection of multiple street intersections that have capacity for an increase in maximum development (see Exhibit 1). Similarly, the limit on proposed uses is necessary to ensure that the transportation system is not unduly burdened. Therefore, these changes are in the public interest by both supporting vibrant, pedestrian-friendly areas while at the same time ensuring that the transportation system is adequate for multiple modes of transportation. In sum, the proposed Plan Text and Map Amendment to establish the MUC District is therefore consistent with the public interest. This criterion is met.

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

Finding:

As stated in previous findings, the proposed amendments will benefit the Tualatin community and public interest. In summary, the proposed Mixed Use Commercial District and corresponding design standards encourage efficient use of land resources by permitting compatible uses at a human scale design that is pedestrian friendly. Presently, Tualatin does not have a zoning district that permits both multifamily residential and commercial uses outright, without the use of an overlay zone. Mixed use residential development as a present need is supported by the community, Planning Commission, and City Council, as well as by the Housing Needs Analysis done in 2019. Due to the fact that private development would be the final step in realization of these uses, which can take several years from concept to construction, granting the proposed amendments at this time is necessary to facilitate mixed use development as soon as possible, in the future. This criterion is met.

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

Finding:

Below is a summary of how the proposed amendments to create a Mixed Use Commercial zoning district conform to applicable objectives of the Tualatin Community Plan:

Chapter 4 of the Tualatin Community Plan speaks to General Growth Objectives: encourage the highest quality physical design for future development, adopt measures protecting life and property from natural hazards, and arrange the various land uses in a manner that is energy efficient. All development in Tualatin is subject to an Architectural Review process to ensure community objectives and standards are fulfilled. The proposed amendments include standards to promote quality, efficient, and safe land development in support of Chapter 4.

Chapter 5 speaks to Residential Growth Objectives: provide for the housing needs of existing and future City residents, provide housing opportunities for residents with varied income levels, and develop specific and enforceable design standards for multi-family developments. The proposed amendments permit multi-family housing at a high density with corresponding design standards in support of Chapter 5.

Chapter 6 speaks to Commercial Planning Objectives: provide shopping opportunities for surrounding communities, locate and design commercial areas to minimize traffic congestion and maximize access, and continue to utilize specific and enforceable architectural and landscape design standards for commercial development. The proposed amendments permit both multi-family housing and commercial uses in the zoning district to provide shopping for local residents. Pedestrian friendly design standards are also included for the site, building, and landscaping.

Chapter 10 speaks to Community Design Objectives: encourage originality, flexibility and innovation in site planning and development, and achieve the beneficial influence of pleasant environments for living and working and thus decrease the cost of governmental service. The proposed amendments support efficient land development while providing flexible design standards. This criterion is met.

(d) The following factors were consciously considered:

(i) The various characteristics of the areas in the City;

Finding:

The proposed amendments create a Mixed Use Commercial District that would be suitable for application near commercial cores, transit corridors, and in areas with existing multi-family housing as a compliment to existing City characteristics, as found in the proposed area. The standards encourage the development of compatible uses, such the development of multi-family housing above or adjacent to retail, office, and entertainment uses. The standards also encourage an environment that is pedestrian friendly. Lastly, provisions are included, such that substantial improvements to existing development may be brought into conformance with the Mixed Use Commercial standards, when the zone is applied to future areas. This criterion is met.

(ii) The suitability of the areas for particular land uses and improvements in the areas;

Finding:

The proposed amendments create a Mixed Use Commercial District that would be suitable for application near commercial cores, transit corridors, and in areas with existing multi-family housing. This zone will be applied to the Bridgeport area, where the Mixed Use Commercial Overlay District is currently applied or is eligible for application. The Bridgeport area is developed with strong commercial cores, such as the Bridgeport Village and the Point; is well served by transit and has been identified as the terminus for the future SW Corridor Light Rail project; and has existing multi-family housing such as the Eddyline Apartments. As discussed above, the proposed increase in maximum building height, within a limited area of the District, limited to mixed use commercial/commercial recreation uses is in the public interest due to the fact the members of the public and the City Council have supported such a change. The aforementioned limited area is uniquely located such that it has been deemed to have adequate transportation access due to its location with adequate existing or planned public sidewalk facilities and being at the intersection of multiple street intersections that have capacity for an increase

in maximum development (see Exhibit 1). Similarly, the limit on proposed uses is necessary to ensure that the transportation system is not unduly burdened. This criterion is met.

(iii) Trends in land improvement and development;

Finding:

The Portland metro area is one of the fastest growing regional economies over the past decade, with output and job creation rising faster than national benchmarks. However this growth has brought challenges along the way, including: housing prices outpacing average and median wages, lack of multimodal transportation infrastructure, rising travel times, and regional highway congestion¹. These challenges are directly related to the built environment policy.

The Mixed Use Commercial amendments create policy that support efficient development in response to the rapidly growing metro region. The standards permit compact, human-scale development of complimentary retail, office, high-density housing, and entertainment uses to create neighborhoods in Tualatin where one could work, shop, and recreate within walking distance of their home. This criterion is met.

(iv) Property values;

Finding:

The proposed amendments establish a Mixed Use Commercial zoning district. There are numerous economic benefits to adopting planning regulations that foster mixed-use development. Studies show a clear connection between walkable environments and the economic viability of a town. As a community becomes denser, municipalities gain more tax revenue per acre than before development. Smart Growth America² has concluded that, on an average per-acre basis, mixed-use development produces 10 times more tax revenue than conventional suburban development. This criterion is met.

(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;

Finding:

Savings can be expected when standards promote compact development and there is a decreased need to design, construct, and maintain infrastructure for transportation systems, water and waste water, electric, telecommunications, and other utilities. Smart Growth America² states that mixed-use development saves an average of 38 percent on upfront costs for new construction of roads, sewers, water lines and other infrastructure. Mixed-use development also often uses existing infrastructure, further lowering upfront capital costs. Chapters 74 and 75 of the Tualatin Development Code address site ingress/egress; no amendments to these Chapters are included under PTA & PMA 20-0001. This criterion is met.

(vi) Natural resources of the City and the protection and conservation of said resources;

¹ The Brookings Institute, Portland Economic Value Atlas, May 2019. https://www.brookings.edu/wp-content/uploads/2019/05/2019.05.21_Brookings-Metro_Portland_Market-Scan.pdf

² Smart Growth America, Building Better Budgets, May, 2013. <https://www.smartgrowthamerica.org/app/legacy/documents/building-better-budgets.pdf>

Finding:

Natural resources are identified and protected through applicable regulations of the TDC, and protection and conservation of said resources is implemented by the City, as well as Clean Water Services. No amendments are proposed that would affect the protection and conservation of natural resources. However amendments are proposed to positively impact the environment through the creation of a zoning district that reduces sprawling development patterns and provides an area where residents may live and walk to work to reduce car usage. This criterion is met.

(vii) Prospective requirements for the development of natural resources in the City;**Finding:**

No development of natural resources is proposed as part of the proposed amendments. This criterion is not applicable.

