



MEETING AGENDA
TUALATIN PLANNING COMMISSION

February 20, 2014; 6:30 p.m.
POLICE TRAINING ROOM
8650 SW TUALATIN ROAD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Mike Riley, Chair, Alan Aplin, Bill Beers, Jeff DeHaan, Cameron Grile, Nic Herriges, and Steve Klingerman

Staff: Aquilla Hurd-Ravich, Planning Manager
2. **APPROVAL OF MINUTES**
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
 - A. Consideration of Plan Text Amendment (PTA) 14-01 Amending Chapters 60, 61, and 62 of the Tualatin Development Code (TDC) to allow small-scale mixed uses and modifications to Chapters 34 and 69 to implement recommendations from Linking Tualatin. (Legislative Matter)
 - B. 2013 Annual Report of the Tualatin Planning Commission
5. **COMMUNICATION FROM CITY STAFF**
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 02/20/2014

SUBJECT: **APPROVAL OF MINUTES**

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 1.16.14](#)



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF January 16, 2014

TPC MEMBERS PRESENT:

Mike Riley
Alan Aplin
Bill Beers
Nic Herriges
Cameron Grile
Steve Klingerman

STAFF PRESENT:

Aquilla Hurd-Ravich
Clare Fuchs
Lynette Sanford

TPC MEMBER ABSENT: Jeff DeHaan

GUESTS:

1. CALL TO ORDER AND ROLL CALL:

Mr. Riley, Chairman, called the meeting to order at 6:29 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Riley asked for review and approval of the November 21, 2013 TPC minutes. Hearing no objections, the minutes were accepted as written.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

4. ACTION ITEMS:

A. Elect a Chair and Vice Chair to Represent the Tualatin Planning Commission

Mr. Riley stated that he will be stepping down from the Planning Commission and will no longer serve as Chair. Mr. Klingerman stated that he will also be resigning as a member.

Ms. Hurd-Ravich, Planning Manager, provided a brief history of who held positions in the past and referred to the Tualatin Municipal Code section **11-1-030 Organization of the Commission**. After a brief discussion, Alan Aplin agreed to serve as Chairman, and Bill Beers agreed to serve as Vice-Chair for the upcoming year. MOTION by Herriges, SECONDED by Riley. MOTION PASSED 6-0.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

5. COMMUNICATION FROM CITY STAFF:

None

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that the Planning Commission will have a full agenda in February. The annual report will be discussed; there will be a recommendation on the Plan Text Amendment of the Industrial Business Park Overlay and the Plan Map Amendment on the Espedal property.

Clare Fuchs, Senior Planner, presented the Plan Map Amendment of the Espedal Property, which included a handout of the property. Ms. Fuchs explained that this property includes an application for Annexation, which was submitted at the same time as the Plan Map Amendment. The owner of the property would like it zoned RH – Residential High-Density. Their plans are to build an apartment complex with approximately 200 units. The property consists of approximately 9.3 acres.

Mr. Klingerman asked if we were to annex them into the City, are we required to give them water and sewer access. Ms. Hurd-Ravich answered affirmatively, and that they will have to pay for the extensions, if necessary. Mr. Klingerman asked if this was a pro or con for the City. Ms. Hurd-Ravich responded that the City is excited about this project. We've received many calls about this property and believe this will help enliven this area of town. Ms. Hurd-Ravich added that the topography of this property is on a down slope, so there will not be a huge impact visually. Ms. Fuchs added that there will be parking in the flood plain towards the back of the property, which will help the visual impact from 99W.

Ms. Hurd-Ravich stated that in March, there may be some sign variances associated with Nyberg Rivers. She added that Verizon Wireless will be constructing a cell tower, which may result in a height variance. Cell service is spotty in that area, so it will be a benefit.

Ms. Hurd-Ravich added that we have been conducting many scoping and pre-application meetings recently. Mr. Grile inquired about the demolition of the former Kmart store and if only the demolition permit has been submitted. Ms. Hurd-Ravich responded that they have issued foundation permits for Cabela's, New Seasons, and Home Goods. Mr. Grile inquired about the Seneca Street extension and asked if it's been delayed. Ms. Hurd-Ravich responded that the City Council is split on the decision and the issue will be brought back at the next session to vote on. Mr. Klingerman inquired about the Jiggles property. Ms. Hurd-Ravich responded that their lease with Centercal will be up in June.

Mr. Herriges notes that he will be absent for the March, April, and May Planning Commission meetings due to it being LaCrosse season, but will be able to attend if a

quorum is needed. Mr. Riley and Mr. Klingerman acknowledged they will be in attendance at the meetings until their positions are filled.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Beers brought up the subject of medical marijuana dispensaries in Tualatin. Ms. Hurd-Ravich stated that in early December, the City Council discussed a change to the business licenses prohibiting uses not in conformance with state and federal law. This did not get approved by the Council and they asked for it to return for discussion. It came to a work session in January and the Council decided that staff needs to look into ways to ban the dispensaries temporarily so they could work on land use regulations. The last direction the staff received was to ban dispensaries through the Municipal Code. Staff will be conducting outreach from the public to obtain input. Mr. Klingerman stated he believed the process should go to a public vote Mr. Riley acknowledged that we are surrounded by communities that have them. Ms. Hurd-Ravich added that our code will limit the dispensaries to the Commercial and Industrial zones.

8. ADJOURNMENT

MOTION by Herriges SECONDED by Grile to adjourn the meeting at 7:15 pm.
MOTION PASSED 6-0.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Aquilla Hurd-Ravich

FROM: Cindy Hahn, Associate Planner

DATE: 02/20/2014

SUBJECT: Consideration of Plan Text Amendment (PTA) 14-01 Amending Chapters 60, 61, and 62 of the Tualatin Development Code (TDC) to allow small-scale mixed uses and modifications to Chapters 34 and 69 to implement recommendations from Linking Tualatin. (Legislative Matter)

ISSUE BEFORE TPC:

Planning Commission consideration of Plan Text Amendment (PTA) 14-01 to allow more flexibility in uses within manufacturing districts in Tualatin by amending Chapters 34, 60, 61, 62 and 69 of the Tualatin Development Code (TDC). The proposed amendments are intended to help implement the land use recommendations of the Linking Tualatin Final Plan, a land use plan aimed at increasing transit use.

RECOMMENDATION:

Staff recommends the Planning Commission consider the staff report, draft code language, and analysis and findings, and make a recommendation to the City Council.

EXECUTIVE SUMMARY:

This is a legislative matter for Planning Commission consideration of a text amendment to the Tualatin Development Code (TDC). The Planning Commission is tasked only with making a formal recommendation on proposed Plan Text Amendment (PTA) 14-01 to change the TDC to allow more flexibility in uses within manufacturing districts in Tualatin. The proposed amendment will expand the permitted uses in the Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Park (MP) Planning Districts as well as the Industrial Business Park Overlay (IBPO) District. Draft code language is included for Planning Commission review as Attachment A, and analysis and findings is included as Attachment B.

The Linking Tualatin Final Plan was accepted by City Council Resolution No. 5143-13 on June 24, 2013. Implementation actions contained in the Resolution included "preparing code changes that will allow greater flexibility and support transit use." The draft amendments being presented to Planning Commission tonight in PTA 14-01 are intended to help implement this recommended land use action.

The code amendments were originally initiated in 2013 by the Community Development

Department in response to the implementation actions contained in Resolution 5143-13. Draft amendments were presented to the Planning Commission in November 2013 and subsequently to City Council in December 2013. When adopted through PTA 14-01, the proposed code amendments will enable the City to fulfill the final Milestone #8 in the Construction Excise Grant (CET) from Metro for the Linking Tualatin project.

Property and Business Owner Review

The idea of allowing more flexibility in uses within manufacturing districts was first presented to property and business owners in meetings in spring 2013 related to "vetting" the Linking Tualatin Final Plan recommendations. Planning staff subsequently reviewed the possible code amendments with Engineering and Economic Development staff and asked for their comments. Finally in October 2013 staff presented the possible code changes to Tualatin's Commercial Citizen Involvement Organization (CCIO) for input.

Proposed Code Amendments

Initially, amendments to the Industrial Business Park Overlay (IBPO) District, Chapter 69 of the Tualatin Development Code (TDC), were proposed. These amendments were presented to Planning Commission at the November 21, 2013 meeting. The code amendments presented tonight, while recommending the same uses as previously, differ from those presented to Planning Commission in November in two ways:

- Additional permitted uses continue to include a restaurant or deli as a retail use, however this use has been modified to allow drive-up and drive through facilities, based on Council direction.
- Staff received advice on formatting changes and now only minor changes are proposed to the IBPO District, but more substantial changes are proposed to Chapters 60 Light Manufacturing (ML), 61 General Manufacturing (MG) and 62 Manufacturing Park (MP) of the TDC. This approach incorporates the proposed small-scale mixed uses as additional permitted uses in the ML, MG, and MP Planning Districts rather than relying on the IBPO District to broaden uses in manufacturing areas. This approach also allows properties that already are implementing the existing IBPO District to continue doing so with the added benefit of including additional mixed uses in their future development.

Additional small-scale mixed uses that would be allowed in the ML, MG, and MP Planning Districts under PTA 14-01 include the following:

1. Office Uses:
 - a. Business or commercial offices
 - b. General offices, but not government offices
 - c. Real estate offices
2. Retail Uses:
 - a. Food or convenience store
 - b. Restaurant or deli, with or without drive-up or drive through facilities
 - c. Mobile food and flower vendors in conformance with Chapter 34.013
3. Services Uses:
 - a. Correspondence, trade and vocational schools, except vocational high schools
 - b. Health or fitness facilities
 - c. Job training and related services
 - d. Mailing operations

- e. Reproduction, photocopying
 - f. Branch banks and banking kiosks
 - g. Dry cleaning
 - h. Child day care center... (further description and restriction detailed in draft code language)
 - i. Medical and healing arts offices
4. Other uses of similar character found by the Community Development Director to meet the purpose of the underlying Planning District, as provided in TDC 31.070 - Interpretation of Code Provisions.

Proposed language allows the above uses on all sites in the ML, MG, and MP Planning Districts regardless of property size. A minor amendment to TDC Chapter 34, Special Regulations, also is proposed to include mobile food and flower vendors as a permitted retail use in these Planning Districts as well as in the IBPO District.

Restrictions on additional permitted uses include:

- Mixed Use Percentage. Limitations on the percentage of small-scale mixed uses include:
 - The gross floor area of office uses may not exceed 25% of the total gross floor area of buildings on the development site.
 - The gross floor area of an individual retail or service use may not be greater than 5,000 square feet.
 - The gross floor area of combined retail and service uses may not be greater than 20,000 square feet per development site.
 - The office, retail and service uses may be located in a stand-alone buildings or combined in a building with other uses, so long as the size limitations above are met.
- Setback Requirements. In the IBPO District, retail and service uses must be set back from any designated arterial or collector street right-of-way and any Residential District by not less than 80 feet. The proposed amendments to the ML, MG and MP Planning Districts remove the restriction on most arterials and collectors, limiting the 80-foot setback requirement to SW Tualatin-Sherwood Road and Residential Districts.

Plan Text Amendment (PTA) 14-01 proposes no changes to the following standards in the ML, MG, and MP Planning Districts:

- Conditional Uses
- Prohibited Uses
- Lot Size and Central Urban Renewal Lot Size
- Sound Barrier Construction
- Access
- Off-Street Parking and Loading
- Environmental Standards
- Floodplain District
- Wetlands Protection District
- Community Design Standards
- Landscape Standards

Plan Amendment Criteria

The analysis and findings in Attachment B contains findings of fact to demonstrate that the proposed amendments are consistent with the approval criteria for Plan Text Amendment per

Section 1.032 of the Tualatin Development Code (TDC). These criteria must be met if proposed PTA 14-01 is to be granted. As demonstrated in the analysis and findings, seven (A, B, C, D, G, H and I) of the ten approval criteria are met by the proposed amendments and three criteria (E, F and J) are not applicable.

NEXT STEPS

Staff will present the Planning Commission's recommendation and Plan Text Amendment (PTA) 14-01 to City Council at a public hearing in March 2014.

OUTCOMES OF DECISION:

A recommendation to approve Plan Text Amendment (PTA) 14-01 would result in the following:

- Tualatin Development Code (TDC) Chapters 34, 60, 61, 62 and 69 will be revised to allow more flexibility in uses and support transit use.

A recommendation to deny PTA 14-01 would result in the following:

- The TDC will not be revised to allow more flexibility in uses and support transit use.

ALTERNATIVES TO RECOMMENDATION:

The alternative recommendations for the Planning Commission include:

- Recommend City Council approval with alterations to the draft code language in Plan Text Amendment (PTA) 14-01.
- Continue discussion of proposed PTA 14-01 and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2011/12 budget accounts for the costs of City-initiated code amendments.

Attachments: A. Draft Code Language
 B. Analysis and Findings
 C. Presentation

Chapter 34

Special Regulations

| | | | |
|------------------|--|-----------------------|--|
| Sections: | | 34.200 | Tree Removal on Private Property without Architectural Review, Subdivision or Partition Approval, or Tree Removal Permit Prohibited. |
| | TEMPORARY USES | | |
| 34.010 | General Provision. | | |
| 34.011 | Outdoor Sales. | | |
| 34.013 | Mobile Food and Flower Vendors. | | |
| 34.014 | Temporary Sales Office. | 34.210 | Application for Architectural Review, Subdivision or Partition Review, or Permit. |
| 34.020 | Application Fee for Temporary Uses. | | |
| | | 34.220 | Fees. |
| | HOME OCCUPATIONS | 34.230 | Criteria. |
| 34.031 | Definitions. | 34.240 | Emergencies. |
| 34.032 | Intent and General Provisions. | 34.250 | Notice of Decision. |
| 34.045 | Allowed Home Occupations. | 34.260 | Request for Review. |
| 34.055 | Standards. | 34.270 | Tree Protection during Construction. |
| | | 34.300 | Accessory Dwelling Units. |
| | MICROWAVE RECEIVING DISHES | 34.320 | Standards. |
| 34.060 | Purpose. | 34.320 | Purpose. |
| 34.070 | Screening. | 34.330 | Fence Standards. |
| 34.080 | Application of Provisions. | 34.340 | Fence Design. |
| | | | |
| | RETIREMENT HOUSING | | TEMPORARY USES |
| 34.160 | General Provisions. | | |
| 34.170 | Specific Standards for Retirement Housing. | | |
| | | Section 34.010 | General Provision. |
| | TRANSITIONAL USES | | The following temporary uses may be permitted in the designated planning districts and on conditions stated in the permit issued in accordance with the following provisions. [Ord. 590-83 §1, 04/11/83] |
| 34.180 | Purpose and Intent. | Section 34.011 | Outdoor Sales. |
| 34.181 | Goals. | | (1) Temporary Outdoor Sales, as defined in TDC 31.060, may be permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts. |
| 34.182 | Eligibility Criteria and Limitations. | | (2) This section is not intended to circumvent the strict application of the provisions governing permitted and conditional uses in CC and CG Planning Districts. |
| 34.183 | General Standards. | | (3) A Temporary Outdoor Sales Permit is not required for activities in public spaces subject to a Community Services Special Event Permit nor for seasonal dis- |
| 34.184 | Transitional Use Conditions. | | |
| 34.185 | Issuance, Renewal and Automatic Termination. | | |
| 34.186 | Process. | | |
| 34.190 | Manufactured Dwelling Park Development Standards. | | |

plays or sales located in Architectural Review approved plaza areas adjacent to buildings in the Central Commercial and General Commercial Planning Districts.

(4) The following criteria shall be considered before any such permit may be issued:

(a) The total number of days that a parcel of land may be used for temporary outdoor sales in a calendar year is 55 days. Temporary outdoor sales approved for non-profit organizations shall not be counted against the 55-day limit.

(b) The proposed outdoor sale shall be located entirely within private property in a Central Commercial or General Commercial Planning District and the applicant shall have the written permission from the property owner to utilize the subject property.

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

(d) The use is listed as a permitted use in the Central Commercial or General Commercial Planning District.

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

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

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

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

(5) An application for a permit for outdoor sales may be issued by the Community Development Director if the Director finds that Subsection (3) is satisfied by the applicant.

(6) If the Community Development Director finds that the requested outdoor sale is an annual event sponsored by a

non-profit or charitable organization, and the permit has been previously approved, then the permit for such annual event may be renewed and reissued without further application; provided, however, the Community Development Director may require that an application be filed and a new permit issued to amend the permit provisions and conditions, if any, to meet changes of site, health, traffic, or other conditions affecting the use.

(7) The Community Development Director, under TDC 34.011(3), may attach appropriate conditions to the permit that are necessary to secure the health, peace, safety, and welfare of the residents and inhabitants of the City. Conditions may include but shall not be limited to requiring for disposal of litter, limiting hours of operation and requiring advance approval of such elements as site plans and design of display structures. [Ord. 590-83 §1, 4/11/83; Ord. 585-83,12/13/82; Ord.

681-85, §1, 11/25/85; Ord. 864-92 §5, 04/13/92; Ord. 1160-04 §1, 05/24/04]

Section 34.012 [Repealed by 1026-99 §102, 08/9/99]

Section 34.013 Mobile Food and Flower Vendors.

(1) The purpose of this section is to permit the open-air vending of food (including a coffee kiosk) and fresh cut flowers in a manner that will enhance the attractiveness of the Central Commercial (CC), ~~and~~ General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Park (MP) Planning Districts for pedestrian traffic.

(2) Mobile food and flower vending may be permitted in a Central Commercial (CC), ~~and~~ General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), or Manufacturing Park (MP) Planning District for a period not to exceed 180 days.

(3) Applications for mobile vending permits shall meet the following criteria and requirements:

(a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device; provided that such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handles; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure.

(b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more, and on private sidewalks or parking lots, provided that the Community Development Director approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit.

(c) All mobile vendors shall pick up any litter within 25 feet of their places of business and shall provide an appropriate trash container for customer use.

(d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.

(e) Design, colors and graphics for any pushcart or mobile device shall be subject to review and approval by the Community Development Director to assure aesthetic compatibility with surrounding development.

(f) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit.

(g) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the code of the Tualatin Rural Fire Protection District.

(h) Applications for a mobile vending permit shall be accompanied by a signed

statement that the permittee will hold harmless the City of Tualatin, its officers and employees and shall indemnify the City of Tualatin, its officers and employees, for any claim for damage to property or injury to persons that may be occasioned by any activity carried on under the terms of the permit. The permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the permittee from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence, and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the City of Tualatin, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Administrator.

(4) An application for a mobile vending permit may be granted by the Community Development Director if the Director finds that Subsection (3) is satisfied by the applicant.