(viii) The public need for healthful, safe, esthetic surroundings and conditions; and**Finding:**

As mentioned previously, the proposed amendments promote buildings oriented close to the street, interesting storefronts, sidewalk arcades with seating, and architectural detailing that create lively and desirable surroundings in the newly proposed Mixed-Use Commercial zone. These standards provide pedestrian comfort that generate a community presence throughout the day, thereby creating opportunities for people to observe the space around them for their own safety and the protection of others. Therefore, the public need for healthful, safe, aesthetic surroundings and conditions will best be served by granting the amendments at this time. This criterion is met.

(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.**Finding:**

The proposed amendments does not result from a mistake in the Tualatin Community Plan or Development Code; however staff has observed that the existing Mixed Use Commercial Overlay District functions more as a zoning district than overlay. The amendments to create a stand-alone district that may be applied to other areas of City, through future plan map amendments, as neighborhood areas change. This criterion is met.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.**Finding:**

The amendment permits multi-family residential uses. The Tualatin School board was notified of the amendments and has not provided commentary. This criterion is met.

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).**Finding:**

Findings addressing the applicable Oregon Statewide Planning Goals and TPR have been addressed above. This criterion is met.

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

Finding:

The proposed amendments will remain consistent with Titles 1-14 of the Metro Urban Growth Management Functional Plan as addressed below:

Title 1 – Housing Capacity: requires a city or county maintain or increase its housing capacity

The proposed amendments create a Mixed-Use Commercial zone that permits multi-family housing at 25-50 units an acre. The highest density presently mapped in Tualatin is High Density/ High Rise that permits 26-30 units an acre outright. The amendment encourages an increase in housing capacity.

Title 2 – Regional Parking Policy: repealed

Title 3 – Water Quality and Flood Management: protects Water Quality and Flood Management Areas
Water Quality and Flood Management are addressed in Tualatin Development Code Chapters 70, 71, and 74. No amendments are proposed to these chapters.

Title 4 – Industrial and Other Employment Areas: promotes "clustering" of industries that operate more productively and efficiently when in proximity to each other

The Mixed-Use Commercial amendments permit the clustering of compatible commercial and residential uses. The MUC zone is being applied to an area that is not surrounded by land designated Industrial or Regionally Significant Industrial Area and will not diminish capacity on Regional Freight Network and will remain in compliance with this title.

Title 5 - Neighbor Cities and Rural Reserves: repealed

Title 6 – Centers, Corridors, Station Communities and Main Streets: enhancements of these areas as principal centers of urban life via actions and investments

The proposed Mixed-Use Commercial amendments permit a compatible mix of uses and standards to encourage vibrant and walkable development patterns, in compliance with this title. The central Tualatin core has been designated a town center and station community within Title 6. The subject amendments do not include mapping the MUC zone in the town center area at this time.

Title 7 – Housing Choice: implements policies regarding establishment of voluntary affordable housing production goals to be adopted by local governments

The proposed amendments permit multi-family housing at 25-50 units an acre on mixed-use property, which has the potential to aid in affordable housing production goals.

Title 8 – Compliance Procedures: ensures all cities & counties are equitably held to the same standards
Tualatin continues to partner with Metro to comply with the Functional Plan. Amendments were shared and posted with DLCD on April 30, 2020- 39 days before the scheduled hearing.

Title 9 – Performance Measures: repealed***Title 10 – Definitions******Title 11 – Planning for New Urban Areas: guides planning of areas brought into the UGB***

The MUC zone is not being proposed on land eligible for annexation into the City of Tualatin; therefore amendments do not affect planning areas outside of the UGB.

Title 12 – Protection of Residential Neighborhoods: protects existing residential neighborhoods from pollution, noise, crime, and provides adequate levels of public services

As addressed previously, the proposed amendments include design standards that promote human scale building development that is walkable. A variety of compatible uses are permitted to generate lively areas that create opportunities for people to observe the space around them for their own safety and the protection of others. Additionally mixed-use development often uses existing infrastructure, further lowering upfront capital costs.

Title 13 – Nature in Neighborhoods: conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape

Natural resources are addressed in Chapter 72 of the Tualatin Development Code. No amendments to this chapter are proposed under this application.

Title 14 – Urban Growth Boundary: prescribes criteria and procedures for amendments to the UGB

No amendments are proposed to the UGB under this application.

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

Finding:

The subject site is outside of the Town Center 2040 Design Type area. As identified in the Transportation Impact Analysis (Exhibit 1), the proposed amendment would facilitate additional trip generation in a LOS of D or greater for the weekday PM peak hour, at the nearby study intersections. This criterion is met.

- (i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

Finding:

The subject site is presently served with utilities such as potable water, sanitary sewer, and stormwater management. Future structure development on the site will require approval of an Architectural Review land use application, at which time these issues will be addressed in greater detail. This criterion is met.

TDC 5.020. - Assumptions.

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

- (1) Provide for the housing needs of existing and future City residents.
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.
- (3) Cooperate with the Housing Authority of Washington County and the Housing Division of Clackamas County to identify sites, projects and developers to provide the City's fair share of assisted housing units for low and moderate income households, and participate in the region's Housing Opportunity Plan.
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools and transit corridors, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial ~~Overlay~~ District.
- (5) Provide areas that are suitable for manufactured dwelling parks and areas that are suitable for subdivisions that will accommodate manufactured homes.
- (6) Provide areas that will accommodate small lot subdivisions.
- (7) Develop specific and enforceable design standards for multi-family developments, townhouses, manufactured homes, manufactured dwelling parks and small lot subdivisions.
- (8) Encourage owner occupancy of multi-family developments and other housing units within the City.
- (9) Encourage subdividers and other residential developers to consider the need for solar access on residential construction sites.
- (10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.
- (11) Require that all residential development adjacent to Expressways be buffered from the noise of such Expressways through the use of soundproofing devices such as walls, berms or distance. Density transfer to accommodate these techniques is acceptable.
- (12) Encourage the development of attached housing in accordance with the RML Planning District in the area of the Norwood Expressway/Boones Ferry Road intersection.
- (13) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

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

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

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

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

(18) Permit home occupations in a residence that do not detract from the residential character of an area.

Section 2. TDC 5.030 (General Objectives) is amended to read as follows:

TDC 5.030. - General Objectives.

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

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

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

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

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

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

- (6) Provide areas that will accommodate small lot subdivisions.
- (7) Develop specific and enforceable design standards for multi-family developments, townhouses, manufactured homes, manufactured dwelling parks and small lot subdivisions.
- (8) Encourage owner occupancy of multi-family developments and other housing units within the City.
- (9) Encourage subdividers and other residential developers to consider the need for solar access on residential construction sites.
- (10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.
- (11) Require that all residential development adjacent to Expressways be buffered from the noise of such Expressways through the use of soundproofing devices such as walls, berms or distance. Density transfer to accommodate these techniques is acceptable.
- (12) Encourage the development of attached housing in accordance with the RML Planning District in the area of the Norwood Expressway/Boones Ferry Road intersection.
- (13) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.
- (14) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of adjacent industrial use.
- (15) Protect adjacent land uses from noise impacts by adopting industrial noise standards.
- (16) Protect the Tonquin Scablands from adverse impacts of adjacent development. This includes the main Scabland area in the vicinity of the Burlington Northern Railroad tracks which is preserved through the use of the Wetlands Protection District and the Greenway and Riverbank Protection District. This also includes other elements of the Scabland formations found farther to the east. These latter areas will be preserved on a case-by-case basis as development occurs through preservation in their natural state, allowing residential density transfer through the small lot subdivision, common wall housing, and condominium conditional use processes.
- (17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state, by integrating the major trees into the design of the parking lots, buildings, or landscaping areas of multi-family complexes and non-residential uses, or in low density areas through the small lot, common wall, or condominium conditional use. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process, except for conventional single family subdivisions.