(5) The Community Development Director may attach appropriate conditions to the permit that are necessary to secure the health, safety and welfare of the residents and inhabitants of the City. [Ord. 590-83 §1, 4/11/83; Ord.

681-85 §3, 11/25/85; Ord. 864-92 §6, 4/13/92]

Section 34.014 Temporary Sales Office.

(1) The City Engineer may upon request, and with the consent of the property owner, permit the use of any real property within a subdivision or partition as, and for, a temporary sales office, whether in a trailer or in a residential structure, for the purpose of facilitating the sale of lots or parcels within such

subdivision or partition, but for no other purpose.

(2) The subdivision or partition where the temporary sales office is proposed to be located shall have a recorded plat prior to the City Engineer granting approval.

(3) The permission granted shall not exceed three years from the date of the City Engineer's approval, or such shorter period as the City Engineer shall determine and order.

(4) The office shall be located within the boundaries of the subdivision or partition where the lots or parcels to be sold are situated.

(5) The property to be used for a temporary sales office shall not be permanently improved for such purpose; providing, however, that a structure designed primarily for other residential purposes or a portion thereof may be used temporarily as a sales office.

(6) The applicant shall pay the standard water and sewer hook-up fees if connection to these facilities is required for the temporary sales office.

(7) The applicant shall obtain Plumbing Permits to connect to the water and sewer utilities if connection to these facilities is required for the temporary sales office.

(8) Parking for the sales office shall only be allowed in the public street adjacent to the sales office and in any driveway constructed for the temporary sales office.

(9) Any signs placed on the lot where the temporary sales office is located shall meet the requirements of the Sign Code.

(10) The granting of permission to use real property for a temporary sales office shall not be construed as granting a temporary change of planning districts, and the City Engineer may impose such terms and conditions upon such activities as deemed advisable. [Ord. 902-93 §9, 06/28/93]

Section 34.020 Application Fee for Temporary Uses.

Application for Temporary Outdoor Sales and other temporary uses under TDC 34.010

(Revised 02/13)

- 34.013 shall be on forms provided by the Community Development Director. The application shall be filed with the office of the Community Development Director and be accompanied by a fee as established by City Council resolution. The fee shall not apply to non-profit or charitable organizations. [Ord. 590-83

§1, 4/11/83; Ord. 681-85 §4, 11/25/85; Ord. 715-87 §9, 02/23/87]

HOME OCCUPATIONS

Section 34.031 Definitions.

For purposes of TDC sections 34.031 through 34.055 the following terms have the following meanings:

Employee. All persons, excluding the owner-operator, working on the premises in the home occupation.

Equipment. Physical assets of the home occupation, excluding motor vehicles.

Motor Vehicle. A self-propelled mechanical device moving or movable over the highways, roads and streets of the City, excepting devices that move exclusively on stationary rails.

Owner-operator. A person undertaking a home occupation; the proprietor of a home occupation.

Party Format. The presentation and sale of goods or services to a social gathering of invited guests. [Ord. 1129-03, 02/24/03]

Section 34.032 Intent and General Provisions.

(1) The intent of this Home Occupation Code, TDC 34.031 - 34.055, is:

(a) To allow residents an opportunity to use their residences to engage in small-scale business activities;

(b) To allow for small-scale business activities in a residence as a means to reduce commutes and traffic;

(c) To establish standards by which home occupations operate; and

(d) To ensure that home occupations are conducted subordinate to the residential use of the property, in a manner neither detrimental nor disruptive, in terms of

appearance or operation, to neighboring properties and residents.

(e) It is not the intent of TDC 34.031-34.055 to prohibit telecommuting.

(2) General Provisions

(a) No person shall operate a home occupation or allow a home occupation to occur on property he or she owns or controls in violation of TDC 34.031 through 34.055.

(b) TDC 34.031 to 34.055 apply to all home occupations in the City, including those in operation on the effective date of these regulations. Nothing in these sections shall be construed as imposing restrictions on the residential, non-home occupational, lawful use of the property. [Ord. 1129-03, 02/24/2003]

Section 34.045 Allowed Home Occupations.

The following occupations are permitted as home occupations so long as the home occupation operates within the standards set forth in TDC 34.055.

(1) Professional occupations including, but not limited to: accounting, architecture, computer consulting, counseling, clergy, drafting, editing, engineering, financial advising, graphic design, immediate disposition company, landscape design, law, psychology, publishing, realty and writing.

(2) Personal services including, but not limited to: haircutting, manicures and licensed massage therapy.

(3) Instructional services including, but not limited to: arts, crafts, language, music and scholastic teaching.

(4) Home craft businesses including, but not limited to: arts, catering, dressmaking, jewelry making, millinery, music, photography, pottery, sculpture, tailoring and weaving.

(5) Trades, repair and service people who work off-site but maintain an office at home.

(6) Repair services including, but not limited to: hand-held instruments, watch and clock repair.

(7) Other home occupations may be allowed as determined by a code interpretation pursuant to TDC 31.070. [Ord. 1129-03, 02/24/2003]

Section 34.055 Standards.

The following standards apply to home occupations in the City of Tualatin:

(1) A residence that houses a home occupation may have only one sign that must comply with 38.110(11).

(2) A person operating a home occupation must obtain a business license from the City of Tualatin. This person must also maintain all other permits required by other agencies for the home occupation.

(3) Home occupations may include the retailing of goods not produced by the home occupation but directly related to the home occupation if:

(a) The retailing is secondary and ancillary to the home occupation; or

(b) The retailing occurs in a party format no more than six times in a calendar year at the home occupation location.

(4) All materials and equipment shall be stored inside built structures on the premises. Interior storage of materials and equipment shall be secondary to the residential use of the dwelling. Storage shall not be used as a material or equipment staging area. Equipment may be stored on the home occupation vehicle.

(5) Noise, smoke and odors may not exceed those created by normal residential use.

(6) The home occupation must be owned and operated by a resident at the home occupation site. The home occupation may employ one other on-site employee who is not a resident of the building. Off-site employees are permitted.

(7) The home occupation shall not be used as a headquarters or meeting location for the assembly of employees or subcontractors for any reason, including staging or dispatch of employees or subcontractors to

other locations, except as specified under 34.055(14). Off-site employees and sub-contractors may not keep their motor vehicles at the home occupation during a work day.

(8) The residence shall not be altered in a manner that will change its primary residential appearance or use. A home occupation shall not change the dwelling unit classification as a dwelling unit in the Uniform Building Code.

(9) Only one motor vehicle not exceeding 15,000 pounds GVW may be permitted for use in the home occupation at the home occupation location. No other motor vehicle storage is permitted for the home occupation. No commercial motor vehicle as defined in ORS 801.208 may be allowed as part of a home occupation.

(10) On-street parking may not prevent access to mailboxes, driveways, fire hydrants, garbage or recycling receptacle pick-up.

(11) The home occupation may generate no more than ten one-way client and subcontractor vehicular trips per day. For home occupations relating to instructional services, no more than 20 one-way client and subcontractor vehicular trips may be permitted per day. Trips attributable to the residential use shall not be attributed to the home occupation in determining compliance with this section.

(12) No employee, client, subcontractor or delivery trips to the home occupation may be made between 10:00 pm and 7:30 am.

(13) A person may not work on three or more motor vehicles per week at a residence. If a person is, the City will presume that the person is operating an unauthorized home occupation. This presumption may be rebutted by demonstrating that no money, goods or services are exchanged between the vehicle owner and the vehicle repairer.

(14) A board or staff meeting of the home occupation may be held quarterly at

(Revised 02/13)

the site of the home occupation. [Ord. 1129-03, 02/24/03]

MICROWAVE RECEIVING DISHES

Section 34.060 Purpose.

The purpose of TDC 34.060 to 34.080 is to regulate microwave receiving dishes so as to minimize their visual impact. For purposes of these sections, "microwave receiving dish" means any conical or dish-shaped device or structure used for receiving television or other telecommunication signals transmitted from satellites or earth-based transmitters. Microwave receiving dishes may also be known as "television receive only" (TVRO) dishes, "satellite direct service" (SDS) dishes, "multi-distance service" (MDS) dishes, and "earth stations." [Ord. 590-83 §1, 04/11/83]

Section 34.070 Screening.

All microwave receiving dishes shall be screened by sight-obscuring fences or dense landscape buffers, as approved through the Architectural Review process, subject to the provisions of TDC Chapter 73 of these standards. [Ord. 590-83 §1, 4/11/83]

Section 34.080 Application of Provisions.

The provisions of TDC 34.060 and 34.070 shall not apply to microwave receiving dishes having a diameter of three feet or less. [Ord. 590-83 §1, 4/11/83]

Section 34.100 [Repealed by 1026-99 §102, 08/9/99]

Section 34.110 [Repealed by 1026-99 §102, 08/9/99]

Section 34.120 [Repealed by 1026-99 §102, 08/9/99]

Section 34.130 [Repealed by 1026-99 §102, 08/9/99]

Section 34.140 [Repealed by 1026-99 §102, 08/9/99]

Section 34.150 [Repealed by 923-94 §9, 08/94]

RETIREMENT HOUSING

Section 34.160 General Provisions.

Retirement housing may be allowed as a conditional use in a Low Density Residential (RL), Medium Low Density Residential (RML), Medium High Density Residential (RMH), High Density Residential (RH), or High Density Residential-High Rise (RH-HR) Planning District, in accordance with the provisions of TDC Chapter 32, and subject to the standards in TDC 34.170. [Ord. 661-85 §2, 03/25/85]

Section 34.170 Specific Standards for Retirement Housing.

(1) General Conditions. The conditions in this subsection apply to all retirement housing.

(a) The building shall be designed or renovated specifically for retirement housing. Any required State license must be obtained before the building is occupied.

(b) Public services must have capacity to serve the proposed development.

(c) The housing may be provided as congregate care or as separate apartment units in a retirement housing facility or any combination thereof.

(d) Walkways shall be paved and lighted and shall not exceed eight percent in grade.

(e) Buffering of noise and screening of lighting shall be required.

(f) The requirements of the Planning District are to be met unless specifically modified by this section.

(g) Occupancy of retirement housing is limited to persons 58 years of age and older. In the case of couples, one member of the couple shall be 58 years of age or older. This restrictive condition shall be recorded in the County deed records.

(h) The site must be at least one-half acre in size.

(i) No retail sales or other commercial uses are permitted.

(j) Proposals shall be presented according to the requirements of TDC Chapter 32 relating to Conditional Uses.

(2) The allowable density for retirement housing shall be one and one-half times the density of the underlying Planning District.

(3) For congregate care facilities, 1/2 parking space will be provided for each unit. For retirement housing facilities, one parking space per unit will be provided.

(4) Landscaping/open space shall be at least 30% of the site, unless it can be shown that other alternatives for open space are available. [Ord. 661-85 §2, 03/25/85]

TRANSITIONAL USES

Section 34.180 Purpose and Intent.

(1) The purpose of the Transitional Use process is to allow, on a temporary basis and under certain conditions, a use that is otherwise illegal and to contribute to bringing the use into conformance. The intent of this section is to provide standards, criteria, and procedures to allow for temporary uses of land and buildings which may require special consideration by this Code. The provisions of this section are intended to apply to those situations which, due to unique circumstances relative to location, building or design features, size, operation, or public interest, require consideration beyond that which strict Code interpretation can afford.

(2) The Transitional Use Permit processes shall not have the effect of creating a permanent de facto plan map amendment, permanent use variance or other permanent vested right or privilege, shall not create a further hardship at the time of permit expiration and shall not consider financial factors as the sole cause for a hardship. Further, no Transitional Use Permit shall disregard the public interest, or abrogate the objectives of the Community Plan or other Ordinance regulations. This section shall not apply to signs, building regulations, subdivision regulations, or variances. This section shall not supersede any other applicable Codes. [Ord. 667-85 §1,

06/10/85]

Section 34.181 Goals.

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This section recognizes the fact that a hardship may arise under specific situations when the Code is strictly applied. The goal of this section is to permit, under certain stringent criteria and conditions, temporary deviations for situations which would otherwise constitute an illegal structure or use to contribute to the amortization of said uses after a specific period. The standards for approval under this section will assure that:

(1) The proposed use is more nearly consistent than the existing or prior use with the intent and purpose of the Planning District in which it is proposed and with the land uses which are in the vicinity;

(2) The permit granted will provide temporary relief to the owner until permanent and conforming solutions may be identified and implemented;

(3) The siting of the use will consider need of and will provide for the overall benefit of the public which may be met by a transitional use permit;

(4) The proposed use does not detract from long-range planning efforts and contributes to the stability of property values and the economic vitality of the community;

(5) Granting the permit will have no significant detrimental effect upon land uses in the vicinity;

(6) Granting the permit will contribute to bring the property into conformance with the standards of the Planning District. [Ord. 667-85 §1,

06/10/85]

Section 34.182 Eligibility Criteria and Limitations.

(1) A Transitional Use is a use which is not permitted outright or as a conditional use in a Planning District, and is less intense than or equal to the current use or, where there is no current use, than the last previous use in terms of impact.

(2) A Transitional Use may be permitted if the use is found to be equally or more compatible with the surrounding area than the current use or, where there is no current use, than the last previous use. The following cri-

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teria shall be used to make this determination:

(a) The extent of nuisances caused by or normally associated with the use, including smoke, glare, dust, vibrations, odors, unsightliness, traffic congestion, noise and outdoor activities;

(b) The character of the surrounding area, and the compatibility of the proposed use with this area. Factors include, but shall not be limited to, specific land uses, the age of the structure, the extent of development in the area, absorption rate for development within and conforming to the Planning District where the use is proposed to be located and visual and architectural compatibility.

(3) A Transitional Use may be conducted only in a structure which was designed and intended for uses which are not allowed in the Planning District in which the structure is located, and which cannot easily be converted for conforming uses without considerable alterations.

(4) A Transitional Use Permit shall be subject to the procedure outlined under TDC 34.185. The first Transitional Use Permit issued for a particular location shall define the life span of eligibility for not only the particular use but also for the structure under this schedule, and under no circumstances will a Transitional Use Permit remain in effect longer than the approved life span of eligibility for the structure in which the use is located. [Ord. 667-85 §1, 06/10/85; Ord. 1023-99, §9, 06/28/99]

Section 34.183 General Standards.

No Transitional Use Permit shall be granted unless the Planning Commission finds that all the following standards are met:

(1) The use or structure must be consistent with the long-term objectives and spirit of the Tualatin Community Plan.

(2) The use or structure must not create unreasonable adverse impact on abutting or surrounding properties;

(3) By its nature, the use must be one which can be terminated and removed upon expiration of the Transitional Use Permit;

(4) Relative to the prior use, the use or existing structures may not be intensified or expanded except for uses or structures in the ML or MG Planning Districts. This is applicable to original applications, renewals and substitute uses. In addition, no new structures except for structures in the ML or MG Planning Districts may be placed upon the subject property which may prolong or increase the economic hardship of the developer at the time of the expiration of the permit. Nothing contained in this section shall be construed as limiting the authority of the Planning Commission to require improvements to be made as conditions on which the permit is granted.

(5) The permit shall be associated only with the specific structures in question and with the particular use or operation for which the application is made. In order to provide effective notice of the Transitional Use status and not as a condition upon which the effectiveness of the Transitional Use Permit depends, the City may record the resolution or decision approving a Transitional Use Permit in the Recorder's Office of the County in which the use is located.

(6) Uses and operations which may be considered nuisances due to smoke, glare, vibrations, odors, or unsightliness, shall not be permitted. [Ord. 667-85 §1, 06/10/85; Ord. 1023-99, §10, 06/28/99; Ord. 1339-12 §13, 01/23/12]

Section 34.184 Transitional Use Conditions.

The Planning Commission may impose any number of conditions on applications to ensure that disturbance of surrounding properties is minimized and that the objectives of the Community Plan are met. The conditions may include, but shall not be limited to time restrictions, hours of operation, periodic review above and beyond what is required by this Code, increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication of additional right-of-way and im-

provement of the same, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction to view or reduction of light or air to adjacent property and requiring sight-obscuring fencing and landscaping where appropriate to reduce noise or glare, maintain the property in a character in keeping with the surrounding area, or for aesthetic reasons. [Ord. 667-85 §1, 06/10/85;

Ord. 864-92 §8, 06/13/92; Ord. 1339-12 §14, 01/23/12]

Section 34.185 Issuance, Renewal and Automatic Termination.

(1) A transitional use permit shall be issued for a period of time determined to be appropriate by the Planning Commission.

(2) A permit may be renewed by the Planning Commission at the end of the time period previously approved. An application for renewal shall be required to meet the eligibility criteria for an original application contained in TDC 34.183 and 34.182. However, the applicant for renewal need not establish that the use being proposed for renewal is more compatible with surrounding uses than the current use.

(3) Where the life span of eligibility for the structure has been determined or established by the City through an earlier Transitional Use Permit, such life span is presumed to be accurate and shall not be renewed or extended unless the Planning Commission finds by clear and convincing evidence that the current applicant meets the eligibility criteria. Where the life span of eligibility for the structure is renewed or extended, a new life span shall be established.

(4) All applications shall be made jointly by the recorded contract purchaser or owner of the property as well as the lessee or proposed user of the property and structure. The transfer of a permit shall only be permitted where the underlying property or business ownership is transferred, so long as the use of the structure remains unchanged. The Community Development Director shall de-

termine whether a new application and permit is required and such determination may be appealed to the Planning Commission. Each tenant of a structure shall submit a separate application.

(5) All Transitional Use Permits shall become void without a hearing if any of the following occur:

(a) The permit has not been exercised for 12 months;

(b) The use approved is discontinued for 12 months; or

(c) The period of time for which the permit has been granted expires without a renewal. [Ord. 667-85 §1, 06/10/95; Ord. 1304-10 §14, 06/14/10; Ord.

1339-12 §15, 01/23/12]

Section 34.186 Process.

(1) A request for a Transitional Use Permit is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(2) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

(3) All permit requests shall be submitted on forms prescribed by the Community Development Director. The applicant shall submit a list of mailing recipients pursuant to TDC 31.064(1) and a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use, the application fee established by City Council resolution, a written explanation demonstrating compliance with the provisions of this section and other relevant characteristics. In addition, the applicant shall adequately describe the hardship associated with strict code interpretation and the ways in which impacts upon nearby properties and uses are to be alleviated. The Community Development Director shall prepare a staff report recommending a tentative decision to the Planning Commission.

(4) Before acting on a request for a transitional use permit, the Planning Commission shall consider the request at a public hearing conducted in the manner provided for in TDC 31.077. The Planning Commission must find

that the eligibility criteria are met before an application is approved.

(5) In a case where a Transitional use terminates or relocates before the expiration of the life span of eligibility established for the structure, a new transitional use, if approved by Planning Commission, may occupy the structure under prescribed conditions for no more than the previously approved life span of eligibility for the structure.