Section 3. TDC 6.030 (Objectives) is amended to read as follows:

TDC 6.030. - Objectives. The following are general objectives used to guide the development of this Plan:

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

Section 4. TDC 6.040 (Commercial Planning District Objectives) is amended to read as follows:

TDC 6.040. - Commercial Planning District Objectives.

This section describes the purpose of each commercial planning district.

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

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

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

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

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

(6) Mixed-Use Commercial Planning District (MUC). To provide areas suitable for a mix of office, retail commercial, and high-density housing. Development standards in this district shall encourage a range of complementary and integrated uses oriented toward pedestrian activity.

~~(6)~~ (7) Mid Rise/Commercial Office Planning District (CO/MR). To provide areas suitable for professional Class A Mid Rise offices. The CO/MR District shall be applied to appropriate lands west of Interstate 5 and south of the Tualatin River. Since the potential application of this district extends over most of the City's incorporated area, considerations such as proximity to

established residential districts and preservation of significant views and visual corridors shall be encouraged.

(7) (8) Medical Center Planning District (MC). To provide areas for major medical centers providing medical facilities and health care services for the residents of Tualatin and the surrounding area, and to provide limited supporting retail and service uses for the convenience of patients, patient visitors and staff. The Medical Center District shall be no less than 25 acres and front on an arterial as designated in TDC Chapter 11, Tualatin Community Plan.

Section 5. The following definitions are added to TDC 31.060 (Definitions):

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

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

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

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

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

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

1. Roof area;

2. Roof top mechanical equipment;

3. Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two (42) inches in height, for fifty (50) percent or more of their perimeter; and

4. Vents, shafts, courtyards, stairwells, elevator shafts, rooms designed and used for the purpose of storage and operations of maintenance equipment and enclosed or covered parking areas.

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

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

(1) The following sensitive land areas:

(a) Land within the 100-year floodplain that is preserved in a tract;

(b) Land exceeding 25 percent slope;

(c) Drainage ways; and

(d) Wetlands and associated buffers.

(2) Land dedicated to the public for park purposes; and

(3) Land dedicated to the public for rights-of-way and stormwater facilities. When actual information is not available, the following formulas may be used:

(a) Single-family development: allocate 20 percent of gross acres;

(b) Multi-family development including but not limited to apartments, condominiums and townhouses: allocate 15 percent of gross acres.

Section 6. TDC 38.060 (Sign Permit Required) is amended to read as follows:

TDC 38.060. - Sign Permit Required.

(1) Except as provided in subsection (2) below, no person shall erect, construct, modify, relocate, use or replace a sign, change a sign face, or alter a sign or sign structure unless a sign permit and any required building permit and electrical permit have been issued.

(2) The following signs are not required to obtain a sign permit; however, they shall comply with applicable sign regulations:

(a) Exempt signs in accordance with TDC 38.050;

(b) A directory sign's change of readerboard copy of two inches or less in height;

(c) Lawn signs;

(d) Temporary window signs and displays that do not meet the definition of a sign, for example, murals;

(e) Inlaid floor signs in the Mixed Use Commercial ~~Overlay~~ District; and

(f) Directional signs in the Mixed Use Commercial ~~Overlay~~ District.

Section 7. The following definitions in TDC 38.105 (Definitions) are amended to read as follows:

Inlaid Floor Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a sign on private property that is incorporated into the floor/walkway area in a customer entry area. This sign is intended to be seen only by people looking down who are at a customer entry area and not to be seen by people in a public right-of-way or a public access parking lot. An Inlaid Floor Sign is not a wall sign or a freestanding sign.

Plaque Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a type of wall sign associated with and located near a customer entry area.

Project Sign. For the Mixed Use Commercial ~~Overlay~~ District only, a type of sign to identify a project. For the purposes of this definition, a project is a functionally integrated and coordinated development on at least ten acres that may include more than one lot and be separated by a public street. The project is reviewed through the Architectural Review process as one application, as two or more simultaneous applications, or as two or more applications for phases of the same development.

Section 8. TDC 38.110(4) (Sign Types) is amended to read as follows:

TDC 38.110(4) *Shingle Sign, Blade and Small Projecting Sign Provisions.* Shingle signs and blade signs may be erected in the Mixed Use Commercial ~~Overlay~~ District subject to TDC 38.225. Shingle Signs, Blade Signs and Small Projecting Signs may be erected in the Central Design District and in Major Commercial Centers and on Multi-story Buildings in the Central and General Commercial Planning Districts subject to TDC 38.220(2) (b,e) and to the following limitations after first obtaining a sign permit.

(a) Location: Shingle signs and blade signs and Small Projecting Signs need not be placed within the primary sign band for wall signs. Shingle signs and blade signs and Small Projecting Signs shall be attached to a wall or the underside of an awning, canopy, marquee or building overhang.

(b) Shingle and Small Projecting Signs (Shingle-style) attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet.

(c) Blade signs and Small Projecting Signs (Blade-style) attached to a wall shall be perpendicular to that wall and shall extend no greater than four feet. Number of Sides: No more than two.

(d) Guy wires cables and similar stabilization methods are not permitted.

Section 9. TDC 38.220(1) (Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts) is amended to read as follows:

TDC 38.220. - Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts

(1) ~~TDC 38.220 does not apply to the Mixed Use Commercial Overlay District, see TDC 38.225.~~ Additional sign types are allowed on Multi-story Buildings, on buildings within a Major

Commercial Center, and within the Central Design District. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a single frontage lot with a minimum of 1.5-2.0 acres in lot area and 500 feet of frontage on one public street, provided the signs are not less than 300 feet apart from each other. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to ten feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Subject to Sign Design Review Standards of TDC 38.075, direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(viii) Design: Subject to Sign Design Review Standards of TDC 38.075.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, indirect or internal.

(viii) Design: Subject to Sign Design Review Standards of TDC 38.075.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above, except on an Arterial Street frontage. If used, the following standards apply:

(i) Number: One for a single Collector or Local Street frontage lot. Two for a corner lot with two or more Collector or Local Street frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more Collector or Local Street frontages, provided no more than one sign is on each frontage. Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except the Major Commercial Center Sign may be up to ten feet.

(v) Area: No more than 48 square feet, except the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, direct, indirect or internal, except the Major Commercial Center sign shall not be direct.

(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(ix) Design. Subject to Sign Design Review Standards of TDC 38.075.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two

signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than ½ the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or ten percent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

Section 10. TDC 38.225(1) (Signs Permitted in the Mixed Use Commercial Overlay District) is amended to read as follows:

TDC 38.225. - Signs Permitted in the Mixed Use Commercial Overlay (MUC) Planning District.

(1) No sign shall be permitted in the ~~Mixed Use Commercial Overlay~~ MUC Planning District for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, TDC 38.110(1) and the following standards apply:

(i) Number: One for a single frontage lot. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

- (ii) Number of Sides: No more than two.
- (iii) Height Above Grade: No higher than eight feet.

(iv) Area: No more than 40 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(b) A project sign is permitted. If used, the following standards apply:

(i) Number: One for a project.

(ii) Number of Sides: One.

(iii) Height Above Grade: No higher than eight feet.

(iv) Sign Face Height: No higher than six feet.

(v) Sign Face Area: No more than 200 square feet.

(vi) Letter, Number, Symbol Size: No higher than four feet, except logos which can be up to six feet high.

(vii) Illumination: Direct, indirect or internal.

(viii) Location: At the intersection of two public streets. The sign shall be no greater than 60 feet from the frontage property line along the public right-of-way.

(ix) Type: The sign face shall be on a freestanding wall or a wall set into a slope.

(x) Separation: There shall be at least 100 feet separating the project sign from a sign allowed in TDC 38.225(1)(a).

(c) Wall signs are permitted. If used, TDC 38.110(3) and the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. Two wall signs are allowed on an owned or leased wall of 3,000-4,999.9 square feet provided the distance between the two signs is greater than 25 feet. Three wall signs are allowed on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than ten feet, provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or ten percent of the wall area is allowed, whichever is greater. For walls whose area is 400.1 to 3,999.9 square feet, a total sign area of no more than 125 square feet is allowed. For walls whose area is equal to or greater than 4,000 square feet, a total sign area of no more than 150 square feet.

(vi) Illumination: Direct, indirect or internal.

(d) Wall Mounted Plaque signs are permitted. If used, the following standards apply:

(i) Number: One at each customer entry area.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the top of the door at a customer entry area.

(iv) Height of Sign Face: No higher than two feet.

(v) Sign Face Area: No more than four square feet. The area shall not be included in the area in TDC, 38.225(1)(c)(v) above.

(vi) Illumination: Indirect.

(vii) Location: To the side of a customer entry area. They need not be placed within the sign band for wall signs.

(viii) Sign Depth. The plaque may be flush with or inset into a wall, or may extend out from a wall no more than one inch.

(ix) Sign Face Orientation: The face shall be parallel to a wall.

(e) Shingle signs and blade signs are permitted. If used, the following standards apply:

(i) Location: Shingle signs and blade signs need not be placed within the sign band. Blade signs shall be attached to the wall of a building and shingle signs shall be attached to the underside of an awning, canopy, marquee or building overhang.

(ii) Number: In addition to the wall signs allowed in TDC, 38.225(1) (c), one shingle sign or one blade sign for each owned or leased wall, except as allowed in TDC 38.225(1)(k).

(iii) Number of Sides: No more than two.

(iv) Height of Sign Face: Shingle signs shall be no higher than three feet. Blade signs shall be no higher than ten feet, except as allowed in TDC 38.225(1)(k).

(v) Width of Sign Face: Shingle signs attached to the underside of an awning, canopy, marquee or building overhang shall not extend out beyond the outer edge of the element to which they are attached. Blade signs shall not extend greater than four feet beyond the building wall.

(vi) Sign Face Area: No more than 16 square feet, except as allowed in TDC 38.225(1)(k). The area shall not be included in the area in TDC 38.225(1)(c)(v).

(vii) Height of Sign: The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.

(viii) Illumination: Direct, indirect or internal.

(ix) Guy wires, cables and similar stabilization methods are not permitted.

(f) Inlaid Floor signs are permitted. If used, the following standards apply:

(i) Number: One for each customer entry area.

(ii) Height Above Grade: The surface of the sign shall not extend above the surface of the floor/walkway.

(iii) Sign Face Area: Not greater than 20 square feet.

(iv) Illumination: Direct, indirect or internal.

(v) Location: In a customer entry area on private property, set in the floor/walkway.

(g) Window signs are permitted. If used, the following standards apply:

(i) Location on Building: They shall be erected inside a building and located to be seen from the outside through a window.

(ii) Number: No limit provided the sign face area standard is met.

(iii) Sign Face Area: No more than 35 percent of the owned or leased window area.

(iv) Illumination: Direct or indirect.

(h) Awning, Canopy and Marquee signs are permitted. If used, the following standards apply:

(i) Number: No limit provided the sign face area standard is met.

(ii) Number of Sides: No more than one.

(iii) Height of Sign Face: No higher than the height of the awning or canopy. For marquees, no higher than the height of the fascia. For marquees with signage on top of the fascia, no more than 16 inches, except as allowed in TDC 38.225(1)(k).

(iv) Area: No more than 35 percent of the area of each awning, canopy and marquee provided the total signage of all awnings, canopies and marquees are on an owned or leased wall is no more than 40 square feet. For marquees with signage on top of the fascia, the area to be used in calculating the 35 percent is the allowed height of the sign, 16 inches, multiplied by the length of the front and sides of the marquee.

(v) Illumination: Direct, indirect or internal.

(vi) Location: For awnings and canopies, the signage shall be on the awning or canopy. For marquees the signage shall be on the fascia, or on top of the fascia provided it is individual letters, numbers or elements.

(i) Directional signs are permitted. If used, the following standards apply:

(i) They shall be permanent freestanding pole or monument signs.

(ii) Location on Site: If they are not 100 percent visually screened from the public right-of-way, they shall be erected at least 60 feet from the public right-of-way. If 100 percent visual screening is provided, they may be within 60 feet of the public right-of-way.

(iii) Location as Part of a Fence or Freestanding Wall: They may be affixed to and made part of a fence or freestanding wall.

(iv) Number: No more than four per vehicle or pedestrian aisle or aisle intersection.

(v) Number of Sides: No more than four.

(vi) Height of Sign: No higher than eight feet.

(vii) Sign Face Area: No more than four square feet per side. If affixed to a building wall the area shall not be included in the area in TDC 38.225(1)(c)(v).

(viii) Illumination: Indirect or internal.

(j) Directory signs are permitted. If used, the following standards apply:

(i) They shall be permanent wall or freestanding monument signs.

(ii) Location on Site: Wall directories need not be erected on sign bands. Monument directories shall be at least 60 feet from a public right-of-way and within 30 feet of a customer entry area.

(iii) Location as Part of a Fence or Freestanding Wall: They may be affixed to and made part of a fence or freestanding wall.

(iv) Number: One per customer entry area.

(v) Number of Sides: One for a wall directory and no more than four for a monument.

(vi) Height of Sign: No higher than three feet for a wall directory and six feet for a monument.

(vii) Sign Face Area: No more than six square feet for a wall directory and 24 square feet for a monument.

(viii) Illumination: Indirect or internal.

(ix) Height of Copy: No higher than two inches, except 20 percent of the sign face area may have copy up to five inches. Map size is not restricted by this subsection.

(x) The portion of the sign containing letters two inches in height or less may be a mechanical readerboard.

(k) Additional Blade and Marquee signage for eligible locations. This section allows an increase in the number, height, and sign face area of blade signs and an increase in the height of sign face area for marquee signs (with signage on top of the fascia) for business occupants which meet all of the criteria below. For blade signs, all other standards of TDC 38.225(1)(e) shall apply. For marquee signs all other standards of TDC 38.225(1)(h) shall apply.