(6) The Planning Commission may approve, approve with conditions, or deny a transitional use permit application based on the criteria listed above. The Planning Commission shall, in addition, place a specific time limit on the permit.

(7) An original application may include a single lot or part thereof or more than one adjacent tax lots. [Ord. 667-85 §1, 06/10/85; Ord. 715-87 §11, 02/23/87; Ord. 743-88 §21, 03/18/88; Ord. 1304-10 §15, 06/14/10; Ord. 1336-12 §16, 01/23/12]

Section 34.190 Manufactured Dwelling Park Development Standards.

(1) The standards set forth below are in addition to the regulations contained in ORS Chapter 446 as now or hereafter constituted, and OAR Divisions 23 and 28, as now or hereafter constituted. Should a conflict arise between the City of Tualatin standards and the statutes or regulations contained in the applicable chapters and divisions of ORS and OAR, then the more restrictive standards shall apply.

(2) The standards contained in this section shall apply to all manufactured dwelling park developments, which are established after the effective date of this section, and to all increases in the numbers of spaces contained in or attached to parks, which are in existence on the date this section becomes effective.

(3) Manufactured dwelling park developments and modifications to existing manufactured dwelling parks to which this section applies shall be reviewed through the Architectural Review Process for compliance with the

Tualatin Development Code and any other applicable regulations and ordinances of the City. No person may establish, operate, rent, lease, or occupy a manufactured dwelling park or manufactured dwelling park space without first applying for and obtaining approval through the Architectural Review Process.

(4) Only those manufactured homes and mobile homes, which have a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.) as amended on August 22, 1981, shall be permitted. Recreational vehicles as defined in ORS 446.003(31) and camping vehicles as defined in ORS 446.310(3) shall not be used for residential purposes in manufactured dwelling parks and shall not be rented a space or hooked up to sewer, water, or electrical facilities within a manufactured dwelling park.

(5) The minimum gross acreage for a manufactured dwelling park shall be not less than one acre.

(6) The manufactured dwelling park street system shall include at least one direct access to a public street, containing a right-of-way width of not less than 50 feet.

(7) Each manufactured dwelling space shall be designed to include not less than two standard size automobile parking spaces. Parking spaces shall be located within each manufactured dwelling space and may be designed either end-to-end or side-to-side. Such parking spaces shall be paved in accordance with City standards for residential driveways.

(8) Each manufactured dwelling shall have its wheels, axles, tongue, and traveling lights removed.

(9) Each manufactured dwelling shall have a continuous and permanently affixed skirt installed. Such skirting shall be composed of the same material and finish as the exterior of the manufactured dwelling or ma-

terial with a brick-like finish or as otherwise approved through the Architectural Review Process.

(10) No extension, accessory structure, or other out building shall be attached to a manufactured dwelling, except for structures conforming to the definition contained in ORS 446.003(1) concerning accessory structures.

(11) The distance between any two manufactured dwellings, including any approved accessory building, structure, awning, or tipout, shall be not less than ten feet on either side and either end.

(12) The distance between a manufactured dwelling, including approved accessory buildings, structures, awnings, or tipouts, and the nearest manufactured dwelling park property line or other permanent park structure shall be not less than 15 feet, unless the applicable setback requirement of the RML District is greater than 15 feet, in which case the greater distance shall apply.

(13) The distance between a manufactured dwelling and the nearest manufactured dwelling park street shall be no less than eight feet.

(14) The distance between a manufactured dwelling and the nearest manufactured dwelling park sidewalk shall be not less than five feet. [Ord. 590-83 §1, 04/11/83; Ord. 713-87, 02/23/87; Ord. 988-97,

§3, 12/8/97]

Section 34.200

Tree Removal on Private Property without Architectural Review, Subdivision or Partition Approval, or Tree Removal Permit Prohibited.

(1) Except as provided in TDC 34.200(3), no person shall remove a tree within the City limits except as follows:

(a) For a tree on private property, the person must first obtain a Tree Removal Permit from the City or obtain approval through Architectural Review, Subdivision Review, or Partition Review. A request for a

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Tree Removal Permit is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063. Submittal of a permit request shall include a list of mailing recipients pursuant to TDC 31.064(1). The applicant shall post a sign pursuant to TDC 31.064(2).

(b) For a street tree or tree within a public right-of-way, the person must obtain approval in accordance with TDC 74.705. Incentives for tree retention are found in TDC Chapter 73, Community Design Standards. A property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions, shall pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

(2) As used in this ordinance, “park” means a City-owned parcel, lot or tract of land, designated and used by the public for active and passive recreation.

(3) The following exemptions apply to tree removal:

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

(i) Is located in the Natural Resource Protection Overlay District (NRPO);

(ii) Is located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);

(iii) Is a Heritage Tree;

(iv) Was previously required to be retained under an approved Architectural Review decision.

(b) Parks and golf courses are exempt if both the following are met:

(i) The property’s owner or owner’s agent has submitted a tree management plan to the Community Development Director and has received approval from the Director. The tree management plan shall be approved for a five year period, after which the property owner or own-

er’s agent must submit a new tree management plan for approval or comply with requirements set out in the applicable Architectural Review decision.

(ii) This exemption supersedes the Architectural Review requirements with regard to tree removal except as provided in subsection (i) of this section.

(c) Forest Harvesting Exemption. The harvesting of forest tree species for the commercial value of the timber is permitted subject to the following:

(i) The property from which the forest species are to be harvested must be in a property tax deferred status based on agricultural or forest use under any or some combination of the following:

- Farm Deferral according to state law.

- Forest Land Deferral according to state law.

- Small Woodlands Deferral according to state law.

(ii) The property from which the forest species are to be harvested must have been in property tax deferred status on the effective date of this ordinance or at the time of annexation of the property by the City, whichever occurs later.

(iii) Revocation of the Forest Harvesting Exemption. Property, or portion of the property exempted under TDC, 34.200(3)(c) shall cease to be exempted from the provisions of this ordinance immediately upon the filing of an application for any of the following land use actions:

- Subdivision or Partition review;

- Conditional Use;

- Architectural Review.

(iv) Reinstatement of the Forest Harvesting Exemption. Property or portions of the property previously exempted under TDC 34.200(3)(c) and revoked in accordance with TDC 34.200(3)(c)(iii) will be considered reinstated if the property remains tax deferred in accordance with TDC 34.200(3)(c)(i) and 34.200(3)(c)(ii), and one or more of the following criteria are met:

- The land use action that affected the revocation was denied and the appeals period has expired; or

- The land use action that affected the revocation was approved, and the proposed development that affected the filing of the land use action did not occur; and the approval, which was granted, including extensions has expired.

(v) The Community Development Director shall prepare a listing of properties exempted under this section upon the effective date of this ordinance and update the list annually.

(d) Orchards. Tree removal is permitted in orchards of commercial agricultural production.

(e) Public Right-of-Way. Trees within public right-of-way shall be governed by TDC Chapter 74, Public Improvement Requirements.

(f) Federal, state, county, or City road, water, sanitary sewer, or storm sewer improvements and maintenance of City owned property are exempt from this ordinance.

(4) As provided under TDC 31.030, no single-family dwelling building permit application shall be submitted to the City until all required land use approvals, including any required Tree Removal Permit, have been obtained by the property owner. [Ord. 963-96 §4,

06/24/96; Ord. 1187-05, 05/23/05; Ord. 1227-07 §6, 02/12/07; Ord. 1279-09 §1, 03/23/09]

Section 34.210 Application for Architectural Review, Subdivision or Partition Review, or Tree Removal Permit.

(1) Architectural Review, Subdivision, or Partition. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner shall apply for approval to remove trees as

part of the Architectural Review, Subdivision Review, or Partition Review application process.

(a) The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or

property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year proceeding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(b) The application for tree removal shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of an application to remove trees shall be a part of the Architectural Review, Subdivision Review, or Partition Review decision.

(2) Existing Single-Family Dwelling. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), in order to remodel, add to, or replace, an existing single-family dwelling, or in order to remodel, add to, replace or newly construct, an accessory structure on property developed with an existing single-family dwelling, the property owner shall apply for a Tree Removal Permit as follows:

(a) An application for a Tree Removal Permit shall be filed with the Community Development Director. Application shall be made upon forms furnished by the City, and shall be accompanied by a nonrefundable

fee as established by City Council resolution. The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas. All trees eight inches or more in diameter that are proposed for removal or that are located within 15 feet of the development envelope shall be indicated on the site plan (including size, species, and tag i.d. number), except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a "sensitive area" or "vegetated corridor" on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated

no more than one calendar year preceding the date the Tree Removal Permit application is deemed complete by the City. Where TDC 34.210(2)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees eight inches or more in diameter that are proposed for removal or that are located within 15 feet of the development envelope shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(2)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(iv) The application shall include a mailing list of recipients pursuant to TDC 31.064(1).

(v) The applicant shall post a sign pursuant to TDC 31.064(2).

(b) The application for a Tree Removal Permit shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of a Tree Removal Permit application is a land use decision.

(3) Other. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), for reasons other than those identified in TDC 34.210(1) and (2), the property owner shall apply for a Tree Removal Permit as follows:

(a) An application for a Tree Removal Permit shall be filed with the Community Development Director. Application shall be made upon forms furnished by the City, and shall be accompanied by a nonrefundable fee as established by City Council resolution. The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; property lines; existing and proposed topographical contour lines; existing and proposed

structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a "sensitive area" or "vegetated corridor" on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year preceding the date the Tree

Removal Permit application is deemed complete by the City. Where TDC 34.210(3)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(3)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(iv) The application shall include a mailing list of recipients pursuant to TDC 31.064(1).

(b) The application for a Tree Removal Permit shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of a Tree Removal Permit application is a land use decision. [Ord. 963-96 §4, 06/24/96; Ord. 1227-07 §7, 02/12/07; Ord.

1304-10 §17, 06/14/10]

Section 34.220 Fees.

(1) Architectural Review, Subdivision or Partition Review. In accordance with the Architectural Review process, TDC Chapter 73, Subdivision or Partition Review process, TDC Chapter 36.

(2) Permit. The application shall be accompanied by a filing fee established by Council resolution. The filing fee is not refundable, regardless of whether a permit is granted. All permits shall be valid for one year from the date of issue.

(3) Tree removal in violation of Planning District Standards. In addition to any applicable civil violation penalties, any property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions, shall pay an enforcement fee and a restoration fee to the City of Tualatin, as follows:

(a) Enforcement Fee: \$837.00 per incident, plus \$10 per each tree removed. The

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City Manager may administratively reduce or waive this fee, based upon a demonstration of hardship or other good cause.

(b) Restoration Fee: \$2,000 per tree removed in violation of Planning District Standards. The City Manager may administratively reduce or waive this fee, based upon a demonstration of hardship or other good cause. [Ord. 963-96 §4, 06/24/96; Ord. 1227-07 §8, 2/12/07]

Section 34.230 Criteria.

The Community Development Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.

(1) An applicant must satisfactorily demonstrate that any of the following criteria are met:

(a) The tree is diseased, and

(i) The disease threatens the structural integrity of the tree; or

(ii) The disease permanently and severely diminishes the aesthetic value of the tree; or

(iii) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or aesthetic value.

(b) The tree represents a hazard which may include but not be limited to:

(i) The tree is in danger of falling;

(ii) Substantial portions of the tree are in danger of falling.

(c) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

(2) If none of the conditions in TDC 34.240(1) are met, the Community Development Director shall evaluate the condition of each tree based on the following criteria. A tree given a rating of one on a factor will not be required to be retained.

[Continued on Next Page.]

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34.230

| FACTOR | VARIATION OF CONDITION FACTOR | AWARDED |
|----------------------------|---|---------|
| Trunk Condition | Sound and solid (5) Sections of bark missing (3) Extensive decay and hollow (1) | _____ |
| Crown Development | Full and balanced (5) Full but unbalanced (3) Unbalanced and lacking a full crown (1) | _____ |
| Structure* | Sound (5) One major or several minor limbs dead (3) Two or more major limbs dead (1) | _____ |
| * For deciduous trees only | | |

[Ord. 1227-07 §9, 2/12/07]

Section 34.240 Emergencies.

If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit shall be issued by the Community Development Director without payment of a fee and without formal application. If the Community Development Director is unavailable the property owner may proceed to cut the tree or trees without a permit to the extent necessary to avoid the immediate danger or hazard. If a tree is cut under this section without filing of an application with the Community Development Director, the person doing so shall report the action to the Community Development Director within two working days, without payment of fee, and shall provide such information and evidence as may be reasonably required by the Community Development Director to explain and justify the action taken. Where no emergency is found to exist, the cutting or removal of a tree or trees is prohibited. [Ord. 963-

96 §4, 06/24/96; Ord. 1227-07 §10, 02/12/07]

Section 34.250 Notice of Decision.

(1) Architectural Review, Subdivision or Partition Review. Notice of decision shall be in accordance with the Architectural Review, Subdivision Review or Partition Review Process in Chapters 31 and 36 respectively. If approval is granted to remove a Heritage Tree, a copy of the decision shall be sent to the chairman of the Tualatin Park Advisory Committee.

(2) Tree Removal Permit. The decision shall be in writing and shall be sent in accordance with TDC 31.074. If the application for tree removal pertains to a Heritage Tree, the decision shall also be sent to the chairman of the Tualatin Park Advisory Committee. [Ord. 963-96 §4, 06/24/96; Ord. 1096-02 §14, 01/28/02;

Ord. 1227-07 §11, 02/12/07]

Section 34.260 Request for Review.

(1) Architectural Review, Subdivision or Partition Review. Requests for review shall

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be in accordance with the Architectural Review, Subdivision or Partition review process of TDC 31.076, 36.161, and 36.250, respectively.

(2) Permit. The decision shall become final 14 calendar days after the date the notice of the decision is given, unless request for review of the decision is sought in accordance with TDC 31.076, 36.161, OR 36.250. The request for review shall be submitted on the City form provided for that purpose. The request for review shall be heard by City Council in accordance with TDC 31.076 and 31.077. The written decision of the City Council shall be final. [Ord. 963-96 §4, 06/24/96; Ord. 1096-

02 §15, 01/28/02]

Section 34.270 Tree Protection During Construction.

(1) Any tree required to be retained either through Architectural Review, Subdivision or Partition Review, or permit process that will be impacted by nearby construction activities must be protected in accordance with the TDC 73.250(2).

Section 34.300 Accessory Dwelling Units.

The purpose of accessory dwelling units is to:

- (1) Provide needed space for elderly family members or returning adult children;
- (2) Encourage affordable housing units;
- (3) Allow small households to retain large houses as residences;
- (4) Permit young households to achieve home ownership; and
- (5) Encourage living areas that minimally affect the quality or character of existing neighborhoods.

Section 34.310 Standards.

(1) An accessory dwelling unit shall be within a detached single-family dwelling or be in, or partly in, an addition to a detached single-family dwelling in the RL Planning District or in the RML Planning District in a Small Lot Subdivision.

(2) There shall be no more than one accessory dwelling unit per lot.

(3) An accessory dwelling unit shall not exceed 50% of the gross floor area (house and garage) of the existing detached single-family dwelling up to a maximum of 800 square feet.

(4) Neither a garage or a former garage shall be converted to an accessory dwelling unit.

(5) In addition to the parking spaces required in TDC 73.370 for the detached single-family dwelling, one paved on-site parking space shall be provided for the accessory dwelling unit and the space shall not be within five feet of a side or rear property line.

(6) The accessory dwelling unit's front door shall not be located on the same street frontage as the detached single family dwelling's front door unless the door for the accessory dwelling unit already exists.

(7) The accessory dwelling unit shall not be sold separate from the single family dwelling or as a condominium.

(8) The accessory dwelling unit shall be served by the same water meter as the single family dwelling.

(9) The accessory dwelling unit shall be served by the same electric meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(10) The accessory dwelling unit shall be served by the same natural gas meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(11) The accessory dwelling unit shall be connected to the single family dwelling by an internal doorway.

(12) If the gross floor area of the existing single family dwelling is to be enlarged when an accessory dwelling unit is created, the proposed enlargement shall not increase the gross floor area of the single family dwelling more than 10% and it shall be of the same or similar architectural design, exterior materials, color and roof slope as the single family

dwelling. The enlargement shall be reviewed through the Architectural Review process to ensure compliance with Subsections 1-6 and 8-12 of this section.

(13) When the accessory dwelling unit is proposed to be created and if no enlargement of the existing single family dwelling is proposed, the owner of the single family dwelling within which the accessory dwelling unit is to be located shall notify the Community Development Director by letter that an accessory dwelling unit is proposed. The letter shall state the owners name and mailing address, address of the accessory dwelling unit, the gross square footage of the single family dwelling and the gross square footage of the accessory dwelling unit. [Ord. 963-96 §4,

06/24/96; Ord. 1026-99 §16, 09/9/99; Ord. 585-82 repealed by 592-83 §3, 12/13/82; Ord. 1304-10 §18, 06/14/10]

Section 34.320 Purpose.

The purpose of fence standards in the RL and RML Planning Districts for access-restricted lot lines and property lines that abut collector, arterial, and expressway streets, and interstate highways (I-5 or I-205) is to implement the community design objectives of TDC 10.020. [Ord. 1244-07 §1, 07/23/07;

Ord. 1285-09 §1, 07/13/09]

Section 34.330 Fence Standards.

The following standards are minimum requirements for fences in a RL (Low Density Residential) or a RML (Medium Low Density Residential) Planning District, where an access-restricted lot line or property line abuts a public street classified as a major arterial, minor arterial, major collector, minor collector, or expressway by the Tualatin Functional Classification Plan, or abuts a state-owned interstate highway (I-5 or I-205).

(1) Subdivision or Partition of Property in a RL or RML Planning District.

Where property is the subject of a subdivision or partition application, and has an access-restricted property line(s) or lot line(s) that abuts a major arterial, minor ar-

terial, major collector, minor collector, or expressway right-of-way or an interstate highway property line for a distance greater than 60 feet, a masonry fence shall be installed along the arterial/collector/expressway/interstate highway frontage, in conformance with design standards set forth in TDC 34.340 and the fence standards set forth below:

(a) Required fencing shall be installed along the entire length of the access-restricted property line(s) or lot line(s) abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3), prior to issuance of any building permit on any parcel or lot created by the partition or subdivision.

(b) Except as provided in TDC 34.330(3), required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, either the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, or in the case of an arterial/collector/expressway street the ultimate right-of-way line, whichever is located furthest from the centerline of the street right-of-way.

(i) For public streets classified as an arterial/collector/expressway, as approved by the Community Development Director or their designee, the location of the ultimate right-of-way line shall be one-half of the right-of-way width specified in TDC Chapters 11 and Chapter 74 of the Tualatin Development Code for the appropriate classification of street, measured at right angles from the centerline of the actual street improvement, or measured at right angles from the centerline of the right-of-way, whichever method is determined most appropriate by the Community Development Director or their designee.

(ii) For public streets classified as an arterial/collector/expressway, if an owner

is granted a variance from TDC 34.330(1)(b) standards, which results in a fence being located within the ultimate right-of-way area, the property owner shall execute a removal agreement, subject to City Council approval. The removal agreement shall provide that, after notice by the City, the property owner shall remove any structure, or portion thereof, that extends into the ultimate right-of-way, at no expense to the City. In case of default in that obligation, the City may cause such removal at the expense of the owner with all costs incurred to become a lien against such land or premises. The agreement shall also provide that the owner of the affected premises shall not be entitled to any damages or compensation in consequence of the City's exercise of its rights under the agreement. This provision shall not be construed as denying the owner of such property the right to just compensation for the unimproved value of any land taken for the widening of any street.

(c) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(2) Replacement of Existing Fence, or Construction of New Fence in a RL or RML Planning District.

Where property is not the subject of a subdivision or partition application, and is developed with a single-family dwelling, and has an access-restricted property line or lot line that abuts a major arterial, minor arterial, major collector, minor collector, or expressway right-of-way, or interstate highway property line, the following fence standards apply:

(a) Replacement of an Existing Fence that Does Not Meet the Masonry Fence Standard.

Where an existing fence that does not meet the masonry fence standard set forth in TDC 34.340 is located approximately parallel with, and within ten feet of, an access-restricted property line or lot line

that abuts an arterial/collector/ expressway right-of-way or interstate highway property line, AND more than 50 percent of fences that are constructed approximately parallel with, and within ten feet of, access-restricted property lines or lot lines that abut the same arterial/collector/expressway right-of-way line or interstate highway property line, in the interval between the nearest intersecting streets, or hypothetical extensions thereof in the case of interstate highways, located on both sides of the subject property (See [Figure 34-1](#) for illustration), meet the masonry fence standard, then at the time that 60 percent or more of the length of the fence is removed, the entire length of the fence located along the arterial/collector/expressway/interstate highway frontage shall be removed and replaced with a fence that meets the masonry fence design standards set forth in TDC 34.340.

(i) Installation of required replacement fencing shall be complete within six months from the date that 60 percent or more of the length of the fence is removed;

(ii) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(iii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(b) Replacement or Repair of An Existing Fence That Meets the Masonry Fence Standard.

Where an existing fence that meets the masonry fence standard set forth in TDC 34.340 is located approximately parallel with, and within ten feet of, an arterial/collector/expressway right-of-way or interstate highway property line, then at the time that any portion of the access-

restricted property line or lot line that abuts a fence is removed, the fence shall be repaired or replaced in conformance with the masonry design standards set forth in TDC 34.340.

(i) Repair or replacement shall be complete within six months from the date that any portion of the fence is removed;

(ii) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(iii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(c) Construction of New Fence.

Where no existing fence is located approximately parallel with, and within ten feet of, an access-restricted property line or lot line that abuts an arterial/collector/expressway right-of-way or interstate highway property line, AND more than 50 percent of fences that are constructed approximately parallel with, and within ten feet of, access-restricted property lines or lot lines that abut the same arterial/collector/expressway right-of-way line or interstate highway property line, in the interval between the nearest intersecting streets, or hypothetical extensions thereof in the case of interstate highways, located on both sides of the subject property (See [Figure 34-1](#) for illustration), meet the masonry fence standard, then any new fence that is constructed approximately parallel with, and within ten feet of, the access-restricted property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, shall be in conformance with the required design standards set forth in TDC 34.340.

(i) Required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, the property line abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3);

(ii) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.

(3) Exceptions to Fence Location or Configuration:

(a) For public streets classified as an arterial/collector/expressway, where the City Engineer determines that vehicular access is to be provided from the arterial/collector/expressway to a parcel or lot abutting the arterial/collector/expressway, the fence shall not be required along the arterial/collector/expressway frontage of that particular parcel or lot.

(b) For public streets classified as an arterial/collector/expressway, where the City Engineer determines that an opening or passage through the fence must be provided, the fence shall include such required opening. The same shall be provided in fences along state-owned interstate highways when required by the state or Tualatin Valley Fire & Rescue or the City Engineer.

(c) All vision clearance requirements set forth in TDC 73.400(16) shall be met.

(d) The City Engineer, in the case of public streets classified as an arterial/collector/expressway, or the state in the case of state-owned interstate highways, may require an alternate location or configuration of the fence alignment to accommodate stormwater facilities, easements, or other requirements, such as, but not limited to, bicycle paths, multi-use paths, or for maintenance purposes.

(e) For state-owned interstate highways, where an area of vegetation at least 200 linear feet in width runs parallel to the

interstate highway and forms a visual, aesthetic or acoustic barrier, or land in a Natural Resource Protection Overlay (NRPO) district or other protected area as defined in TDC Chapter 72 runs parallel to the interstate highway, AND such land is located between the interstate highway property line and the developable area of a property being developed in the RL or RML Planning District, no fence shall be required. Where the area of vegetation is less than 200 linear feet in width, the required fence shall be located entirely outside the vegetated, NRPO or other protected area and as close as physically possible to, approximately parallel with, the edge of said vegetated, NRPO or other protected area on the developable portion of the property being developed. [Ord. 1244-07 §2, 07/23/07; Ord.1285-09 §2, 07/13/09;

Ord. 1354-13 §5, 02/25/13]

Section 34.340 Fence Design.

(1) Masonry Fence Design. (See Figure 34-2 for illustration)

(a) Material and Color. All components of fence visible from the public vantage point shall be constructed of stone, brick, stone-look or brick-look cast masonry or stone-look or brick-look cast vinyl or composite material. The color of the fence shall be that of natural stones, red clay brick, neutral brown-tones, or gray earth-tones.

(b) Finished Face. Fence shall be constructed such that the finished side of the fence faces the public right-of-way or state-owned interstate highway, and any structural components (metal brackets, etc.) are not visible from the public or highway vantage point.

(c) Slopes. Fences constructed on slopes shall be installed using a stair-step method, whereby each fence panel steps up or down the slope and remains level (zero-slope) rather than parallel to the grade of the underlying terrain.

(d) Height. For public streets classified as an arterial/collector/expressway,

height of fence panels shall be six feet, and for interstate highways (I-5 or I-205) height of fence panels shall be a minimum of eight feet, measured from the underlying ground surface directly beneath the fence panels to the top edge of the cornice cap. (Any fence over six feet in height requires a building permit and engineered drawings.)

(i) For fences constructed on slopes, the height of fence measured at the up-slope end of each fence panel shall be six feet for public streets classified as an arterial/collector/express-way and a minimum of eight feet for interstate highways. (Any fence over six feet in height requires a building permit and engineered drawings.)

(ii) Pilasters, excluding pilaster caps, shall be no shorter than the shorter of the attached fence panels, including the cornice cap, and shall not extend more than six inches higher than the highest attached fence panel, including the cornice cap.

(iii) Height of pilaster caps shall be no greater than six inches, measured from the top of the underlying pilaster to the highest point on the cap.

(e) Ground Clearance. There shall be no ground clearance or gap visible between the bottom of the fence panels and the underlying ground surface. Where a pre-cast panel system is used, any gaps that result beneath panels shall be filled in with earth, rock, evergreen vegetation, or similar material. This provision does not prohibit the use of stormwater drainage holes.

(f) Pilasters. The horizontal run of fence must be broken up by pilasters, which shall be set at approximately regular intervals, no more than twenty feet apart on center. Pilasters shall be installed perpendicular to a zero-slope plane.

(g) Panels. Panels shall be 100 percent solid and opaque. The finished face shall have the appearance of a stacked or mortared stone wall or brick wall.

(h) Cornice. A cornice cap shall be installed on top of each of the fence panels.

Cornice caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters.

(i) Pilaster Caps. Decorative caps shall be installed on top of all pilasters such that the cap completely covers the surface area of the pilaster end. Caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters. Illuminated pilaster caps are allowed, provided the lighting element is an integral internal component of the cap (i.e., no exposed light bulb) and the light is low-voltage or solar powered. Caps shall be no taller than six inches, measured from the surface of the pilaster end to the highest point on the pilaster cap.

(2) Variance Prohibited.

(a) Development unable to meet one or more of the design standards set forth in TDC 34.340(1) may alternatively submit application for Architectural Review.

(b) Application for Architectural Review shall be made pursuant to application procedures set forth in TDC 31.071. Approval or denial shall be based upon the criteria set forth in TDC 73.050, including objectives and standards set forth in TDC 73.221 and 73.222. [Ord. 1244-07 §3, 07/23/07; Ord.1285-

09 §3, 07/13/09]

See Figures 34-1 and 34-2

Chapter 60

Light Manufacturing Planning District (ML)

Sections:

- 60.010 Purpose.**
- 60.020 Permitted Uses.**
- 60.021 Restrictions on Permitted Uses in ML.**
- 60.025 Additional Permitted CO Uses in ML.**
- 60.030 Central Urban Renewal Plan - Additional Permitted Uses.**
- 60.035 Special Setbacks for Commercial Uses from Arterial Streets; Additional Permitted Uses in the Commercial Services Overlay.**
- 60.037 Additional Permitted Mixed Uses in ML.**
- 60.038 Restrictions on Additional Permitted Mixed Uses in ML.**
- 60.040 Conditional Uses.**
- 60.041 Restrictions on Conditional Uses**
- 60.050 Prohibited Uses.**
- 60.060 Lot Size.**
- 60.065 Central Urban Renewal Area - Lot Sizes.**
- 60.070 Setback Requirements.**
- 60.085 Sound Barrier Construction.**
- 60.090 Structure Height.**
- 60.100 Access.**
- 60.110 Off-Street Parking and Loading.**
- 60.120 Environmental Standards.**
- 60.130 Flood Plain District.**
- 60.140 Wetlands Protection District.**
- 60.150 Community Design Standards.**
- 60.160 Landscape Standards.**

Section 60.010 Purpose.

The purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The district serves to buffer heavy manufacturing uses from commercial and residential areas. The district is suitable for warehousing, wholesaling, and light manufacturing pro-

cesses that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The district is also suitable for retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet and, with appropriate restrictions, for retail sale of products not allowed for sale in General Commercial Planning Districts, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, and TDC 60.037-60.038 selected small-scale mixed office and retail uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035. [Ord. 621-84 §5,

2/13/84; Ord. 942-95 §3, 3/27/95; Ord. 1003-98 §2, 4/27/98; Ord. 1046-00 §7, 2/14/00; Ord. 1133-03, 3/24/03]

Section 60.020 Permitted Uses.

No building, structure or land shall be used in this district, except for the following uses as restricted in TDC 60.021:

- (1) Assembly, packaging, processing and other treatment of products, such as dairy products, and soft drinks.

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(2) Assembly of the following types of products:

- (a) Bicycles.
- (b) Small electric generators.
- (c) Small electric motors.
- (d) Marine pleasure craft.
- (e) Sashes and doors.
- (f) Vending machines

(3) Contractor's office.

(4) Electroplating.

(5) Laundry, dry cleaning, dyeing or rug cleaning plant (non-retail).

(6) Machine shop, including automotive machine shop, of less than 7,500 gross square feet.

(7) Manufacture of the following types of products:

- a) Cabinets.
- b) Furniture.
- c) Mattresses.

d) Scientific, medical or dental laboratory measuring, analyzing and controlling equipment, and related tools and supplies.

(8) Spinning or knitting of fibers.

(9) Storage of automobiles, boats, buses, trailers, and recreational vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(10) Offices for executive, administrative, and professional uses related to the sale or service of industrial products.

(11) Laboratories: testing, medical, dental, photo, or motion picture, except structural-mechanical testing laboratories.

(12) Processing, assembly, packaging, or other treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries.

(13) Processing, assembly, packaging, and other treatment of such products as small hand tools, optical goods, hearing aids, and scientific instruments or equipment.

(14) Processing, assembly, packaging, and other treatment of small products manufactured from the following previously prepared or semi-finished materials: bone, hair, fur, leather, feathers, textiles, plastics, glass,

wood, paper, cork, wire up to 1/4 inch (0.25") in diameter, rubber, and rubber compounds, precious or semi-precious stones, and similar small products composed of previously prepared or semi-finished materials.

(15) Assembly and packaging of small electrical and electronic appliances, such as radios, televisions, phonographs, audio, video and computer equipment, and office machines.

(16) Manufacture of pottery and ceramics, using only previously pulverized clay.

(17) Manufacture of musical instruments, toys and novelties.

(18) Molding of small products from plastic.

(19) Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers.

(20) Warehousing related to the above uses; and warehousing for merchandise or goods normally sold or owned in commercial or residential planning districts, but excluding direct retail sales to customers from such warehouse structure, and excluding the storage of hazardous materials.

(21) Trade or industrial schools.

(22) Publishing and printing (non-retail).

(23) Sewer and water pump stations, pressure reading stations, water reservoir.

(24) Production of agricultural crops.

(25) Child day care center, provided it is in a building with manufacturing, processing, assembling, warehousing or wholesaling uses and provided all exterior walls and outdoor play areas shall be at least 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(26) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(27) Telephone exchange or switching facility.

(28) Public works shop and storage yard.

- (29) Electrical substation.
- (30) Natural gas pumping station.
- (31) Wireless communication facility attached.
- (32) Wireless communication facility.
- (33) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.
- (34) Transportation facilities and improvements.
- (35) Shared service facilities. [Ord. 812-90 §3,

9/24/90; renumbered by Ord. 824-91 §11, 2/11/91; renumbered by Ord. 831-91 §1, 5/13/91; Ord. 849-91 §32, 11/25/91; Ord. 911-94 §2, 2/14/94; Ord. 913-94 §5, 2/28/94; Ord. 965-96 §68, 12/9/96; Ord. 979-97 §24, 7/14/97; Ord. 1003-98 §3, 4/27/98; Ord. 1026-99 §74, 8/9/99; Ord. 1046-00 §8, 2/14/00; Ord. 1050-00 §1, 3/13/00; Ord. 1122-02, 11/25/02; Ord. 1103-02, 3/25/02; Ord. 1133-03, 3/24/03; Ord. 1164-04 §2, 6/28/04]

Section 60.021 Restrictions on Permitted Uses in ML.

The following restrictions shall apply to those uses listed as permitted uses in TDC 60.020:

- (1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use, ~~and~~ outdoor play areas of child day care centers as required by state day care certification standards, and mobile food and flower vendors in conformance with TDC 34.013.

- (2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.

- (3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

- (a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

- (b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9- 4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following ~~two~~ three exceptions, which shall not be subject to the size limitations stated in this subsection:

- (i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 60.035.

- (ii) Development approved through the application of the Industrial Business Park Overlay District to certain properties, as specified in TDC Chapter 69.

- (iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038. [Ord. 1212-06,

06/26/06]

Section 60.025 Additional Permitted CO Uses in ML.

In a ML District where any portion of a legally created lot is within 60 feet of a CO Planning District boundary, uses listed in the CO District, Chapter 50, TDC 50.020, are permitted subject to the following provisions:

- (1) Uses shall comply with the CO Planning District development standards.

- (2) Allowable square feet of gross floor area shall be limited based on vehicle trip generation. The limitation shall be determined through the Architectural Review process using the following formula:

| | | |
|-----|---|-------|
| A x | = | MTGSF |
| 24 | | |
| ITE | | |

where:

A = Developable Area (in acres)

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24 = Vehicle Trip Generation Cap for P.M. Peak Hour Trips Per Acre of Land (constant determined by City)

ITE = Average Vehicle Trips per 1000 Square Feet Gross Floor Area on a Weekday P.M. Peak Hour of the Adjacent Street as Determined Using the Latest Edition of the ITE Trip Generation Manual, or Actual Trip Rate Figures Based on a Traffic Analysis Approved by the City Engineer

MTGSF = Maximum Thousand Gross Square Feet of Floor Area Allowed on the Developable Area

(3) No ML use shall be allowed between a CO use in the ML District and a CO district boundary. [Ord. 942-95, §4, 3/27/95]

Section 60.030 Central Urban Renewal Plan - Additional Permitted Uses.

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.

(1) Uses permitted in the CG District, conforming to the standards of the CG District, and excluding any use permitted in the CC District for Blocks 28 and 29. Notwithstanding the preceding sentence, limited use of take-out restaurants, smaller than 1,500 square feet, and with a seating capacity of 50 or less, will be allowed on Blocks 28 and 29. No drive-up windows will be allowed. No portion of such restaurant shall be closer than 200 feet from any public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant shall be no closer to the public street right-of-way than 100 feet. The restaurant must be intended to serve primarily the employees and customers of uses in the immediate vicinity. Retail uses permitted in the CG District, excluding any use permitted in the CC District, are permitted to be greater than 60,000 square feet of gross floor

area per building or business in areas designated Employment Area or Industrial Area on Map 9-4. [Ord. 621-84 §6, 2/13/84; Ord. 694-86 §5, 5/27/86; Ord. 740-88 §1, 1/11/88; Ord. 1026-99 §75, 8/9/99; Ord. 1046-00 §9, 2/14/00]

Section 60.035 Special Setbacks for Commercial Uses from Arterial Streets; Additional Permitted Uses in the Commercial Services Overlay.

(1) Commercial uses listed in TDC 60.020 and 60.040 as subject to the Special Setback for Commercial Uses shall be set back at least 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue.

(2) No part of the use, including required parking and outdoor storage or display, is allowed in the Special Setback.

(3) The Special Setback applies in the following specific areas. The areas are generally illustrated on Map 9-5.

(a) On the east side of SW124th Avenue from SW Tualatin Road to SW Tualatin Sherwood Road and on the west side from SW Pacific Highway to SW Tualatin Sherwood Road.

(b) On the south side of SW Tualatin Sherwood Road from the east property line of Lot 8, Itel Industrial Park to SW 120th Avenue and on the north side of SW Tualatin Sherwood Road from SW 95th Avenue to SW Cipole Road.

(4) Additional uses listed below are permitted in the Commercial Services Overlay on properties shown in the specific areas illustrated on Map 9-5 and only when conducted within an enclosed building.

(a) Automobile glass shop; Automobile accessory sales and auto parts retailing and wholesaling; auto and light truck service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, detailing, mufflers, oil, or lubrication, sound, tune-up, and upholstery; auto tire shop and ancillary truck tire sales; can-

opy sales and repair; automobile body and/or auto paint shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends.

(b) Tool and equipment rental. (Ord.

1133-03, 3/24/03]

Section 60.037 Additional Permitted Mixed Uses in ML.