(i) Criteria: This section applies only to business tenants which meet all of the following criteria (1) the building owned or leased by the business tenant is within a commercial development that is greater than 20 acres in size; (2) the total wall area owned or leased by the business tenant is greater than 1,000 square feet; (3) the building floor area owned or leased by the business tenant is greater than 15,000 square feet; and, (4) the building area owned or leased by the business tenant is not adjacent to the public right-of-way.

(ii) Blade Signs—Number: two signs on two owned or leased walls; one sign for all other owned or leased walls.

(iii) Blade Signs—Height of Sign Face: No higher than 16 feet.

(iv) Blade Signs—Sign Face Area: No more than 40 square feet. The area shall not be included in the area in TDC 38.225(1)(c)(v).

(v) Marquee Signs—Height of Sign Face Area: For marquees with signage on top of the fascia, no more than 36 inches.

Section 11. TDC 54.100 (Purpose) is amended to read as follows:

TDC 54.100. - Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access. ~~This zone is also suitable for the Mixed Use Commercial Overlay District to be applied in a specific area in accordance with TDC Chapter 57.~~

Section 12. TDC 54.310 (Additional Development Standards) is amended to read as follows:

TDC 54.310. - Additional Development Standards.

(1) Gateway Tower Elements. Gateway Tower Elements are permitted in the CG Planning District, subject to the following restrictions. ~~A Gateway Tower Element must not be located within a Mixed Use Commercial Overlay District (MUCOD).~~

(a) Location. The Gateway Tower element must be located within a 3.0 acre or larger commercial center development that is in a CG Planning District and within a 1,000 foot radius of:

(i) The intersection of the centerline of SW Nyberg Street with the centerline of Interstate I-5; and

(ii) The intersection of the centerline of SW Lower Boones Ferry Road with the centerline of Interstate I-5.

(b) Number. A maximum of two (2) Gateway Tower Elements are permitted within a commercial center development, with a minimum separation of 200 feet.

(c) Height. Gateway Tower Element feature must not exceed a structure height of 60 feet.

(d) Width and Depth. Gateway Tower Element must not have exterior width, depth, or diameter dimensions greater than 20 feet nor less than six feet.

(e) Design.

(i) Gateway Tower Elements must incorporate architectural details including, but not limited to, fenestrations; eaves; window openings; and variations in roofline, volume, massing, and exterior materials. Architectural materials and details must be of a high quality and must relate to the design elements used on other structures in the development site.

(ii) Gateway Tower Elements must include a gable, hip, dome or pitched roof form without a spire or pinnacle above. The roof material must be opaque and not transparent or translucent.

(iii) Clocks, bells and similar features are prohibited.

(f) Lighting. A Gateway Tower Element may be illuminated by indirect illumination. Direct illumination or internal illumination other than light emitted from approved windows or fenestrations is prohibited.

(g) Signage. Signs are prohibited on a Gateway Tower Element structure.

Section 13. TDC Chapter 57 Mixed Use Commercial Overlay District is deleted in its entirety.

Section 14. TDC Chapter 57 Mixed Use Commercial Zone (MUC) is created to read as follows:

TDC 57.010. - Purpose.

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

TDC 57.200. - Use Categories

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

Table 57-1
Use Categories in the MUC

<u>USE CATEGORY</u>	<u>STATUS</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
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<u>RESIDENTIAL USE CATEGORIES</u>		
<u>Household Living</u>	<u>P/C</u>	<u>Permitted housing types subject to TDC 57.220</u>
<u>COMMERCIAL USE CATEGORIES</u>		
<u>Commercial Lodging</u>	<u>P</u>	--
<u>Commercial Recreation</u>	<u>P</u>	--
<u>Commercial Parking</u>	<u>P</u>	--
<u>Durable Goods Sales</u>	<u>P/C (L)</u>	<u>Permitted uses limited to:</u> <ul style="list-style-type: none"> • <u>Retail sale of furniture and large appliances, pursuant to TDC 57.210</u> <u>Conditional uses limited to:</u> <ul style="list-style-type: none"> • <u>Outdoor sales subject to TDC 57.210.</u>
<u>Eating and Drinking Establishments</u>	<u>P</u>	
<u>Medical Office</u>	<u>P (L)</u>	<u>Accessory research and development square footage must be less than the primary office use square footage.</u>
<u>Office</u>	<u>P (L)</u>	<u>Accessory research and development square footage must be less than the primary office use square footage.</u>
<u>Other Educational and Vocational Servicing</u>	<u>P</u>	--
<u>Quick Vehicle Servicing</u>	<u>C (L)</u>	<u>Conditional uses limited to:</u> <ul style="list-style-type: none"> • <u>Automobile service station subject to TDC 57.210.</u>
<u>Retail Sales and Services</u>	<u>P/C (L)</u>	<u>Pet day care without outdoor activity area is permitted outright.</u> <u>Mortuary not permitted.</u> <u>Conditional uses limited to:</u> <ul style="list-style-type: none"> • <u>Outdoor sales subject to TDC 57.210.</u>

		<u>All other retail sales and service uses permitted outright.</u>
<u>INSTITUTIONAL USE CATEGORIES</u>		
<u>Assembly Facilities</u>	<u>C (L)</u>	<u>Conditional uses limited to:</u> <ul style="list-style-type: none"> • <u>Religious institutions or major event entertainment.</u>
<u>Colleges, Universities, and Private Career Schools</u>	<u>C</u>	--
<u>Community Services</u>	<u>P</u>	--
<u>Medical Centers</u>	<u>C</u>	--
<u>Schools</u>	<u>C</u>	--
<u>INFRASTRUCTURE AND UTILITIES CATEGORIES</u>		
<u>Basic Utilities</u>	<u>P (L)</u>	<u>Permitted uses limited to:</u> <ul style="list-style-type: none"> • <u>Sewer and water pump stations;</u> • <u>Pressure reading stations.</u>
<u>Greenways and Natural Areas</u>	<u>P</u>	
<u>Parks and Open Space</u>	<u>P (L)</u>	<u>Golf courses and country clubs prohibited.</u> <u>All other uses permitted outright.</u>
<u>Public Safety Facilities</u>	<u>P/C (L)</u>	<u>Conditional uses limited to:</u> <ul style="list-style-type: none"> • <u>Fire stations; and publicly- and privately-operated ambulance facilities.</u> <u>All other uses permitted outright.</u>
<u>Transportation Facilities</u>	<u>P</u>	--
<u>Wireless Communication Facility</u>	<u>P (L)</u>	<u>Permitted uses limited to:</u> <ul style="list-style-type: none"> • <u>Wireless communication facility attached.</u>

TDC 57.210. - Additional Limitations on Uses.

(1) Durable Goods Sales. Uses limited to retail sale of furniture and large appliances subject to the following standards:

(a) The building footprint is less than 60,000 square feet of gross floor area.

(b) Incidental repair of appliances is permitted as an accessory use.

(2) Outdoor uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a) - (b) below.

(a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.

(b) Conditional Uses. Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:

(i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.

(ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.

(iii) The outdoor area must abut a wall of the store.

(iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.

(v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

(3) Major event entertainment. Requires a conditional use permit and are subject to the following standards:

(a) Excludes outdoor entertainment.

(4) Automobile Service Station. Requires a conditional use permit and are subject to the following standards:

(a) The minimum street frontage on each street on a corner lot is 120 feet.

(b) The minimum street frontage on an interior lot is 150 feet.

(c) The minimum building setback from any street right-of-way is 40 feet.

(d) The minimum pump island set-back from any lot line is 15 feet.

(e) Only two access points are allowed for an interior lot. A corner lot and a through lot are allowed only one access per street frontage.

(f) The storage and display of merchandise such as tires and batteries offered for sale must be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.

(g) Outside storage or sale of any vehicles is not permitted.

(h) Must comply with TDC Chapter 34.200.

TDC 57.220. - Housing Types.

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

Table 57-2
Housing Types in the MUC

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

TDC 57.300. - Development Standards.

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

Table 57-3
Development Standards in the MUC District

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>LIMITATIONS AND CODE REFERENCES</u>
<u>MINIMUM LOT SIZE</u>		
<u>All Uses</u>	<u>None</u>	
<u>MINIMUM SETBACKS</u>		
<u>Front</u>	<u>None</u>	
<u>Interior Side and Rear</u>	<u>0-20 feet</u>	<u>Setbacks are 20 feet where the site abuts a residential district.</u>
<u>Corner</u>	<u>None</u>	
<u>MAXIMUM SETBACKS</u>		
<u>Commercial Uses</u>		

<u>Front/ Corner</u>	<u>10 feet</u>	
<u>Residential Uses</u>		
<u>Front/ Corner</u>	<u>20 feet</u>	
<u>MINIMUM STRUCTURE HEIGHT</u>		
<u>All uses</u>	<u>20 feet</u>	<u>Except for theaters and cinemas which can be one story.</u>
<u>MAXIMUM STRUCTURE HEIGHT</u>		
<u>All uses</u>	<u>70 feet</u>	<u>Refer to Figure 57-1</u>
<u>MINIMUM FLOOR AREA RATIO</u>		
<u>All uses</u>	<u>0.5</u>	<u>Floor Area Ration does not apply to residential-only projects.</u>
<u>DENSITY</u>		
<u>All uses with a residential component</u>	<u>25-50 units per acre</u>	
<u>MAXIMUM LOT COVERAGE</u>		
<u>All uses</u>	<u>90%</u>	

Figure 57-1
100 Foot Maximum Structure Height



Section 15. TDC 73A.200 (Common Wall Design Standards) is amended to read as follows:

TDC 73A.200. - Common Wall Design Standards.

The following standards are minimum standard for all duplex, townhouse, and multi-family developments in all zones. These standards do not apply to development in the Central Design District and Mixed Use Commercial Overlay (MUC) zone District, which have separate standards and may be less than the minimums provided below.

(1) Private Outdoor Areas. Common wall uses must provide private outdoor area features as follows:

(a) A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and

(b) The private outdoor area must be separated from common outdoor areas in a manner that enables the resident to control access from common areas with elements, such as walls, fences or shrubs.

(2) Balconies, Terraces, and Loggias. Common wall uses must provide balconies, terraces, and loggias features as follows:

(a) A separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias must be provided for each unit located above the ground level; and

(b) The balconies, terraces, and loggias standard does not apply to duplexes and townhouses.

(3) Entry Areas. Common wall uses must provide entry area features as follows:

(a) A private main entry area must be provided as a private extension of each dwelling unit;

(b) The entry area must be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy;

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

(d) The entry area may be combined to serve more than one unit as determined by the City; and

(e) The entry area standard does not apply to duplexes and townhouses.

(4) Shared Outdoor Areas. Common wall uses must provide shared outdoor area features as follows:

(a) Must provide year round shared outdoor areas for both active and passive

recreation;

(b) The shared outdoor area must be a minimum of:

(i) Three hundred square feet per dwelling unit; or

(ii) Four hundred fifty square feet per dwelling unit for 55 and older communities.

(c) Gazebos and other covered spaces are encouraged to satisfy this requirement;

(d) The shared outdoor area must provide approximately the same accessibility to the maximum number of dwelling units possible;

(e) The shared outdoor area must allow residents to watch over these areas from windows in at least two adjacent dwelling units;

(f) The shared outdoor area must be separated from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;

(g) The shared outdoor area must have controlled access from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(h) The shared outdoor area must provide both sunny and shady spots;

(i) The shared outdoor area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and

(j) The shared outdoor area must standard does not apply to:

(i) Duplexes and townhouses; and

(ii) Any development with less than 12 dwelling units.

(5) Children's Play Areas. Common wall uses must provide children's play area features as follows:

(a) The children's play area must provide year round shared outdoor areas for both active and passive recreation;

(b) The children's play area must be a minimum of 150 square feet per dwelling unit;

(c) The children's play area must provide approximately the same accessibility to the maximum number of dwelling units possible;

(d) The children's play area must allow residents to watch over these areas from windows in at least two adjacent dwelling units;

(e) The children's play area must provide a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;

(f) The children's play area must have controlled access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(g) The children's play area must provide both sunny and shady spots; and

(h) The children's play area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and

(i) The children's play area standard does not apply to:

(i) Duplexes and townhouses;

(ii) Fifty-five and older communities; and

(iii) Any development with less than 12 dwelling units.

(6) Storage. Common wall uses must provide storage features as follows:

(a) Enclosed storage areas are required and must be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc.

(i) Garages do not satisfy the storage requirements.

(b) Each storage area must be a minimum of six feet in height and have a minimum floor area of:

(i) 24 square feet for studio and one bedroom units;

(ii) 36 square feet for two bedroom units; and

(iii) 48 square feet for greater than two bedroom units.

(7) Walkways. Common wall uses must provide walkways as follows:

(a) Walkways for duplexes and townhouses must be a minimum of three feet in width;

(b) All other multi-family development must have walkways of a minimum of six feet in width;

(c) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material); and

(d) The walkways must meet ADA standards applicable at time of construction or

alteration.

(8) Accessways.

(a) When Required. Accessways are required to be constructed when a common wall development is adjacent to any of the following:

- (i) Residential property;
- (ii) Commercial property;
- (iii) Areas intended for public use, such as schools and parks; and
- (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) Design Standard. Accessways must meet the following design standards:

- (i) Accessways must be a minimum of eight feet in width;
- (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
- (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, 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.

(9) Carports and Garages. Common wall uses must provide Carports and Garage features as follows:

- (a) At least one garage space must be provided for each duplex or townhouse. The form, materials, color, and construction must be compatible with the unit served; and
- (b) If carports or garages are provided for multi-family development, the form, materials, color, and construction must be compatible with the complex they serve.

(10) Safety and Security. Common wall units must provide safety and security features as follows:

- (a) Private outdoor areas must be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units;
- (b) Windows must be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas;
- (c) An outdoor lighting system must be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without shining into residential units, public rights-of-way, or fish and wildlife habitat areas;
- (d) An identification system must be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system must be evident from the primary vehicle entryway; and
- (e) The safety and security standard does not apply to duplexes and townhouses.