(1) In addition to any other uses permitted in the ML Planning District, the uses set forth in subsection (2) are permitted uses provided:

(a) the site is used substantially for industrial purposes; and

(b) the non-industrial use complies with TDC 60.038:

(2) Permitted uses:

(a) Office Uses:

(i) Business and commercial offices.

(ii) General offices, but not government offices.

(iii) Real estate offices.

(b) Retail Uses:

(i) Food or convenience store.

(ii) Restaurant or deli, with or without drive-up or drive through facilities.

(iii) Mobile food and flower vendors in conformance with TDC 34.013.

(c) Service Uses:

(i) Correspondence, trade and vocational schools, except vocational high schools.

(ii) Health or fitness facility.

(iii) Job training and related services.

(iv) Mailing operations.

(v) Reproduction, photocopying.

(vi) Branch banks and banking kiosks, with or without drive-up or drive through facilities.

(vii) Dry cleaning.

(viii) Medical and healing arts.

(d) Other uses of a similar character found by the Community Development Di-

rector to meet the purpose of this section as provided in TDC 31.070.

(3) The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses

Section 60.038 Restrictions on Additional Permitted Mixed Uses in ML.

(1) Mixed Use Percentage. The uses allowed in TDC 60.037 must comply with the following:

(a) Office uses listed in Section 60.037 must not exceed 25 percent of the total gross floor area of all buildings on the development site.

(b) Individual Retail and Service. Retail and service uses listed in TDC 60.037 must not exceed 5,000 square feet for any individual retail or service use.

(c) Combined Retail and Service Uses. The total of all retail and service uses on a development site must not exceed 20,000 square feet of the total gross floor area of all buildings on the development site.

(2) Setback Requirements.

(a) The uses allowed in TDC 60.037 must comply with setback requirements in TDC 60.070.

(b) In addition to the setbacks requirements in TDC 60.070 retail and service uses in TDC 60.037 must be set back not less than 80 feet from:

(i) any Residential Planning District; and

(ii) SW Tualatin-Sherwood Road right-of-way.

(3) Access. Uses provided in TDC 60.037 must comply with the Access Management Standards in TDC Chapter 75 and the underlying ML District, except that retail and service uses when located in a stand-alone building must not have direct access onto any arterial or collector street.

Section 60.040 Conditional Uses.

(Revised 04/11)

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(1) The following uses are permitted in accordance with TDC Chapter 32, as restricted in TDC 60.041:

(a) Automobile body and/or auto paint shop; auto radiator repair shop; general auto repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(b) Building materials and supplies, wholesale sales, and warehousing.

(c) Cold storage plant.

(d) Contractor's shops and equipment storage.

(e) Dwelling unit for watchman and family.

(f) Fire station.

(g) Machine shop, including automobile machine shop, of 7,500 gross square feet or larger.

(h) Manufacture of the following types of products:

(i) Bicycles.

(ii) Small electric generators.

(iii) Small electric motors.

(iv) Marine pleasure craft.

(v) Sashes and doors.

(vi) Vending machines.

(i) Marine craft sales, service and rental except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(j) Light metal fabrication (of semi-finished or finished metals).

(k) Metal casting (small).

(l) Manufactured dwelling sales and services.

(m) Recycling collection center.

(n) Retail automobile service stations and nonretail cardlock stations, subject to the following provisions:

(i) Minimum street frontage on each street on a corner lot: 120 feet.

(ii) Minimum street frontage on an interior lot: 150 feet.

(iii) Minimum building setback from any street right-of-way: 40 feet.

(iv) Minimum pump island setback from any lot line: 15 feet.

(v) All access must be consistent with TDC Chapter 75. Only two access points shall be allowed for an interior lot. A corner lot and a through lot shall be allowed only one access per street frontage.

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

(vii) No outside storage or sale of any vehicles is permitted.

(viii) No service station nor non-retail cardlock station shall be constructed that is located closer than 3,000 feet to another operating service station or non-retail cardlock station. The distance shall be measured between the closest lot lines of the two lots. No service station nor non-retail cardlock station shall be constructed that is located closer than 300 feet from the centerline of SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway (99W).

(ix) Those service stations or non-retail cardlock stations in operation or with a conditional use permit as of the date of this 2002 amendment which do not meet the spacing or setback standards shall not become non-conforming uses solely because of failure to meet spacing or setback standards.

(x) All exterior walls and pump islands shall be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between.

(xi) A minimart is allowed with a retail automobile service station and not allowed with a nonretail cardlock station. If a minimart is provided it shall not exceed 3,500 square feet of gross floor area and there shall be no seating.

(o) Schools for kindergarten through 12.

(p) Rental and leasing of autos and light trucks with incidental sale of vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(q) Home Improvement materials and supplies retail sale, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(2) Except for schools for kindergarten through 12, and transportation-related facilities and improvements, no conditional use allowed within an ML District, excepting building setbacks and areas for parking, circulation and landscaping, shall be located closer than 300 feet to any residential planning district boundary, provided however, permitted uses in existence as of September 24, 1990, which require conditional use approval after such date shall be eligible to apply for a Conditional Use Permit in accordance with TDC Chapter 32 and this section. When new buildings, expansions or additions are proposed, such existing or new uses shall first obtain a Conditional Use Permit and comply with the following rules:

(a) New buildings, expansions or additions closer to residential districts than existing buildings on the site shall be permitted only for office uses related to on-site operations.

(b) Except for office uses related to on-site operations, the following rules shall apply:

(i) Where site location and dimensions permit, all portions of any new building, expansion or addition must be located a minimum of 300 feet from any residential district.

(ii) Where site location and dimensions do not permit new buildings, expansions or additions to be located a minimum of 300 feet from any residential district, new buildings, expansions or additions must

be located on the opposite side of existing structures from residential districts.

(iii) Where site location and dimensions do not permit new buildings, expansions or additions to be located on the opposite side of existing structures from residential district, no portion of a new building, expansion or addition shall be located closer to residential districts than existing buildings on the site.

(c) For purposes of this section, buildings approved through the Architectural Review process as of September 24, 1990, in accordance with Section 73 of Ordinance 812-90, shall be considered existing buildings. [Ord.. 621-84 §7, 2/13/84; Ord. 635-84, 6/11/84; Ord. 812-90, 9/24/90; Ord. 819-91, 1/14/91; Ord. 849-91, 11/25/91; Ord. 913-94, 2/28/94; Ord. 965-96, 12/9/96; Ord. 970-97, 2/10/97; and Ord. 988-97, 12/8/97; Ord. 1003-98, 4/27/98; Ord. 1026-99, 8/9/99; Ord. 1046-00, 2/14/00; Ord. 1050-00, 3/13/00; Ord. 1088-01, 8/27/01; Ord. 1103-02, 3/25/02; Ord. 1122-02, 11/25/02; Ord. 1133-03, 3/24/03]

Section 60.041 Restrictions on Conditional Uses.

The following restrictions shall apply to those uses listed as conditional uses in TDC 60.040:

(1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater

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than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this sub-section:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 60.035.

(ii) Development approved through the application of the Industrial Business Park Overlay District to certain properties, as specified in TDC Chapter 69. [Ord. 1212-06, 06/26/06]

Section 60.050 Prohibited Uses.

The following uses are expressly prohibited, except as otherwise provided in TDC 60.020 and 60.040:

(1) All residential dwellings, except as otherwise provided in TDC 60.040.

(2) All commercial uses defined by TDC Chapters 50, 53, and 54, except as otherwise permitted in TDC 60.020, 60.030, 60.037, and 60.040.

(3) All industrial uses defined by TDC Chapter 61, whether permitted, conditional or prohibited as listed in TDC 61.020, 61.030 and 61.040. [Ord. 866-92 §18, 4/27/92; Ord. 1026-99 §77, 8/9/99;

Ord. 1046-00 §11, 2/14/00]

Section 60.060 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and a wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

(1) The minimum lot area shall be 20,000 square feet.

(2) The minimum average lot width shall be 100 feet.

(3) The minimum lot width at the street shall be 100 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at

least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 50 feet on a cul-de-sac street. [Ord. 866-92, §19, 4/27/92; Ord. 965-96, §70, 12/9/96]

Section 60.065 Central Urban Renewal Area - Lot Sizes.

The minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3. [Ord. 613-83 §3, 12/12/83

Ord. 635-84 §28, 6/11/84; Ord. 694-86 §6, 5/27/86; Ord. 1026-99 §78, 8/9/99;

Ord. 1046-00 §12, 2/14/00]

Section 60.070 Setback Requirements.

(1) Front yard. The minimum setback is 30 feet. When the front yard is across the street from a residential or Manufacturing Park (MP) district, a front yard setback of 50 feet is required. When a fish and wildlife habitat area is placed in a Tract and dedicated to the City at the City's option, dedicated in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the minimum setback is 10 – 30 feet, as determined in the Architectural Review process, with the exception of front yards across the street from a residential or MP District, provided the buildings are located farther away from fish and wildlife habitat areas.

(2) Side yard. The minimum setback is 0 to 50 feet, as determined in the Architectural Review process. When the side yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) district, a side yard setback of 50 feet is required.

(3) Rear yard. The minimum setback is 0 to 50 feet, as determined in the Architectural Review process. When the rear yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) district, a rear yard setback of 50 feet is required.

(4) Corner lot yards. The minimum setback is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined in the Architectural Review process.

(5) The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines in ingress and egress areas shared by abutting properties in accordance with TDC 73.400(2).

(6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.

(7) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or spur track.

(8) No fence shall be constructed within 10 feet of a public right-of-way.

(9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Ord. 592-83 §93, 6/13/83; Ord. 621-84, 2/13/84;

Ord. 862-92, 3/23/92; Ord. 904-93, 9/13/93; Ord. 933-94, 11/28/94; Ord. 965-96, 12/9/96; Ord. 1026-99, 8/9/99; Ord. 1050-00, 3/13/00; Ord. 1098-02, 2/11/02; Ord. 1224-06 §18, 11/13/06]

Section 60.080

[Repealed Ord. 862-92, §39, 3/23/82]

Section 60.085 Sound Barrier Construction.

(1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential

property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.

(2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. (4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(5) "Straight-line lateral path" shall mean a direct line between two points as measured on a site plan. "Wing wall" shall mean a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" shall include, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.

(6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.

(7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section. [Ord. 812-90, §5, 9/24/90]

Section 60.090 Structure Height.

(1) Except as provided in TDC 60.090(2), (3) or (4), no structure shall exceed a height of 50 feet and flagpoles which display the flag of the United States of America either alone or with the State of Oregon flag shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to one and one-half times the flagpole height.

(2) The maximum permitted structure height provided in TDC 60.090(1) may be increased to no more than 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to one and one-half times the height of the structure.

(3) Height Adjacent to a Residential District. Where a property line, street or alley separates ML land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation set in TDC 60.090(1) and (2).

(4) Wireless Communication Support Structure. The maximum structure height for

a wireless communication support structure and antennas is 100 feet unless the wireless communication support structure and antennas are located within 300 feet of the centerline of I-5, in which case the maximum structure height is 120 feet. [Ord. 792-90 §5, 1/8/90; Ord. 965-96

§72, 12/9/96; Ord. 1026-99 §80, 8/9/99; Ord. 1046-00 §13, 2/14/00; Ord. 1116-02, 08/26/02]

Section 60.100 Access.

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Ord. 872-92 §16, 6/29/92; Ord. 979-97

§25, 7/14/97; Ord. 1026-99 §81, 8/9/99; Ord. 1046-00 §14, 2/14/00]

Section 60.110 Off-Street Parking and Loading.

See Chapter 73.

Section 60.120 Environmental Standards.

See Chapter 63.

Section 60.130 Floodplain District.

See Chapter 70.

Section 60.140 Wetlands Protection District.

See Chapter 71.

Section 60.150 Community Design Standards.

See Chapter 73.

Section 60.160 Landscape Standards.

See Chapter 73. [Ord. 725-87, 06/22/87; Ord. 862-92,

3/23/92]

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Chapter 61

General Manufacturing Planning District (MG)

Sections:

- 61.010 Purpose.**
- 61.020 Permitted Uses.**
- 61.021 Restrictions on Permitted Uses.**
- 61.030 Conditional Uses.**
- 61.031 Restrictions on Conditional Uses.**
- 61.035 Special Setbacks for Commercial Uses from Arterial Streets and Commercial Services Overlay.**
- 61.040 Prohibited Uses.**
- 61.050 Lot Size.**
- 61.060 Setback Requirements.**
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- 61.075 Sound Barrier Construction.**
- 61.080 Structure Height.**
- 61.090 Access.**
- 61.100 Off-Street Parking and Loading.**
- 61.110 Environmental Standards.**
- 61.120 Flood Plain District.**
- 61.130 Wetlands Protection District.**
- 61.140 Community Design Standards.**
- 61.150 Landscape Standards.**

Section 61.010 Purpose.

The purpose of this district is to provide areas of the City that are suitable for light industrial uses and also for a wide range of heavier manufacturing and processing activities. These uses are expected to be more unsightly and have more adverse environmental effects than the uses allowed in the Light Manufacturing Planning District. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. The heaviest industrial uses that are environmentally adverse or pose a hazard to life and safety shall be prohibited. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or

wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of building and home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, and TDC 60.037-60.038 selected office and retail small-scale mixed uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and allow selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035. [Ord. 1003-98, §5, 4/27/98; Ord. 1046-00 §15, 2/14/00; Ord. 1133-03, 3/24/03]

Section 61.020 Permitted Uses.

No building, structure or land shall be used, except for the following uses as restricted in TDC 61.021.

(1) All uses permitted by TDC 60.020 and 60.037, in the Light Manufacturing Planning District.

(2) Assembly, packaging, processing, and other treatment of beer, coffee, and canned goods.

(3) Assembly of electrical appliances, such as refrigerators, freezers, washing machines, and dryers.

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(4) Auto body and/or paint shop; auto machine shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines and rearends except not allowed in the Special Commercial Setback, TDC 61.035(1-3).

(5) Chemical warehouse and distribution.

(6) Cold storage plant.

(7) Concrete batch plant, except not allowed in the Leveton Tax Increment District.

(8) Manufacture of the following types of products:

(a) Batteries.

(b) Boilers.

(c) Bottles.

(d) Brick, tiles, or terra cotta.

(e) Cans.

(f) Chainsaws.

(g) Electric generators.

(h) Electric motors.

(i) Electric transformers.

(j) Engines, larger gasoline or diesel.

(k) Heating and cooling equipment.

(l) Industrial gases, excluding chlorine.

(m) Ladders.

(n) Lawnmowers.

(o) Manufactured Dwellings.

(p) Motor vehicles.

(q) Paint.

(r) Pet food.

(s) Prefabricated building or structural members for buildings.

(t) Rototillers.

(u) Signs and display structures.

(v) Windows.

(9) Metal casting (small to large size).

(10) Metal fabrication (light to medium) (of unfinished or semi-finished metals).

(11) Petroleum product distribution and storage.

(12) Planning mill.

(13) Processing, assembly, packaging, and other treatment of small products manufactured from sheet metal, wire larger than 1/4 inch (0.25") in diameter, or tobacco.

(14) Production of agricultural crops.

(15) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.

(16) Sandblasting.

(17) Storage and retail sale of rock, gravel, barkdust, sawdust, coal or topsoil except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(18) Structural-mechanical testing laboratories.

(19) Welding shop.

(20) Wireless communication facility attached.

(21) Wireless communication facility.

(22) Other uses of a similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.

(23) Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.

[Ord. 592-83, 6/13/83; Ord. 621-84, 2/13/84; Ord. 812-90, 9/24/90; Ord. 819-91, 1/14/91; Ord. 911-94, 2/14/94; Ord. 913-94, 2/28/94; Ord. 965-96, 12/9/96; and Ord. 988-97, 12/8/97; Ord. 1003-98, 4/27/98; Ord. 1026-99, 8/9/99; Ord. 2046-00, 2/14/00; Ord. 1133-03, 03/24/03; Ord. 1122-02, 11/25/02; Ord. 1212-06, 06/26/06]

Section 61.021 Restrictions on Permitted Uses.

The following restrictions shall apply to those uses listed as permitted uses in TDC 61.020:

(1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use, ~~and~~ outdoor play areas of child day care centers as required by state day care certification standards, and mobile food and flower vendors in conformance with TDC 34.013.

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor

area of the building not to exceed 1,500 square feet.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9- 4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following ~~two~~ three exceptions, which shall not be subject to the size limitations stated in this sub-section:

____(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 61.035, except 61.035(4)(b).

____(ii) Development approved through the application of the Industrial Business Park Overlay District to certain properties, as specified in TDC Chapter 69.

____(iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038. [Ord. 1212-06,

06/26/06]

Section 61.030 Conditional Uses.

The following uses are permitted in accordance with TDC Chapter 32 and as restricted in TDC 61.031:

(1) All conditional uses listed in TDC 60.040, which are not otherwise permitted in TDC 61.020, except schools for kindergarten through 12, which are not permitted.

(2) Resource recovery facility except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(3) Refuse transfer station except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

(4) Bus maintenance and storage facility. [Ord. 592-83 §97, 6/13/83; Ord. 621-84 §11, 2/13/84; Ord. 913-94 §8, 2/28/94; Ord. 1003-98 §7, 4/27/98; Ord. 1026-99 §83, 8/9/99; Ord. 1046-00 §17, 2/14/00; Ord. 1050-00 §6, 3/13/00; Ord. 1133-03, 03/24/03; Ord. 1122-02, 11/25/02; Ord. 1103-02, 03/25/02; Ord. 1212-06, 06/26/06]

Section 61.031 Restrictions on Conditional Uses.

The following restrictions shall apply to those uses listed as conditional uses in TDC 61.030:

(1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this sub-section:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 61.035, except 61.035(4)(b).

(ii) Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter 69. [Ord. 1212-06, 06/26/06]

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Section 61.035 Special Setbacks for Commercial Uses from Arterial Streets and Commercial Services Overlay

(1) Commercial uses listed in TDC 60.020 and 60.040 as subject to the Special Setback for Commercial Uses shall be set back at least 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway 99W west of Cipole Road.

(2) No part of the use, including required parking and outdoor storage or display, is allowed in the Special Setback.

(3) The Special Setback applies in the following specific areas. The areas are generally illustrated on Map 9-5.

(a) On the east side of SW124th Avenue from SW Tualatin Road to SW Tualatin Sherwood Road and on the west side from SW Pacific Highway to SW Tualatin Sherwood Road.

(b) On the south side of SW Tualatin Sherwood Road from the east property line of Lot 8, Itel Industrial Park to SW 120th Avenue and on the north side of SW Tualatin Sherwood Road from SW 95th Avenue to SW Cipole Road.

(c) On the south side of SW Pacific Highway 99W from Cipole Road west to the Urban Growth Boundary.

(4) Additional uses listed below are permitted in the Commercial Services Overlay on properties shown in the specific areas illustrated on Map 9-5 and only when conducted within an enclosed building.

(a) Automobile glass shop; Automobile accessory sales and auto parts retailing and wholesaling; auto and light truck service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, detailing, mufflers, oil, or lubrication, sound, tune-up, and upholstery; auto tire shop and ancillary truck tire sales; canopy sales and repair; automobile body

and/or auto paint shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends.

(b) Truck-mounted camper sales with all sales and storage conducted entirely within an enclosed building and not to exceed 10,000 square feet of building floor area.

(c) Tool and equipment rental.

[Ord. 1133-03, 3/24/03; Ord. 1191-05, 6/27/05]

Section 61.040 Prohibited Uses.

The following uses are prohibited:

(1) Residential dwellings, except as otherwise provided in TDC 61.030.

(2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 61.020 and 61.030.

(3) Others:

(a) Auto wrecking.

(b) Commercial radio or TV broadcasting antennas.

(c) Creosote treatment of products.

(d) Distillation of bones.

(e) Distillation of oil, coal, wood or tar compounds.

(f) Fat rendering.

(g) Forge plants.

(h) Junk or salvage yard.

(i) Manufacture of the following products:

(i) Acid.

(ii) Ammonia.

(iii) Bleaching powder.

(iv) Celluloid pyroxylin.

(v) Cement, lime, gypsum and plaster of paris.

(vi) Chlorine gas.

(vii) Creosote.

(viii) Disinfectant.

(ix) Dye stuffs.

(x) Explosives.

(xi) Fertilizer.

(xii) Herbicides.

- (xiii) Insect poison.
- (xiv) Radioactive materials.
- (xv) Soap.
- (xvi) Sodium compounds.
- (xvii) Tar roofing, water-proofing and other tar products.

- (j) Rock crushing.
- (k) Rolling mills.
- (l) Saw mill.
- (m) Slaughter of livestock or poultry.

(4) Handling, storage, processing, or other activities dealing with hazardous, toxic, or radioactive waste. [Ord. 592-83 §98, 6/13/83; Ord. 621-84 §12, 2/13/84; Ord. 1026-99 §84, 8/9/99; Ord. 1046-00 §18, 2/14/00; Ord. 1050-00 §8, 3/13/00]

Section 61.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum lot width shall be 100 feet.
- (3) The minimum average lot width at the building line shall be 100 feet.
- (4) The minimum lot width at the street shall be 100 feet.
- (5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).
- (6) The minimum lot width at the street shall be 50 feet on a cul-de-sac street. [Ord. 866-92, 4/27/92; Ord. 965-96, 12/9/96]

Section 61.060 Setback Requirements.

(1) Front yard. The minimum setback is 30 feet. When the front yard is across the street from a residential or Manufacturing Park (MP) district, a front yard setback of 50 feet is required. When a fish and wildlife habitat area is placed in a Tract and dedicated to the City at the City's option, dedicated

in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the minimum setback is 10 – 30 feet, as determined in the Architectural Review process, with the exception of front yards across the street from a residential or MP District, provided the buildings are located farther away from fish and wildlife habitat areas.

(2) Side yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the side yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a side yard setback of 50 feet is required.

(3) Rear yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the rear yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a rear yard setback of 50 feet is required.

(4) Corner lot yards. The minimum setback is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined through the Architectural Review process.

(5) The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or Residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines within ingress and egress areas shared by abutting properties in accordance with TDC 73.400(2).

(6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.

(7) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or spur track.

(8) No fence shall be constructed within 10 feet of a public right-of-way.

(9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Ord. 592-83 §99, 6/13/83; Ord. 621-84 §13, 2/13/84;

Ord. 862-92 §42, 3/23/92; Ord. 904-93 §42, 9/13/93; Ord. 965-96 §75, 12/9/96;

Ord. 1026-99 §85, 8/9/99; Ord. 1050-00 §9, 3/13/00; Ord. 1098-02, 2/11/02;

Ord. 1224-06 §19, 11/13/06]

Section 61.065 Central Urban Renewal Area - Lot Sizes.

The minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3. [Ord. 635-84 §29, 6/11/84;

Ord. 694-86 §6, 5/27/86; Ord. 1026-99 §86, 8/9/99; Ord. 1046-00 §19, 2/14/00]

Section 61.070 [Repealed by Ord. 862-92 §43, 3/23/92]

Section 61.075 Sound Barrier Construction.

(1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.

(2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than

toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three.

(4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(5) "Straight-line lateral path" shall mean a direct line between two points as measured on a site plan. "Wing wall" shall mean a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" shall include, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.

(6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.

(7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section. [Ord. 812-90, §7, 9/24/90]

Section 61.080 Structure Height.

(1) Except as provided in TDC 61.080(2) - (4), no structure shall exceed a height of 60 feet and flagpoles which display the flag of the United States of America either alone or with the State of Oregon flag shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to the flagpole height.

(2) The maximum permitted structure height in TDC 61.080(1) may be increased to no more than 100 feet, provided that all yards adjacent to the structure are not less than a distance equal to the height of the structure.

(3) Height Adjacent to a Residential District. Where a property line, street or alley separates MG land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation in TDC 61.080(1) and (2).

(4) Wireless Communication Support Structure. The maximum structure height for a wireless communication support structure and antennas is 100 feet unless the wireless communication support structure and antennas are located within 300 feet of the centerline of I-5, in which case the maximum structure height is 120 feet. [Ord. 792-90 §6, 1/8/90; Ord. 965-96

§76, 12/9/96; Ord. 1026-99 §87, 8/9/99; Ord. 1046-00 §20, 2/14/00; Ord. 1116-02, 8/26/02]

Section 61.090 Access.

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quali-

ty Control Facilities identified by Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Ord. 872-92 §17, 6/29/92; Ord. 979-97 §26, 7/14/97; Ord. 1026-99 §88, 8/9/99; Ord. 1046-00 §21, 2/14/00]

Section 61.100 Off-Street Parking and Loading.

Refer to Chapter 73.

Section 61.110 Environmental Standards.

Refer to Chapter 63.

Section 61.120 Floodplain District.

Refer to Chapter 70.

Section 61.130 Wetlands Protection District.

Refer to Chapter 71.

Section 61.140 Community Design Standards.

Refer to Chapter 73.

Section 61.150 Landscape Standards.

Refer to Chapter 73. [Ord. 725-87, 6/22/87; Ord.

862-92, 3/23/92]

Chapter 62

Manufacturing Park Planning District (MP)

Sections:

- 62.010 Purpose.**
- 62.020 Permitted Uses.**
- 62.021 Restrictions on Permitted Uses**
- 62.023 Additional Permitted Mixed Uses in MP.**
- 62.024 Restrictions on Additional Permitted Mixed Uses in MP.**
- 62.030 Conditional Uses.**
- 62.031 Restrictions on Conditional Uses**
- 62.040 Prohibited Uses.**
- 62.045 Industrial Master Plan.**
- 62.050 Lot Size.**
- 62.060 Setback Requirements.**
- 62.080 Structure Height.**
- 62.090 Access.**
- 62.100 Off-Street Parking and Loading.**
- 62.110 Environmental Standards.**
- 62.120 Community Design Standards.**
- 62.130 Landscape Standards.**

Section 62.010 Purpose.

The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities. Such permitted uses shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity. It also is to protect existing and future sites for such uses by maintaining large lot configurations or a cohesive planned development design and limiting uses to those that are of a nature so as to not conflict with other industrial uses or surrounding residential areas. It also is intended to allow the retail sale of products

manufactured, assembled, packaged or wholesaled on the site provided the building area used for such retail selling is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, and TDC 62.023-62.024 selected small-scale mixed uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees. –[Ord.

1003-98 §8, 4/27/98; Ord. 1046-00 §22, 2/14/00; Ord. 1122-02, 11/25/02]

Section 62.020 Permitted Uses.

No building, structure or land shall be used in this district except for the following uses as restricted in 62.021.

- (1) Chemical and physical science offices and laboratories.
- (2) Engineering and cartographic offices and laboratories.
- (3) Manufacture, assembling and packaging of electronic equipment, instruments and devices.
- (4) Manufacture, assembling and packaging of optical equipment, instruments and devices.
- (5) Research offices and laboratories.
- (6) Testing offices and laboratories.
- (7) Manufacture, assembling and packaging of sporting goods providing however that primary processing of organic materials such as tanning of leather or rough milling of lumber is specifically prohibited.
- (8) Manufacture, assembling and packaging of textiles and clothing.
- (9) Manufacture, assembling and packaging of musical instruments and toys.
- (10) Printing and publishing.
- (11) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

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(12) Offices when part of a manufacturing use as listed in (1) through (11) above or when permitted under TDC 62.023.

(13) Corporate, regional, or district office headquarters for any use permitted in this Code, provided that the offices occupy at least 20,000 square feet and that no manufacturing is conducted where not otherwise permitted in this chapter.

(14) Private parking lot improved and landscaped in accordance with TDC Chapter 73.

(15) Accessory facilities and activities customarily associated with or essential to permitted uses, and operated incidental to the principal use.

(16) Sewer and water pump stations, pressure reading stations, water reservoir.

(17) Child day care center, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(18) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(19) Electrical substation.

(20) Natural gas pumping station.

(21) Wireless communication facility attached.

(22) Wireless communication facility.

(23) Transportation facilities and improvements.

(24) Shared service facilities. [Ord. 824-91,

2/11/91; Ord. 849-91, 11/25/91; Ord. 890-93, 4/12/93; Ord. 965-96, 12/9/96; Ord. 979-97, 7/14/97; Ord. 1003-98, 4/27/98; Ord. 1026-99, 8/9/99; Ord. 1046-00, 2/14/00; Ord. 1049-00, 3/13/00; Ord. 1103-02, 03/25/02; Ord. 1164-04, 6/28/04; Ord. 1212-06, 6/26/06]

Section 62.021 Restrictions on Permitted Uses

The following restrictions shall apply to those uses listed as permitted uses in TDC 62.020:

(1) The use must be conducted wholly within a completely enclosed building, except

(Revised 04/11)

off-street parking and loading, utility facilities, wireless communication facilities, ~~and~~ outdoor storage occupying less than ten percent of the total site area, and mobile food and flower vendors in conformance with TDC 34.013.

(2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exception, which shall not be subject to the size limitations stated in this subsection:

(i) Development approved through the application of standards for additional small-scale mixed uses in MP as specified in TDC 62.023-62.024. [Ord. 1212-06; 6/26/06]

Section 62.023 Additional Permitted Mixed Uses in MP.

(1) In addition to any other uses permitted in the MP Planning District, the uses set forth in subsection (2) are permitted uses provided:

(a) the site is used substantially for industrial purposes; and

(b) the non-industrial use complies with TDC 62.024:

- (2) Permitted uses:
- (a) Office Uses:
- (i) Business and commercial offices.
- (ii) General offices, but not government offices.
- (iii) Real estate offices.
- (b) Retail Uses:
- (i) Food or convenience store.
- (ii) Restaurant or deli, with or without drive-up or drive through facilities.
- (iii) Mobile food and flower vendors in conformance with TDC 34.013.
- (c) Service Uses:
- (i) Correspondence, trade and vocational schools, except vocational high schools.
- (ii) Health or fitness facility.
- (iii) Job training and related services.
- (iv) Mailing operations.
- (v) Reproduction, photocopying.
- (vi) Branch banks and banking kiosks, with or without drive-up or drive through facilities.
- (vii) Dry cleaning.
- (viii) Medical and healing arts.
- (d) Other uses of a similar character found by the Community Development Director to meet the purpose of this section as provided in TDC 31.070.
- (3) The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses

Section 62.024 Restrictions on Additional Permitted Mixed Uses in MP.

- (1) Mixed Use Percentage. The uses allowed in TDC 62.023 must comply with the following:
- (a) Office uses listed in Section 60.037 must not exceed 25 percent of the total gross floor area of all buildings on the development site.
- (b) Individual Retail and Service. Retail and service uses listed in TDC 62.023

must not exceed 5,000 square feet for any individual retail or service use.

(c) Combined Retail and Service Uses. The total of all retail and service uses on a development site must not exceed 20,000 square feet of the total gross floor area of all buildings on the development site.

(2) Setback Requirements.

(a) The uses allowed in TDC 62.023 must comply with setback requirements in TDC 62.060.

(b) In addition to the setback requirements in TDC 62.060 retail and service uses in TDC 62.023 must be set back not less than 80 feet from:

- (i) any Residential Planning District; and
- (ii) SW Tualatin-Sherwood Road right-of-way.

(3) Access. Uses provided in TDC 62.023 must comply with the Access Management Standards in TDC Chapter 75 and the underlying ML District, except that retail and service uses when located in a stand-alone building must not have direct access onto any arterial or collector street.

Section 62.030 Conditional Uses.

The following uses are permitted in accordance with TDC Chapter 32 as restricted in TDC 62.031:

(1) Outdoor storage activity or mechanical equipment when proposed to occupy more than ten percent of the total lot area when part of and necessary for the operation of any permitted use.

(2) Residence for a caretaker when necessary for security purposes.

(3) Fire station. [Ord. 890-93, 4/12/93; Ord. 913-94, 2/28/94; Ord. 1003-98, 4/27/98; Ord. 1026-99, 8/9/99; Ord. 1046-00, 2/14/00; Ord. 1049-00, 3/13/00; Ord. 1122-02, 11/25/02; Ord. 1212-06, 6/26/06]

Section 62.031 Restrictions on Conditional Uses.

The following restrictions shall apply to those uses listed as conditional uses in TDC 62.030:

(1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.

(2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project. [Ord. 1212-06, June 26, 2006].

Section 62.040 Prohibited Uses.

The following uses are prohibited:

(1) Residential dwellings, except as provided in TDC 62.030.

(2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 62.020 and 62.030.

(3) Manufacturing uses defined by TDC Chapters 60 and 61, except as otherwise provided in TDC 62.020, [62.023](#) and 62.030.

(4) Hazardous waste storage facility. [Ord.

1003-98 §11, 4/27/98; Ord. 1026-99 §91, 8/9/99; Ord. 1046-00 §25, 2/14/00; Ord. 1049-00 §3, 3/13/00]

Section 62.045 Industrial Master Plan.

Industrial Master Plans may be approved subject to TDC Chapter 37. [Ord. 890-93 §5, 4/12/93.

Ord. 1035-99 §7, 11/8/99; Ord. 1046-00 §26, 2/14/00; Ord. 1049-00 §4, 3/13/00]

Section 62.050 Lot Size.

(Revised 04/11)

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.

(1) The minimum lot area north of SW Leveton Drive is 40 acres, except the minimum lot area may be reduced to 15 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37, and south of SW Leveton Drive is five acres, except for conditional uses north and south of SW Leveton Drive where the City Council shall set the minimum lot size and dimensions to accommodate the proposed use, or as provided in TDC 62.050(6) or (7).

(2) The average lot width shall be 250 feet.

(3) The minimum lot width at the street shall be 250 feet.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).

(5) The minimum lot width at the street shall be 50 feet on a cul-de-sac bulb.

(6) Lots or remnant areas created by the location of public streets may be less than 40 acres if necessary to create a logical, safe network of streets in the District.

(7) No minimum lot size, width or frontage requirement shall apply to wetland conservation lots. [Ord. 766-89 §1, 1/9/89; Ord. 866-92 §21, 4/27/92; Ord. 890-93

§6, 4/12/93; Ord. 965-96 §78, 12/9/96; Ord. 1035-99 §8, 11/8/99; Ord. 1046-00 §27, 2/14/00; Ord. 1049-00 §5, 3/13/00]

Section 62.060 Setback Requirements.

(1) The setbacks set forth in an Industrial Master Plan approved in accordance with TDC Chapter 37 apply. Where setbacks are not specified in an Industrial Master Plan, TDC 62.060(2) - (5) apply.

(2) Yards Adjacent to Streets or Alleys.

(a) Except as otherwise provided in TDC Chapter 37, the minimum building setback for parcels south of SW Leveton Drive is 60 feet. The minimum building setback for parcels north of SW Leveton Drive is 100 feet.

(b) Except as otherwise provided in TDC Chapter 37, the minimum setback to any parking or circulation area is 50 feet.

(3) Side and Rear Yards Not Adjacent to Streets or Alleys.

(a) Except as otherwise provided in TDC Chapter 37, the minimum setback for parcels south of SW Leveton Drive is 0 to 50 feet, as determined through the Architectural Review process. The minimum setback for parcels north of SW Leveton Drive is 50 feet.

(b) Except as otherwise provided in TDC Chapter 37, all parking and circulation areas shall be set back a minimum of 5 to 25 feet from the property line, as determined through the Architectural Review process. However, no setback is required from lot lines lying within ingress and egress areas shared by two or more abutting properties in accordance with TDC 73.400(2).

(c) No spur rail track shall be permitted within 200 feet of an adjacent residential district.

(d) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or track.

(4) No fence shall be constructed within 50 feet of a public right-of-way.

(5) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Ord. 862-92 §45 and §46, 3/23/92; Ord. 890-93 §7,

4/12/93; Ord. 965-96 §79, 12/9/96; Ord. 1026-99 §92, 8/9/99; Ord. 1035-99 §9,

11/8/99; Ord. 1046-00 §28, 8/14/00; Ord. 1049-00 §6, 3/13/00; Ord. 1098-02, 2/11/02]

Section 62.070

[Repealed by Ord. 862-92, 3/23/92]

Section 62.080 Structure Height.

(1) Except as provided in TDC 62.080(2) or (3), no structure shall exceed a height of 70 feet, except for flagpoles displaying the flag of the United States of America either alone or with the State of Oregon flag, which shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to the flagpole height.

(2) Height Adjacent to a Residential District. Except as otherwise provided in TDC Chapter 37, where a property line, street or alley separates MP land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot or 100 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot or 100 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation in TDC 62.080(1).

(3) Wireless Communication Support Structure. Except as otherwise provided in TDC Chapter 37, the maximum structure height for a wireless communication support structure and antennas is 100 feet. [Ord. 792-90 §7,

1/8/90; Ord. 965-96 §80, 12/9/96; Ord. 1026-99 §93, 8/9/99; Ord. 1035-99 §10, 11/8/99; Ord. 1046-00 §29, 2/14/00]

Section 62.090 Access.

Except as otherwise provided in TDC Chapter 37 and as provided below, no lot shall be created without provision for access to the public right of way in accordance with TDC 73.400 and TDC Chapter 75. Such access may be provided by lot frontage on a public street, or via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and

the public right of way. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Ord. 890-93 §8, 4/12/93; Ord. 979-97 §28, 7/14/97; Ord. 1026-99 §94, 8/9/99; Ord. 1046-00 §30, 2/14/00]

**Section 62.100 Off-Street Parking
and Loading.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 73. [Ord. 1035-99 §12, 11/8/99; Ord. 1046-00 §31, 2/14/00]

**Section 62.110 Environmental
Standards.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 63. [Ord. 1035-99 §13, 11/8/99; Ord. 1046-00 §32, 2/14/00]

**Section 62.120 Community Design
Standards.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 73. [Ord. 1035-99 §14, 11/8/99; Ord. 1046-00 §33, 2/14/00]

**Section 62.130 Landscape Stand-
ards.**

Except as otherwise provided under TDC Chapter 37, refer to Chapter 73. [Ord. 725-87 §13, 6/22/87. Ord. 862-92 §48, 3/23/92; Ord. 1035-99 §15, 11/8/99; Ord. 1046-00 §34, 2/14/00]

Chapter 69

Industrial Business Park Overlay Planning District

Sections:

- 69.010 Purpose.
- 69.020 Permitted Uses.
- 69.030 Prohibited Uses.
- 69.040 Implementation of the Industrial Business Park Overlay District.
- 69.045 Timing of Uses.
- 69.050 Site Size.
- 69.055 Lot Size.
- 69.060 Urban Renewal Area - Lot Size.
- 69.065 Mixed Use Percentage.
- 69.070 Setback Requirements.
- 69.090 Structure Height.
- 69.100 Access.
- 69.110 Off-Street Parking and Loading.
- 69.120 Environmental Standards.
- 69.130 Flood Plain District.
- 69.140 Wetlands Protection District.
- 69.150 Greenway and Riverbank Protection District.
- 69.160 Community Design Standards.
- 69.170 Landscaping Standards.

Section 69.010 Purpose.

The purpose of this district is to recognize and accommodate the changing Industrial Commercial marketplace by allowing mixed uses within the context of an enforceable Master Plan reviewed and approved during Architectural Review. Industrial uses are emphasized, but office and selected service and retail uses are allowed through the operation of the Industrial Business Park Overlay District. A second purpose of this district is to recognize that it is not necessarily appropriate to assume that all industrial, office, service and retail uses are incompatible and, therefore, must be separated based on planning districts. The Industrial Business Park Overlay District allows flexibility in the uses permitted for ~~properties in the Light Manufacturing (ML) District and for~~ selected General Manufacturing (MG) District areas. Further, the pur-

pose of this district is to allow selected retail and service uses that are supportive of and secondary to the industrial and office uses.

[Ord. 1040-99 §5, 12/13/99]

Section 69.020 Permitted Uses.

(1) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to ~~a property in the Light Manufacturing (ML) District or to a property in~~ one of the selected General Manufacturing (MG) District areas and the site is 10 acres or greater:

- (a) Business offices.
- (b) Commercial offices.
- (c) Branch banks and banking kiosks, with or without drive-up or drive through facilities.
- (d) General offices, but not government offices.
- (e) Medical and healing arts offices.
- (f) Real estate offices.
- (g) Child day care center, provided

that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(2) The following additional uses are permitted when the Industrial Business Park Overlay District is applied to a property in ~~the Light Manufacturing (ML) District or to a property in~~ one of the selected General Manufacturing (MG) District areas and the site is 20 acres or greater:

- (a) Retail Uses:
 - (i) Food or convenience store of less than 4,000 square feet of gross floor area.
 - (ii) Restaurant or deli, with or without drive-up or drive through facilities.
 - (iii) Mobile food and flower vendors in conformance with TDC 34.013.

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(b) Service Uses:

(i) Correspondence, trade and vocational schools, except vocational high schools.

(ii) Health or fitness facility.

(iii) Job training and related services.

(iv) Mailing operations.

(v) Reproduction, photocopying.

(vi) Dry cleaning.

(3) The properties in the General Manufacturing (MG) District where the Industrial Business Park Overlay District may be applied in accordance with TDC 69.040 are:

(a) North of the G.I. Joe's/Safeway Shopping Center and more particularly described as:

(i) Tax Map T2S, R1W, Section 13A, Tax Lot 800. (As of September 1, 1994 described as T2S, R1W, 13AA, Tax Lot 1200).

(ii) Tax Map T2S, R1E, Section 18BB, Tax Lots 2200, 2300, and 2400.

(iii) Tax Map T2S, R1E, Section 18BC, Tax Lots 200, 300, and 400. (As of September 1, 1994 described as T2S, R1E, 18BC, Tax Lots 200, 202, 300, and 400).

(b) PacTrust Area (Upper and Lower Boones Ferry Road) and more particularly described as Tax Map T2S, R1W, Section 24B, Tax Lots 1000, 1007, and 1008.

(c) Drake Management Company ownership at the northwest corner of SW Tualatin-Sherwood Road and Avery Street and more particularly described as Tax Map TS1, R1W, Section 27B, Tax Lots 100, 102 and 200. [Ord. 849-91 §37, 11/25/91; Ord. 1040-99 §1 and §2, 12/13/99; Ord. No. 1251-08 §1, 1/28/08]

Section 69.030 Prohibited Uses.

As per the underlying ~~ML-District or~~ MG District, except as permitted in TDC 69.020.

[Ord. 1040-99 §3, 12/13/99]

Section 69.040 Implementation of the Industrial Business Park Overlay District.

At the time of application for Architectural Review, the applicant shall state in writing if the proposed project is to be developed under the provisions of the Industrial Business Park Overlay District. Selection of the overlay district is at the option of the developer and application of the overlay district shall be implemented upon the developer's statement as part of the Architectural Review application. No public hearing shall be held to decide to apply the overlay district. The overlay district shall only be used in conjunction with the ~~ML-District and~~ selected MG District areas. The Architectural Review decision may include conditions of approval in accordance with TDC 73.055. [Ord. 1040-99 §4, 12/13/99]

Section 69.045 Timing of Uses.

The retail and service uses shall be supportive of and secondary to the industrial and office uses and shall follow or be concurrent with the development of industrial and office uses. Office uses shall be secondary to industrial uses and shall follow or be concurrent with the development of industrial uses. Architectural Review approval, Building Permit issuance and Final Occupancy sign-off for office, retail and service uses shall follow or be concurrent with Architectural Review approval, Building Permit issuance and Final Occupancy sign-off for industrial uses. [Ord.

1040-99 §5, 12/13/99]

Section 69.050 Site Size.

The minimum site size for the application of the Industrial Business Park Overlay District shall be 10 acres for the uses listed in TDC 69.020(1) and 20 acres for the uses listed in TDC 69.020(2). [Ord. 1040-99 §6, 12/13/99]

Section 69.055 Lot Size.

As per the underlying ~~ML-District or~~ MG District.

Section 69.060 Urban Renewal Area - Lot Size.

As per block area requirements in the underlying ~~ML-District or~~ MG District.

Section 69.065 Mixed Use Percentage.

(1) When the Industrial Business Park Overlay District site size is 10.00 to 19.99 acres, the combined gross floor area of office and child day care center uses shall not be greater than 50 percent of the total gross floor area of buildings on the site. The gross floor area of a child day care center use listed in TDC 69.020(1)(g) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(2) When the site size is 20.00 acres or greater:

(a) The gross floor area of office, service and retail buildings combined shall not be greater than 50 percent of the total gross floor area of buildings on the site.

(b) The gross floor area of office uses listed in TDC 69.020(1) may occupy up to 50 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(c) The gross floor area of retail uses listed in TDC 69.020(2)(a) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(d) The gross floor area of service uses listed in TDC 69.020(2)(b) and a child day care center use listed in TDC 69.020(1)(g) may occupy up to 10 percent of the total gross floor area of buildings on the site, except as provided in TDC 69.065(2)(a).

(3) The percentages in (1) and (2) of this section shall not be exceeded and may be reduced in the Architectural Review decision when information shows the impact, or the cumulative impact, of the development generated by the uses allowed through the Industrial Business Park Overlay District exceed the capacity of the onsite or offsite pub-

lic infrastructure to support the development.

[Ord. 1040-99 §7, 12/13/99; Ord. 1251-08 §2, 1/28/08]

Section 69.070 Setback Requirements.

As per the underlying ~~ML-or~~ MG District, except that retail and service uses be set back from any designated arterial or collector street right-of-way and any Residential District not less than 80 feet.

Section 69.080 [Repealed by Ord. 862-92 §49, 3/23/92]**Section 69.090 Structure Height.**

~~(1) No structure which is in the ML-District and is overlaid by the Industrial Business Park Overlay District shall exceed a height of 70 feet, except as provided pursuant to TDC Chapter 32, in which case the maximum permitted structure height may be increased to 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to 1½ times the height of said structure.~~

~~—(2)~~ No structure which is in the MG District and is overlaid by the Industrial Business Park Overlay District shall exceed a height of 70 feet, except as provided in TDC Chapter 32, in which case the maximum permitted structure height may be increased to 100 feet, provided that all yards adjacent to the structure are not less than a distance equal to the height of the structure.

~~(32)~~ Height Adjacent to a Residential District. Where a property line or alley separates ~~ML-and~~ MG land from land in a residential district, a building shall not be greater than 28 feet in height at the setback line. No building or structure shall extend above a plane beginning at 28 feet in height above the setback line and extending inward and upward at a slope of 45 degrees, subject always to the maximum height limitation set in subsection (1) ~~and (2)~~ above. [Ord. 1040-99 §8, 12/13/99]

Section 69.100 Access.

Access shall be in accordance with the Access Management Standards in TDC

Chapter 75 and the underlying ~~ML~~~~or~~ MG District, except that retail and service uses shall not have access directly onto an arterial or collector street. [Ord. 1040-99 §9, 12/13/99]

**Section 69.110 Off-Street Parking
and Loading.**

Refer to Chapter 73.

**Section 69.120 Environmental
Standards.**

Refer to Chapter 63.

Section 69.130 Floodplain District.

Refer to Chapter 70.

**Section 69.140 Wetlands Protection
District.**

Refer to Chapter 71.

**Section 69.150 Greenway and
Riverbank Protection
District.**

Refer to Chapter 72.

**Section 69.160 Community Design
Standards.**

Refer to Chapter 73.

**Section 69.170 Landscaping Stand-
ards.**

Refer to Chapter 73. [Ord. 862-92, §50, 3/23/92]

Attachment B

PTA 14-01: Analysis and Findings

Plan Text Amendment (PTA) 14-01 is to amend Tualatin Development Code (TDC) Chapters 60, 61, 62 and 69 to allow more flexibility in uses and support transit use. Changes to TDC Chapter 34 also are proposed to ensure consistency and clarity. These changes are proposed to help implement selected land use recommendations in the Linking Tualatin Final Plan.

Plan Amendment Criteria (TDC Section 1.032)

This document contains findings of fact to demonstrate that the proposed amendments are consistent with the approval criteria for a PTA per Section 1.032 of the TDC. These criteria must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

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

1. Granting the amendment is in the public interest.

The proposed text amendments help implement the Linking Tualatin Final Plan, which was accepted by City Council on June 24, 2013, in order to increase transit readiness throughout the City's employment areas and guide public investments to link people to the places they need to go via transit.

As identified by staff, the public interest is to:

- 1) Update the Tualatin Development Code (TDC) to allow more flexibility and support transit use by:
 - a. Allowing for a broader set of uses in the western industrial areas of the City;
 - b. Emphasizing a transition to office use in the light manufacturing area north of the Tualatin River east of I-5;
 - c. Allowing for supportive small-scale mixed uses within other manufacturing and light manufacturing districts in Tualatin.
- 2) Permit small-scale mixed uses in areas where they are not currently permitted to provide the flexibility called for in the Linking Tualatin Final Plan.
- 3) Implement Linking Tualatin and ensure that the TDC supports creation of transit-ready places. Providing more service and retail uses in industrial/manufacturing areas will allow workers to meet their day-to-day needs without driving, increasing their ability to use transit to commute to work.

For the above reasons, Criterion "A" is met.

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

The proposed text amendments implement the Linking Tualatin Final Plan, which has been accepted by the City Council and serves as a guide to creating more transit-ready places in Tualatin over the 20-year planning horizon and beyond. Amendments to the TDC are called for in the Linking Tualatin Final Plan as part of the near-term implementing actions. Adopting PTA-14-01 now will ensure that the code is consistent with Linking Tualatin recommendations and will result in future development that better supports transit readiness. Without the proposed text amendments, the goals of Linking Tualatin may be delayed. Therefore, the public interest is best served by adopting these amendments now.

For these reasons, Criterion "B" is met.

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

The following sections of the Tualatin Community Plan have objectives that are applicable to the proposed amendments:

Chapter 4 Community Growth, Section 4.050 General Growth Objectives

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

The proposed amendments are intended to allow for more small-scale mixed uses in the ML, MG and MP Districts in order to provide convenient amenities for employees in those districts and maximize their ability to take transit to work. The uses are limited in size in order to minimize conflict with manufacturing uses and preserve the general industrial character of the districts. In addition, the size limitations help ensure that the mixed uses will be intended to serve employers and employees in the area and not the general public; they are not intended to be "destination" uses that would attract people from outside the immediate district. These amendments are proposed in order to implement Linking Tualatin and help create more transit-ready places in Tualatin. As such, objective (6) will be met.

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

The proposed amendments are intended to help implement Linking Tualatin by providing more service and retail uses to serve employees in industrial areas. This is part of the overall Linking Tualatin objective of creating more transit-ready places in Tualatin to support development of future public transit facilities. Increased use of public transit provides energy conservation benefits by reducing the number of single-occupancy commuting vehicles. Reducing the distance that employees need to travel to meet their daily needs for eating and shopping also will enhance energy conservation. Therefore, objective (16) will be met.

Chapter 7 Manufacturing Planning Districts, Section 7.030 Objectives

(1) Encourage new industrial development.

The proposed amendments will allow more flexibility for employers in the ML, MG and MP Districts to provide appropriately scaled mixed uses to serve their employees. This will increase employees' ability to meet their daily needs near their work site and reduce the need for individual vehicle travel, thereby enhancing their ability to take transit to work. This flexibility to provide employee amenities, along with the potential for future transit options, may serve as a selling point for employers to locate their manufacturing business in one of these districts. Therefore, objective (1) above will be met.

(4) Preserve and protect, with limited exceptions, the City's existing industrial land.

The proposed amendments will allow more flexibility for small-scale retail, office and service uses to be located in the manufacturing districts. However, those mixed uses will be limited by type and size. The proposed amendments limit office space to 25 percent of the total floor area of buildings on a site, thus preserving the majority of the site for manufacturing uses. The size limitations for retail and service uses are consistent with Metro regional policies to protect industrial lands. The limitations are intended to allow uses that will serve businesses and employees of the manufacturing districts while ensuring that industrial lands in Tualatin remain industrial in terms of primary uses and overall character.

In addition, large-scale office uses are not expected to locate in these areas for two reasons. First, the local and regional supply of land zoned for office use is generally more suitable for those types of uses and can be expected to be used before larger office developments seek to locate in industrial areas in Tualatin. Second, developers of office space typically desire a concentration of amenities in close proximity to future office uses such as multiple eating and drinking establishments, parks and open spaces. Tualatin's industrial areas do not currently contain these amenities. While the proposed amendments will allow for some of these amenities to be developed, that is not expected to result in large-scale office development in these areas. For these reasons, objective (4) will be met.

Chapter 7 Manufacturing Planning Districts, Section 7.040 Manufacturing Planning District Objectives

(1) Manufacturing Park Planning District (MP).

(a) The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities...The district is to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee oriented activity.

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

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

The proposed amendments will allow small-scale mixed uses to be located in the Manufacturing Park District in order to provide more flexibility for uses that will serve employers and employees. This supports the objective of the MP District by creating opportunities for more employee amenities (personal services, cafés, etc.) to be conveniently located within the district. Large lot configurations will not be altered or impeded by the proposed amendments. The proposed mixed uses will not conflict with surrounding industrial or residential uses because they will be limited in size and type. The sale of manufacturing products as outlined in (c) above will not be impacted by the proposed amendments. For these reasons, objectives for the MP District will be met.

(2) Light Manufacturing Planning District (ML)

(a) Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke...Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet...

(b) The following uses within the Light Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exceptions.

(i) Application of the Industrial Business Park Overlay District (TDC Chapter 69).

...

(d) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees...

The proposed amendments will allow a broader range of retail, personal service and office uses and more flexibility for locating such uses within the ML District. These amendments are consistent with the objective of providing selected mixed uses to serve businesses and employees, as stated in (d) above. The size limitations established by the proposed amendments (5,000 and 20,000 square feet) are consistent with the Metro requirements outlined in (b) above. The sale of manufacturing products per (a) above will not be impacted by the proposed amendments. Based on this information, the objectives for the ML District will be met.

(3) General Manufacturing Planning District (MG)

(a) Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities...Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet...

(b) The following uses within the General Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following exceptions.

(i) Application of the Industrial Business Park Overlay District (TDC Chapter 69).

...

(c) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees...

The proposed amendments will allow a broader range of retail, personal service and office uses and more flexibility for locating such uses within the MG District. These amendments are consistent with the objective of providing selected office and retail uses to serve businesses and employees, as stated in (c) above. The size limitations established by the proposed amendments (5,000 and 20,000 square feet) are consistent with the Metro requirements outlined in (b) above. The sale of manufacturing products per (a) above will not be impacted by the proposed amendments. Based on this information, the objectives for the MG District will be met.

Based on the findings for each applicable objective above, the proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan and therefore, Criterion "C" is met.

(4) The following factors were consciously considered: the various characteristics of the areas in the City; the suitability of the areas for particular land uses and improvements in the areas; trends in land improvement and development; property values; the needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area; natural resources of the City and the protection and conservation of said resources; prospective requirements for the development of natural resources in the City; and the public need for healthful, safe, aesthetic surroundings and conditions. Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Of the factors listed in Criterion "D" above, the following are relevant to the proposed text amendments: characteristics of the areas in the city; and suitability of areas for particular land uses and improvements. The remainder of the factors listed above will

not be impacted by the proposed text amendments and are therefore not addressed in these findings.

In order to support Linking Tualatin recommendations and recognize the changing nature of the industrial marketplace, the proposed amendments will allow more flexibility for small-scale mixed uses within the manufacturing districts. The amendments include type and size limitations on those uses in order to ensure they provide convenient amenities for businesses and employees while maintaining the overall industrial character of the districts. Office spaces are limited to 25 percent of the total floor area of buildings on a site and retail/service uses are limited to 5,000 square feet for an individual use or 20,000 square feet for combined uses on a site. Those limitations are consistent with Metro's objective of preserving industrial lands for industrial uses.

For these reasons, Criterion "D" is met.

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

Criterion "E" is not applicable because the proposed text amendments do not involve a comprehensive plan amendment or amendments to a residential land use regulation.

(6) 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).

The proposed amendments represent relatively small revisions to the Tualatin Development Code manufacturing districts and do not impact the overall land use designations as identified in the Tualatin Community Plan. The proposed amendments have been shown to be consistent with the Tualatin Community Plan, which was developed to be consistent with state regulations. As such, findings of compliance with Statewide Planning Goals and Administrative Rules are not necessary. Therefore, Criterion "F" does not apply.

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

Title 4 of the Metro Functional Plan addresses protection of industrial areas and is relevant to the proposed amendments. Findings for Title 4 are provided below.

Title 4 – Industrial and Other Employment Areas

3.07.420 Protection of Regionally Significant Industrial Areas

A. Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on

non-industrial uses in this section and the need to achieve a mix of employment uses.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices – to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

There are no regionally significant industrial areas within the ML, MG and MP Planning Districts affected by the proposed PTA-14-01.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses— such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area.

One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

The proposed amendments will allow more flexibility for mixed uses to be located within the Tualatin manufacturing districts. The uses allowed are intended to serve the needs of employees in the districts while maintaining the overall industrial character of the

areas. The uses are limited in size and scope in order to ensure that land in the manufacturing districts is primarily available for industrial uses. Per the proposed amendments, office space is limited to 25 percent of the total floor area of the buildings on a site, meaning the majority of floor area is reserved for manufacturing uses. The size limitations for retail and services uses are consistent with the limitations listed in Section 3.07.430 above. Therefore, Criterion "G" will be met.

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

The Transportation System Plan (TSP) update process, which occurred concurrently with the Linking Tualatin project, provided an opportunity to evaluate the impact of land use changes proposed as part of Linking Tualatin on the city's overall transportation system. This analysis, prepared by DKS, assessed two scenarios: 1) one scenario looked at the net new trips for proposed land uses and added them to the transportation analysis zones (TAZs) in the regional travel demand model; and 2) one scenario that reduced the trips for TAZs within approximately ¼ mile of proposed land use areas by 10% to represent potential for reduction in trips based on added infrastructure of high capacity (or new) transit. Only p.m. peak hour trips were assessed at 14 intersections in the city. While LOS was affected at three of the analyzed intersections, the jurisdictional standard as outlined in Criterion "H" was not exceeded. Therefore, Criterion "H" is met.

(9) 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.

The proposed amendments are not relevant to the water service policies and objectives in TDC 12.020. Water management requirements will continue to apply in the areas impacted by the proposed amendments; development in those areas will be responsible for ensuring adequate water service and management.

Therefore, Criterion "I" is met.

(10) The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9). [Ord. 964-96, §2, 6/24/96; Ord. 1026-99, §2, 8/9/99; Ord. 1103-02, 03/25/02; Ord. 1310-10 §2, 9/13/10; Ord. 1354-13 §1, 02/25/13]

Criterion “J” is not applicable because the proposed text amendments are not specific to property in the UPA.



PTA 14-01 AMENDING THE TDC TO HELP IMPLEMENT LINKING TUALATIN

TUALATIN PLANNING COMMISSION
FEBRUARY 20, 2014

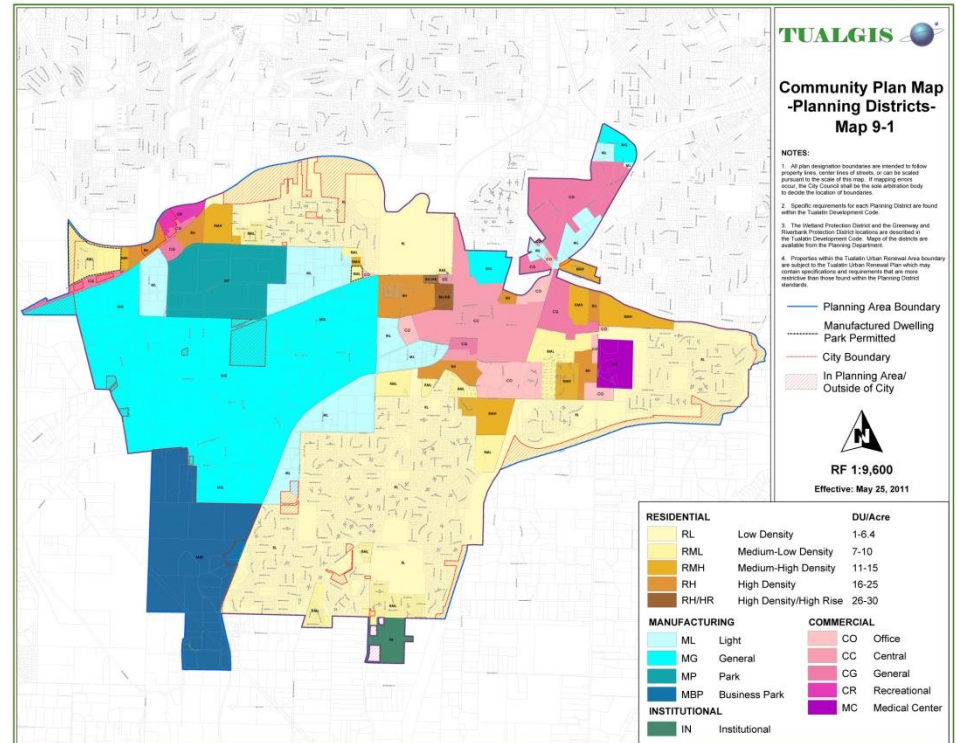


PURPOSE OF TONIGHT'S MEETING

► Consider PTA 14-01

- Allow more flexibility within ML, MG and MP Districts
- Support transit
- Help implement Linking Tualatin Final Plan

► Make recommendation to City Council



BACKGROUND

vision and Next Steps

f Linking Tualatin from a long-term vision to a more transit ready, to a set of investment strategies, as well as to improve transit service and transit-

community workshop to develop the Linking Tualatin Ideas Report will serve as a foundation built upon in future planning efforts

ts for land use changes that would be implemented throughout the city's employment corridor to better link people to the places they work, linking employees to their jobs, and throughout the rest of the region. Some of the findings and discussion with affected communities will be translated into implementation through such actions as amendments to the Tualatin Development Code (TDC), inclusion in the Capital Improvement Plan, and the City's Parks and Recreation

can be implemented immediately in the next 1-2 years, while longer-term elements can occur as the Southwest Corridor Plan analysis and implementation proceeds over the next 2-5 years.

Next steps in the Linking Tualatin planning process are envisioned to include:

- ▶ Complete the Linking Tualatin planning process with City Council adoption of a resolution accepting the Linking Tualatin Final Plan, including acknowledging completion of key documents included in that process, such as the Linking Tualatin Community Involvement Ideas Report.
- ▶ Prepare a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) with land use code changes implementing some of the recommendations in the Linking Tualatin Final Plan that will allow for greater flexibility and support transit use.
- ▶ Prepare PTA amending the TSP to include local street connections. As funding becomes available, potentially include these improvements in a future Capital Improvement Plan (CIP).
- ▶ Review paths and trails unique to the Linking Tualatin Final Plan as part of the Parks and Recreation Master Plan Update process.
- ▶ Continue to provide input reflecting the Linking Tualatin Final Plan

- ▶ **June 2013:** Linking Tualatin Final Plan accepted
- ▶ **November 2013:** Draft code presented to Planning Commission
- ▶ **December 2013:** Draft code presented to City Council



PROPOSED CODE AMENDMENTS

- ▶ **Same uses:**

- ▶ Office
- ▶ Retail
- ▶ Service
- ▶ Other uses of similar character

- ▶ **Two differences:**

- ▶ Restaurant or deli drive-up and drive through
- ▶ Mixed uses incorporated into ML, MG and MP Districts
 - ▶ Less reliance on IBPO



PROPOSED CODE AMENDMENTS

ML

- Chapter 60
- ML Permitted Uses
- **ML Additional Permitted Mixed Uses**
- ML Conditional Uses

MG

- Chapter 61
- MG + ML Permitted Uses **Including ML Additional Mixed Uses**
- MG + ML Conditional Uses

MP

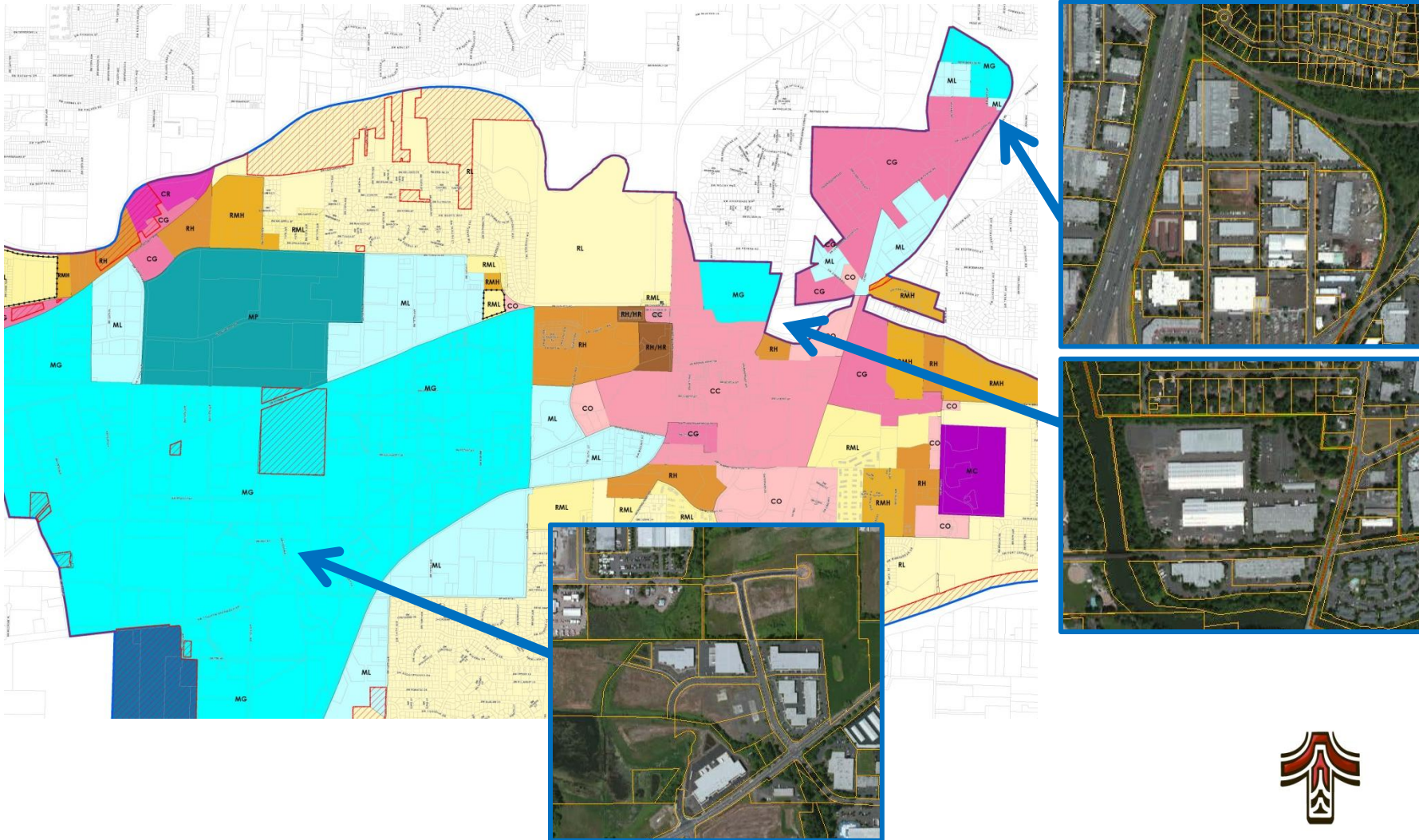
- Chapter 62
- MP Permitted Uses
- **MP Additional Permitted Mixed Uses**
- MP Conditional Uses

IBPO

- Chapter 69
- IBPO Permitted Uses + **Additional Permitted Mixed Uses**
- **Applies to Three Specific Locations in MG**



PROPOSED CODE AMENDMENTS



PROPOSED CODE AMENDMENTS

- ▶ Industrial uses must be primary
- ▶ Limits percentage of mixed uses
- ▶ Limits 80-foot setback to SW Tualatin-Sherwood Road and Residential Districts



DECISION ON PTA 14-01

Outcomes of Decision:

- ▶ Recommendation to approve
 - ▶ Allow more flexibility in uses and support transit
- ▶ Recommendation to deny
 - ▶ No revision to TDC

Alternatives to Recommendation:

- ▶ Recommend City Council approval with alterations
- ▶ Continue discussion and return at later date



QUESTIONS / COMMENTS





STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Aquilla Hurd-Ravich, Planning Manager

DATE: 02/20/2014

SUBJECT: 2013 Annual Report of the Tualatin Planning Commission

ISSUE BEFORE TPC:

Consideration of the 2013 Tualatin Planning Commission Annual Report and a recommendation that the City Council accept the report.

RECOMMENDATION:

Staff recommends that TPC accept the report and recommend that Council also accept the report at their regularly scheduled meeting on March 24, 2014.

EXECUTIVE SUMMARY:

- This is not a public hearing
- Not later than April 1 of each year, commencing with the year 1977, the commission shall file with the City Council its annual report of the activities of the Commission.
- The annual report shall include a survey and report of the activities by the Commission during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or future activities of the Commission.
- The report may include activities of the Commission. The report may include any other matters deemed appropriate by the Commission for recommendation and advice to the Council.
- The Tualatin Municipal Code 11-1 contains the provisions for the functions and activities of TPC.
- TPC is the official Commission for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement.
- TPC reviewed (3) Plan Text Amendments during 2013.
- There are no criteria applied to acceptance of the annual report.

OUTCOMES OF DECISION:

Planning Commission acceptance of the Annual Report will result in the following:

- A recommendation to Council to accept the report
- Compliance with Section 11-1-080 of the Tualatin Municipal Code

If the Planning Commission does not accept the Annual Report the following outcomes will result:

- A recommendation that Council not accept the report
- Non compliance with Section 11-1-080 of the Tualatin Municipal Code

ALTERNATIVES TO RECOMMENDATION:

- Direct staff amend the annual report based on recommendations from the Planning Commission.
- Continue the discussion and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Funds are budgeted in the Planning Division for preparation of the Annual Report of the Tualatin Planning Commission.

Attachments: A - 2013 Annual Report of the TPC



City of Tualatin

2013 ANNUAL REPORT

TUALATIN PLANNING COMMISSION

March 24, 2014

Planning Commissioners:

Mike Riley, Chair

Alan Aplin, Vice Chair

Bill Beers

Jeff DeHaan

Nic Herriges

Steve Klingerman

Cameron Grile

2013 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission formed in 2012 but was formerly the Tualatin Planning Advisory Committee established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2013.

This report will address a section of the Tualatin Municipal Code Chapter 11-1.

11-1-080: Not later than April 1 of each year, the Commission shall file its annual report of the activities of the Commission with the City Council. The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.

EFFECTIVENESS OF THE CITIZEN INVOLVEMENT PROGRAM

At each meeting, there is an allotted time for the public to make comments about any topic not related to an agenda item. This opportunity has given members of the public a time to ask TPC to consider other community concerns. Members of the public are also given the opportunity to comment on any action item or staff communication item. In 2013, one example stands out of citizen comment affecting the outcome of decisions. When the Plan Text Amendment to update the Water Master Plan went to the Planning Commission for consideration a citizen from Washington County voiced concerns during public comment about the Master Plan extending to an area outside of the City's present boundary. Upon further review staff corrected the boundary and presented a Master Plan to Council that had been vetted by the public and voted on by the Planning Commission.

In January 2012, the City Council adopted an amendment to change the Tualatin Planning Advisory Committee to the Tualatin Planning Commission. The Planning Commission met for the first time in February 2012 and has purview over certain quasi-judicial land use applications including:

- Industrial Master Plans
- Reinstatement of Use

DRAFT

2013 TPC Annual Report

March 24, 2014

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- Sign Variance
- Variance
- Transitional Use Permit

The Planning Commission retains the duties of the Advisory Committee, which is to make recommendations to City Council on comprehensive plan amendments including map and text changes. The City did not receive any quasi-judicial applications for the above land use decisions in 2013.

CITIZEN INVOLVEMENT PROGRAM REFINEMENT

In 2013, Community Development Staff arranged for the CIO Land Use Chairs to start meeting just prior to Planning Commission meetings. At the first meeting the Land Use Chairs were introduced to the Planning Commission. This forum serves as an opportunity to bring updates about planning projects in the community to the CIOs. In the upcoming year, 2014, TPC should consider other ways in which to coordinate with the CIO Land Use Chairs and provide more opportunities for more citizens to participate in land use planning in the City. Other opportunities may include member of the Planning Commission participating in the Land Use Chairs meetings or inviting the Land Use Chairs to present updates to the Planning Commission periodically throughout the year.

ACTIVITIES OF THE COMMISSION

During the 2013 Calendar Year TPC met eight times and reviewed three (3) Plan Text Amendments:

PTA-12-02 Transportation System Plan- Amendment to Chapter 12 Transportation of the Tualatin Development Code to include the 2012 Transportation System Plan.

PTA-13-01 Water Master Plan- Amendment Chapter 12 Water Service of the Tualatin Development Code to incorporate the January 2013 Water Master Plan.

PTA-13-02 Chicken Keeping- Amendment to Chapter 40 Low Density Residential Planning District to include chicken keeping as a permitted use in single-family residential areas of the City.

OTHER TPC ACTIVITIES

Staff brought forward several topics for TPC discussion including:

- Presentation on the Capital Improvement Plan

DRAFT

2013 TPC Annual Report

March 24, 2014

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- Preview of a Plan Text Amendment 14-01, a proposed amendment to allow small scale office, retail and service uses in the Light Manufacturing, General Manufacturing and Manufacturing Park Planning Districts.
- A presentation from TriMet Staff on the Southwest Service Enhancement Plan.
- The Planning Commission received updates on two long range planning projects including Basalt Creek/ SW 124th Avenue Alignment and Linking Tualatin.
- The Planning Commission provided feedback and comments to staff on the Southwest Corridor Transit Evaluation Results and Draft Recommendation.
- City staff presented an update on Tualatin Tomorrow.
- Mayor Ogden and Council President Beikman attended a Planning Commission meeting to discuss the Oregon Passenger Rail project and Tualatin's participation.

COMMISSIONER TRAININGS

- Mr. Grile attended a Planning Commissioner Training hosted by the Oregon City Planning Directors Association in September.
- Mr. Riley attended a training session, Land Use Planning: Building Successful Oregon Communities, hosted by the League of Oregon Cities in April.