(11) Service, Delivery and Screening. Common wall uses must provide service, delivery, and screening features as follows:

- (a) Provisions for postal delivery must be conveniently located and efficiently designed for residents and mail delivery personnel;
- (b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas must be provided. Elements include, but not limited to:
 - (i) Concrete paths;
 - (ii) Raised walkways; and

(iii) Bark chip trails

(c) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping.

Section 16. TDC 73A.300 (Commercial Design Standards) is amended to read as follows:

TDC 73A.300. - Commercial Design Standards.

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

(1) Walkways. Commercial development must provide walkways as follows:

- (a) Walkways must be a minimum of six feet in width;
- (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;
- (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 common wall development is adjacent to any of the following:

- (i) Residential property;
- (ii) Commercial property;
- (iii) Areas intended for public use, such as schools and parks; and
- (iv) Collector or arterial streets where transit stops or bike lanes are provided or

designated.

(b) Design Standard. Accessways must meet the following design standards:

- (i) Accessways must be a minimum of eight feet in width;
- (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
- (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, 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) 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.

(4) Safety and Security. Commercial development must provide safety and security features as follows:

(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;

(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and

(e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

(5) Service, Delivery, and Screening. Commercial development must provide service, delivery, and screening features as follows:

(a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

(b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

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

(a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) 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 TDC Chapter 11 (Figure 11-5) 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.

Section 17. TDC 73A.400 (Mixed Use Commercial Design Applicability; Exceptions) is created to read as follows:

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 nonresidential development in the Mixed-Use Commercial (MUC) zone which is greater than fifty (50) percent of the building's gross floor area or alters any façade visible from a public or private street frontage by more than fifty (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.

Section 18. TDC 73A.410 (Mixed Use Commercial Design Standards) is created to read as follows:

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

The following are the minimum standards for development in the Mixed-Use Commercial zone.

(1) Walkways. Mixed-Use Commercial 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) 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.

(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.

(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 TDC Chapter 11 (Figure 11-5) 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 TDC Chapter 11 (Figure 11-5) 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.

(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.

(6) *Building Design Standards.* Mixed Use Commercial Zone development must meet the following building design standards.

(a) Non-residential buildings and mixed-use buildings where 50 percent or less of the gross floor area of the building is residential must comply with the following:

(i) *Ground floor windows.* Street-facing elevations must include a minimum of 50 percent of the wall area with windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street-facing elevation. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

(ii) *Building Facade.* Street-facing facades must extend no more than 50 feet without providing at least one of the following features:

(A) A variation in building materials;

(B) A building offset of at least one foot;

(C) A wall area that is entirely separated from other wall areas by a projection, such as an arcade, or

(D) By other design features that reflect the building's structural system.

(iii) *Weather Protection.* Weather protection for pedestrians, such as awnings, canopies and arcades, must be provided at building entrances and extend a minimum of six feet over the sidewalk connection and must not obstruct or prevent the placement of street trees, tree canopies or other improvements within the public right-of-way. Weather protection is encouraged along building frontages abutting a public sidewalk.

(iv) *Building Materials.* The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.

(A) *Exceptions.* Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.

(v) *Roof Lines.* Except in the case of a building entrance feature, roofs must be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

(vi) *Roof-mounted Equipment.* Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.

(b) *Residential-only, and mixed-use buildings where 50.1 percent or more of the gross floor area of the building is residential, must comply with the following:*

(i) *Front Facades.* All primary ground-floor common entries or individual unit entries must be oriented to the street, not to the interior or to a parking lot. The front facade of large structures must be divided into smaller areas or planes of 500 square feet or less. Trim must be used to mark all building roof lines, porches, windows and doors. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged, to create visual interest.

(ii) Main Entrance. Primary structures must be oriented with their main entrance facing the street upon which the project fronts. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.

(iii) Unit Definition. Each dwelling unit must be emphasized with a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. Ground-level dwelling units must include porches with no dimension less than six feet and an area of at least 48 square feet.

(iv) Building Materials. The following are not permitted as exterior finish materials for building walls: plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding.

(A) Exceptions. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than two feet above grade.

(v) Roof Lines. Roofline offsets must be provided at intervals of 40 feet or less to create variety in the massing of structures and to relieve the effect of a single, long roof. Offsets must be a minimum four foot variation, either vertically or horizontally, from the gutter line.

(vi) Roof-mounted Equipment. Roof-mounted equipment must be screened from view from adjacent public streets. Screening shall be integrated with exterior building design. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized.

Section 19. TDC 73A.400 (Industrial Design Standards) is renumbered and amended to read as follows:

TDC 73A.400. 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, or a pervious surface such as pavers or grasscrete (not gravel or woody material);
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

(e) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and

(f) 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 common wall development is adjacent to any of the following:

(i) Residential property;

(ii) Commercial property;

(iii) Areas intended for public use, such as schools and parks; and

(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) *Design Standard.* Accessways must meet the following design standards:

(i) Accessways must be a minimum of eight feet in width;

(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;

(iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, 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 may be gated for security purposes;

(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) Drive-up Uses. Drive-up uses must comply with the following:

(a) Must 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; and

(e) A wall or other visual or acoustic may be required by the City.

(4) *Safety and Security*. Institutional development must provide safety and security features as follows:

(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;

(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and

(e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall

(5) *Service, Delivery, and Screening.* Industrial development must provide service, delivery, and screening features as follows:

(a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

(b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

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

(a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) 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 TDC Chapter 11 (Figure 11-5) 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.

Section 20. TDC 73A.500 (Institutional Design Standards) is renumbered 73A.600 (Institutional Design Standards).

Section 21. TDC 73B.020 (Landscape Area Standards Minimum Areas by Use

and Zone) is amended to read as follows:

TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.

The following are the minimum areas required to be landscaped for each use and zone:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(1) RL, RML, RMH, RH and RH/HR zones—Permitted Uses	None	None
(2) RL, RML, RMH, RH and RH/HR zones—Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
(4) CO, CR, CC, CG, <u>MUC</u> , ML and MG zones within the Core Area Parking District—All uses	10 percent of the total area to be developed	7.5 percent of the total area to be developed
(5) IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed	22.5 percent of the total area to be developed
(6) Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable

* For properties within the Hedges Creek Wetland Protection District, which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

Section 22. TDC 73B.040 (Additional Minimum Landscaping Requirements for Commercial Uses) is amended to read as follows:

TDC 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses.

(1) General. In addition to requirements in TDC 73B.020, commercial uses, except those located in the Mixed-Use Commercial (MUC) zone, must comply with the following:

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.

(i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

(b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:

- (i) Pedestrian amenities such as landscaped plazas and arcades; and
- (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.

(c) Five-foot wide landscaped area requirement does not apply to:

- (i) Loading areas;
- (ii) Bicycle parking areas;
- (iii) Pedestrian egress/ingress locations; and
- (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.

(d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

(2) *Manufacturing Park (MP) —Wetland Buffer.* Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

- (a) Area counted as landscaping is limited to a maximum of two and one-half percent (of the total land area to be developed;
- (b) Area to be counted as landscape must be within the boundaries of the subject property;
- (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
- (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency; and
- (e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

Section 23. TDC 73B.050 (Additional Minimum Landscaping Requirements for all uses in the Mixed Use Commercial Zone) is created to read as follows:

TDC 73B.050 – Additional Minimum Landscaping Requirements for all uses in the Mixed Use Commercial Zone.

(1) General. In addition to requirements in TDC 73B.020, all uses within the Mixed-Use Commercial (MUC) zone, must comply with the following:

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped;

(i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

(b) A landscape area may be occupied by utilities, screening, sidewalks, bikeways; and

(c) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73-2.

(2) Standards. The matrices in Tables 73B-1 and 73B-2 must be used in calculating widths of landscape buffer areas, as well as screening improvements to be installed between proposed uses and abutting uses. Landscape buffers are not required between abutting uses that are of a different type when the uses are separated by a street.

(a) Buffer. The minimum improvements within a buffer area must include landscaping and screening specified in Tables 73B-1 and 73B-2. Landscape improvements must meet the following specifications:

(i) At least one row of trees must be planted. Deciduous trees must be a minimum of two-inch caliper at four feet in height and evergreen trees must be a minimum height of five feet high at the time of planting. Spacing for trees must be as follows:

(A) Small or narrow-stature trees, under 25 feet tall or less than 16 feet wide at maturity must be spaced not more than 15 feet apart;

(B) Medium-sized trees between 25 feet to 40 feet tall and with 16 feet to 35 feet wide branching at maturity must be spaced not more than 30 feet apart;

(C) Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, must be spaced not more than 30 feet apart.

(ii) At least ten, five-gallon shrubs or 20, one-gallon shrubs must be planted for each 1,000 square feet of required buffer area;

(iii) The remaining area must be planted in lawn or other living ground cover.

(b) Screening. Where screening is specified in Tables 73B-1 and 73B-2, the following standards apply, in addition to those required for buffering:

(i) The prescribed heights of required screening must be measured from the actual adjoining level of finished grade, except that where parking, loading, storage or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the level of such improvements. When the use to be screened is located downhill from the adjoining use, the prescribed heights of required fences, walls, or landscape screening must be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six foot height at the discretion of the City Manager, as a condition of approval. When steep grades make the installation of walls, fences, or landscaping to the required height impractical, a detailed landscape/screening plan must be submitted for approval.

(ii) A hedge of narrow or broad leaf evergreen shrubs must be planted which will form a four-foot high continuous screen within two years of planting; or

(iii) An earthen berm planted with narrow or broad leaf evergreen shrubs must be provided which will form a continuous screen of the height specified in Table 73B-2 within two years. The unplanted portion of the berm shall be planted in lawn or other living ground cover; or

(iv) A fence or wall of the height specified in Table 73B-2 must be constructed of materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or as determined in the Architectural Review process and provide a continuous sight obscuring screen.

(A) Walls must be a minimum of six inches thick.

(B) Fence or wall height may not exceed three feet in height in a required front yard or six feet in height in required front yards adjacent to designated arterial or collector streets.

(C) An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight-obscuring fence where required.

(D) An earthen berm and fence or wall combination must not exceed six-feet in height.

Table 73B-1
Required Landscape Buffer Between Uses

		<u>Proposed Improvement</u>				
		<u>Residential</u>	<u>Commercial</u>	<u>Institutional</u>	<u>Parking Lots</u> <u>4-50 spaces</u>	<u>Parking Lots</u> <u>50+ spaces</u>
<u>A</u> <u>Abutting</u>	<u>Residential</u>	-	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>
	<u>Commercial</u>	<u>C</u>	-	<u>D</u>	-	-
	<u>Industrial</u>	<u>D</u>	<u>A</u>	<u>D</u>	-	-
	<u>Parking Lots</u>	<u>C</u>	-	-	-	-
	<u>Arterial Streets</u>	<u>A</u>	-	<u>A</u>	-	-

Table 73B-2
Required Landscaping and Screening

	<u>Options</u>	<u>Width</u> <u>(feet)</u>	<u>Trees (per linear feet of buffer)</u>	<u>Shrubs or</u> <u>Groundcover</u>	<u>Screening</u>
<u>A</u>	-	<u>10</u>	-	<u>Lawn/living</u> <u>groundcover</u>	-
<u>B</u>	-	<u>10</u>	<u>20 feet min/30 feet max</u> <u>spacing</u>	<u>Lawn/living</u> <u>groundcover</u>	-
<u>C</u>	<u>1</u>	<u>10</u>	<u>15 feet min/30 feet max</u> <u>spacing</u>	<u>Shrubs</u>	<u>4 feet hedges</u>
	<u>2</u>	<u>8</u>		<u>Shrubs</u>	<u>5 feet fence</u>
	<u>3</u>	<u>6</u>		<u>Shrubs</u>	<u>6 feet wall</u>
<u>D</u>	<u>1</u>	<u>20</u>	<u>10 feet min/20 feet max</u> <u>spacing</u>	<u>Shrubs</u>	<u>6 feet hedge</u>
	<u>2</u>	<u>15</u>		<u>Shrubs</u>	<u>6 feet fence</u>
	<u>3</u>	<u>10</u>		<u>Shrubs</u>	<u>6 feet wall</u>

Section 24. TDC 73B.050 (Additional Minimum Landscaping Requirements for Industrial Uses) is renumbered TDC 73B.060 (Additional Minimum Landscaping Requirements for Industrial Uses).

Section 25. DC 73B.060 (Additional Minimum Landscaping Requirements for Institutional Uses) is renumbered TDC 73B.070 (Additional Minimum Landscaping Requirements for Institutional Uses).

Section 26. TDC 73B.070 (Minimum Landscaping Standards for All Zones) is renumbered TDC 73B.080 (Minimum Landscaping Standards for All Zones).

Section 27. TDC 73B.080 (Minimum Standards Trees and Plants) is renumbered TDC 73B.090 (Minimum Standards Trees and Plants).

Section 28. TDC 73C.230 (Mixed Use Commercial Parking Lot Landscaping Requirements) is created to read as follows:

TDC 73C.230. – Mixed Use Commercial Parking Lot Landscaping Requirements.
Uses located within the Mixed Use Commercial zone must comply with the following landscaping requirements for parking lots in addition to those listed in TDC 73C.220.

(1) Screening. Additional specifications for parking and loading area screening are as follows:

(a) Landscaped parking areas must include special design features that effectively screen the parking lot areas from public right-of-way view. These design features may include the use of landscaped berms, decorative walls and raised planters; and

(b) Trees must be planted in landscaped islands in all parking areas, and must be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect.

Section 29. TDC 73C.230 (Industrial Parking Lot Landscaping Requirements) is renumbered TDC 73C.240 (Industrial Parking Lot Landscaping Requirements).

Section 30. TDC 73C.240 (Institutional Parking Lot Landscaping Requirements) is renumbered TDC 73C.250 (Institutional Parking Lot Landscaping Requirements).

Section 31. The Tualatin Community Plan Map 9-1 is amended as set forth in Exhibit 1, which is attached and incorporated by reference, to add the Mixed Use Commercial (MUC) zone.

Section 32. Findings. The Council adopts the Findings as set forth in Exhibit 2, which are attached and incorporated by reference.

Section 33. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision does not affect the validity of the remaining portions of this ordinance.

Section 34. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this _____ day of June, 2020.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder