



MEETING AGENDA
TUALATIN PLANNING COMMISSION

May 17, 2018; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Bill Beers (Chair), Kenneth Ball, Alan Aplin, Angela DeMeo, Travis Stout, Mona St. Clair, Janelle Thompson
Staff: Aquilla Hurd-Ravich, Community Development Director; Karen Perl Fox, Senior Planner; Matt Straite, Contract Planner.
2. **APPROVAL OF MINUTES**
 - A. Approval of April 19, 2018 TPC Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
5. **COMMUNICATION FROM CITY STAFF**
 - A. Update on Tualatin Development Code Improvement Project - Phase 1.
 - B. Plan Text Amendment 18-0001 to modify process, criteria and standards for accessory dwelling units (ADU).
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: 05/17/2018

SUBJECT: Approval of April 19, 2018 TPC Minutes

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 4.19.18](#)



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION

MINUTES OF April 19, 2018

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Alan Aplin
Mona St. Clair
Angela DeMeo
Travis Stout (arrived after item 2)

STAFF PRESENT

Aquilla Hurd-Ravich
Erin Engman
Lynette Sanford

TPC MEMBER ABSENT: Janelle Thompson

GUESTS: Dorothy Cofield, Chris Clemow, Matt Johnson, Jim Walker, John DiPaola, Cindy Walker, and Dean Delavan.

1. CALL TO ORDER AND ROLL CALL:

Bill Beers, Chair, called the meeting to order at 6:33 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for approval of the February 15, 2018 TPC Minutes. MOTION by Aplin, SECONDED by Beers to approve the minutes as written. MOTION PASSED 5-0.

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

None

4. ACTION ITEMS:

A. Consideration of a Variance request for two standards in the Tualatin Development Code for the Tualatin Professional Center in the Office Commercial (CO) Planning District at 6464 SW Borland Road (Tax Map/Lot): 2S1E 30B 90000) (VAR-18-0001)

Mr. Beers, Chair, read the script for quasi-judicial hearings. Mr. Beers asked the Commission members if they had a conflict of interest, bias, or ex parte contact with the applicant. Mr. Beers acknowledged that he is familiar with the site.

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.

Erin Engman, Associate Planner, entered the staff report and attachments into the record. Ms. Engman stated that the issue before the Planning Commission is consideration of a Variance (VAR) request to the standards imposed under TDC 73.360(6)(a) (Off-Street Parking Landscape Islands) and TDC 73.400(11) (Access) as they apply to Tualatin Professional Center's two existing southern access driveways onto SW Sagert Street. Development in the vicinity required full width improvements and extension of Sagert Street, which are currently underway. Tualatin Professional Center may either conform to development standards or seek relief through the variance process to restore their southern access.

Ms. Engman stated that the applicant is asking to provide a landscape area at a width greater than 5 feet for a depth of 25 feet from back of sidewalk, rather than the property line. The applicant is also proposing a 32-foot-wide access drives for a depth of 25 feet from the back of sidewalk, rather than 50-feet from right-of-way.

Ms. Engman noted that in order to grant the requested variance, the Planning Commission must find the applicant has demonstrated compliance with the criteria specified in TDC 33.020.

The applicant's site specific hardships include:

- Retrofitting an existing development to meet current development standards. The site was developed prior to current code standards adopted by Plan Text Amendment 91-06 and Ordinance 862-92 in 1992.
- Topography. The site was developed with respect to the naturally sloped environment. The west and eastern areas of the site are separated by a retaining wall, preventing internal circulation.
- Grade change to improved roadway. The site is located approximately 3-4 feet higher than the Sagert Street extension.
- Modified Sagert Street cross section. Sagert Street is modified with a curb-tight sidewalk in the vicinity to match existing development, rather than a curb-tight landscape strip then sidewalk.

Ms. Engman stated that staff finds that VAR 18-0001 meets the criteria of TDC 33.020.

Ms. Engman noted that a recommendation to approve VAR18-0001 would result in the following:

- Allows the applicant to vary standards imposed under TDC 73.360(6) and 73.400(11)
- Allows the City Council to consider new evidence of Planning Commission's Variance decision at future Request for Review hearing.

A recommendation to deny VAR-18-0001 would result in the applicant conforming to development standards as discussed.

Ms. Engman stated that the Planning Commission has three options:

1. Approve VAR18-0001 to vary two development standards;
2. Deny one or both of the proposed variances with findings that state which criteria in TDC 33.020 the applicant fails to meet;
3. Continue discussion to a later date.

Mr. Aplin asked if the neighboring subdivision accommodated the entrances. Ms. Engman replied that they provided the throat cuts. Mr. Aplin asked if there was a financial exchange or purchase of easements. Ms. Engman responded that the right-of-way was existing from the previous development.

Mr. Ball asked if TVF & R have been involved. Ms. Hurd-Ravich responded that they have reviewed the Minor Architectural Review plans and they've had an opportunity to comment.

Ms. DeMeo asked about the final design of the site and wanted clarification of the correct attachment. Ms. DeMeo inquired about how many parking stalls will be lost. Ms. Engman replied that 14 parking stalls are being removed.

Dorothy Cofield, 1001 SW 5th Ave, Suite 1100, Portland, OR 97214

Ms. Cofield, Attorney for the applicant, stated that back in 1983 and 1984 the Tualatin Professional Center developed this property. Ms. Cofield noted that the property did not have access to Sagert, and the owners dedicated the right of way in 1983. Ms. Cofield confirmed that if the variance isn't granted, Tualatin Professional Center will lose one parking space in its western parking lot and four parking spaces from the eastern parking lot and it will be required to reconfigure its parking lot to reduce the size of the remaining parking spaces.

Ms. Cofield added that the property slopes from the east to the west and without the southern and northern accesses, you could not access all four condominium buildings. Ms. Cofield added that many of the patients are anesthetized and need convenient parking after their treatment. If the variance isn't granted, parking will be severely reduced around building D.

Ms. Cofield stated that the second variance is proposing a landscape depth of 28.55 to 35.13 feet from the back of the sidewalk and 25 feet is adequate for this use.

Dr. Jim Walker, Tualatin Professional Center

Dr. Walker clarified that the parking spots were on their property and access to the seven parking spots was removed with the development of Sagert.

Chris Clemow, Clemow and Associates, 1582 Fethers Loop, Eugene, OR 97402

Mr. Clemow, Traffic Engineer, stated that this variance request is a practical solution for a problem created by the proposed Sagert development. Mr. Clemow stated that based on the National Cooperative Highway Research Program (NCHRP) Guide, a total necessary driveway throat length of 23-24 feet is recommended for the subject site to avoid potential vehicle stacking or pedestrian conflicts. The applicant is proposing a driveway length of 25 feet from back of sidewalk. The current code requires 50 feet.

Mr. Aplin asked if the entrance closest to the intersection impacts the performance at the intersection. Mr. Clemow replied that it will not impact the intersection; a left turn into the parking lot is prohibited off of Sagert St. so traffic will not back up.

Ms. Cofield stated that there is an 8-10 foot grade difference on Borland Rd. so you cannot transition on the property through the site, which is why access needs to be restored.

Matt Johnson, KPFF Engineers, 111 SW 5th Ave, Portland, OR 97204

Matt Johnson, Engineer, asked the Commission members if they had questions. Mr. Ball asked about fire access for TVF & R and if it meets the requirements of IFC. Mr. Johnson replied that the Fire Marshall has reviewed and accepted it as reasonable access.

Ms. Cofield mentioned that Tualatin Professional Center applied for a Minor Architectural Review last August. The City Council was sympathetic, but required a variance. If the Planning Commission approves the variance, it will go back to City Council to grant the appeal and change the conditions to restore two accesses.

Mr. Johnson added that he has worked with City staff to create the modification. A Neighborhood Developer meeting was held and notices were sent to agencies and surrounding property owners. In all, there was one comment in support of the variance and none in opposition.

Ms. DeMeo asked when the Tualatin Professional Center lost access to Sagert. Ms. Cofield replied that the change was made to the western access with construction of the Sagert Farm subdivision around June 2017. Dr. Walker added the seven parking spaces were lost at that time.

Dr. John DiPaola, Owner and Physician at the Tualatin Professional Center

Dr. DiPaola stated that there are current two accesses on Borland Rd for the entire center. Since the driveways have been closed, patients have been entering on the Borland Rd side. Dr. DiPaola noted that if you have a west side office, a patient has to go into the east side driveway with no way to get to the entrance to the office. Since many of the patients are elderly or ill, it is a catastrophe for them.

Dr. Walker stated that on the west side, the 3-foot drop off was in front of another physicians practice and all of his access was eliminated. This drastically reduced his practice and as a result he suffered a career ending stroke.

Ms. DeMeo asked about the increase in traffic on Sagert Street once the development is completed. Mr. Clemow stated that the scope of their work was that the driveway throat lengths worked. The traffic studies indicated Sagert is a collector street and show that increased traffic is not anticipated.

Mr. Johnson added that the easternmost connection is the Sequoia Ridge subdivision.

Ms. Cofield added that if this is approved and goes back to City Council, construction can begin as early as June.

Ms. DeMeo asked if the current library parking lot, which was constructed in 2014 or 2015, complies with the current TDC code including the 50-foot depth requirement. Ms. Hurd-Ravich responded that she hasn't personally measured it, but it has been through the architectural review process with the extension of Seneca St. Mr. Johnson added that there is a central core within the City of Tualatin where the 50-foot clearance is exempt.

Mr. Alpin said he concurs with staff for approval of the variance. Ms. DeMeo expressed concern regarding the exceptional conditions of the hardship. Mr. Ball expressed concern about emergency access. Mr. Beers wanted clarification of the current zone and allowed uses. Ms. St. Clair stated that she believes the change has created a hardship with the Tualatin Professional Center.

MOTION by Aplin SECONDED by Beers to approve the variance as written.
MOTION PASSED 6-0.

B. A Resolution for the Variance Request for Tualatin Professional Center (VAR-18-01)

MOTION by Aplin SECONDED by St. Clair to adopt the resolution as written.
MOTION PASSED 6-0.

5. COMMUNICATION FROM CITY STAFF:

Ms. Hurd-Ravich stated the cell tower variance was appealed to the City Council on April 9th. The appellant asked for the record to remain open and it will return to Council on May 14th.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich noted that next month, our new Assistant Planner Tabitha Boschetti will be introduced. Erin Engman has been promoted to Associate Planner. There will also be an update on Accessory Dwelling Units (ADU's). A house bill was passed to require cities of a certain size to allow ADU's; detached, interior or attached. Our current code does not allow the detached portion, so the code will need to be updated. An update on the development code will also be presented.

Ms. Hurd-Ravich mentioned that on September 6, there will be a workshop to discuss the code updates with a few different groups in attendance. Ms. Hurd-Ravich added that there may be a Basalt Creek update in July.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Beers mentioned that he would be unable to attend the TPC meeting in July.

8. ADJOURNMENT

MOTION by Aplin to adjourn the meeting at 7:48 pm.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Sherilyn Lombos, City Manager

FROM: Karen Perl Fox, Senior Planner
Aquilla Hurd-Ravich, Community Development Director

DATE: 05/17/2018

SUBJECT: Update on Tualatin Development Code Improvement Project - Phase 1.

ISSUE BEFORE TPC:

Staff will provide an update on Phase 1 of the Tualatin Development Code Improvement Project.

EXECUTIVE SUMMARY:

In 2014, City Council identified the Tualatin Development Code (TDC) update as a priority project for the City. In 2017, City Council approved a Tualatin Development Code Improvement Project to occur in three-phases as follows:

- **Phase 1 Code Clean-Up** (Audit and Amendments): Improve overall efficiency, readability and internal consistency of the code.
- **Phase 2 Policy Review and Outreach:** Listen to stakeholders and identify concerns from the community regarding land use policies and regulations.
- **Phase 3 Work Program:** Prioritize and organize suggestions in a multi-year path going forward.

The City staff project management team has made **SUBSTANTIAL** progress on Phase 1 to date including:

- Completion of three Draft Amendment iterations to the TDC.
- Major revisions to formatting, organization and layout to many TDC Chapters plus New Procedures and Applications Chapters.
- Streamlined the code with the use of tables that make it much more efficient to administer.
- Vast improvement to the City's development code making it considerably more user friendly for our customers!

The Phase 1 TDC work involved updating almost all of the TDC Chapters 31-80 and includes major, moderate or minor revisions depending on what was needed for each Chapter. There is a NEW Procedures Chapter 32 and a NEW consolidated Applications Chapter 33 that collectively provide a clear and consistent framework for the administration of the code going

forward. Several other chapters were entirely reorganized and revised so that sections were logically sequenced and they were clearly readable. It was also necessary to revise Chapters 1 and 2 to tie together with the changes made in TDC Chapters 31-80. The attached presentation provides before and after illustrations and additional detail regarding that work.

The Phase 1 work was considerably more involved than previously anticipated due to the fact that the code had not been comprehensively updated in 40 years and contained an extensive patch work of revisions over time that were not coherently organized and/or conflicted with other sections of the code. As staff proceeded with the work over time, they uncovered more and deeper layers of revisions that were needed to achieve the Phase 1 goals (i.e. to improve the organization, clarity, consistency, readability and user friendliness of the TDC). Staff proceeded to meet the challenges of the Phase 1 work and completed three full Draft Amendment iterations, representing an extensive and impressive volume of work.

The following is the slate of meetings and activities anticipated through Fall 2018 to conclude the decision-making process for Phase 1:

Summer Schedule:

- Agency Coordination
- Prep for Fall Planning Commission Workshop

Fall Schedule:

- Planning Commission #1 Workshop - Open to the Public (Public Draft Amendment #3)
- City Council Work Session #1 (Public Draft Amendment #3 and initial findings)
- Planning Commission Meeting #2 (Recommendation to Council on Public Draft Amendment #4 and findings)
- City Council Meeting #2 -Public Hearing (Public Draft Amendments #4 and any revisions to findings)
- City Council Meeting #3 (Ordinance Adoption)

Attachments: [TDCIP Phase 1 Update](#)

Tualatin Development Code Improvement Project

TDCIP Phase 1 Update

TUALATIN PLANNING COMMISSION
MAY 17, 2018



Update on Phase 1 Code Clean-Up

- Goals and Analogies

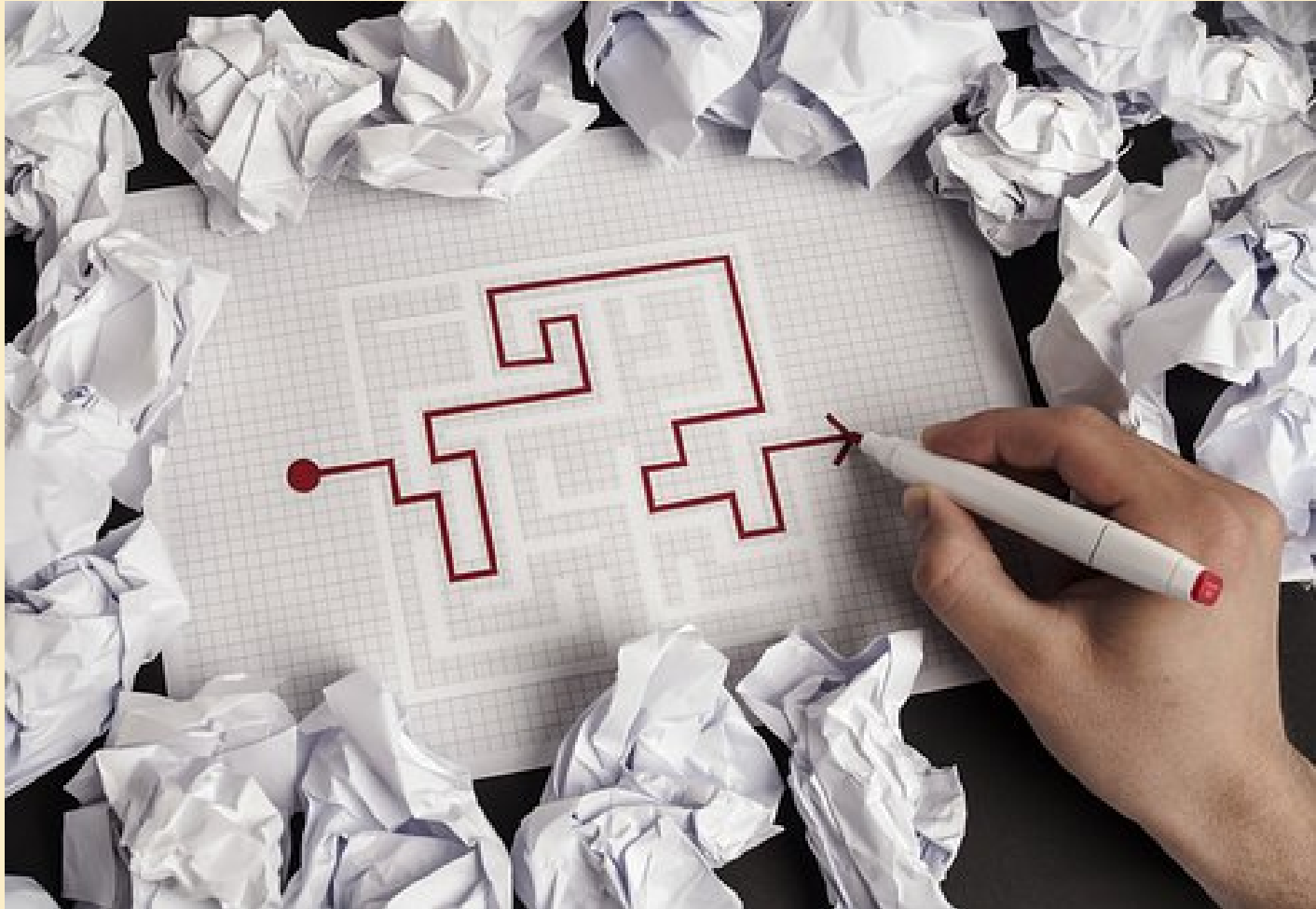
TDC Code Clean-Up process was a bit daunting at first....



Okay, maybe more like this...



But, Eventually Organized Patterns were Developed and Solutions Emerged



Phase 1: Update Accomplishments to Date

- **Initial Process: TDC Audit, Sample Chapter and Presentations**
 - **Audit of TDC** – completed March 2017
 - **Sample Chapter (Gen. Manufacturing)** – completed April 2017
 - **Public Involvement Plan** – June 2017
 - **City Council Work Session presentation** – June 2017
 - **Planning Commission presentation** – June 2017
- **TDC Code Clean-up by Spring 2018**
 - **Completed three Draft Amendment iterations covering TDC Chapters by March 2018**
 - **Completed full Public Draft Amendment production by April 2018**

Organized & Streamlined Code

TDC Chapters 31-80 + 1, 2

- **Improved Organization**

- Reorganized chapters and sections into consistent structure and logical sequence

- **Streamlined Planning District Chapters with Tables**

- Created clearer structure and improved user friendliness of TDC for customers

- **Improved Language and Readability**

- Clarified language, improved grammar and flow, resolved language conflicts and updated to meet legal requirements

New Chapters and New Look

- **New Chapters: Procedures, Applications**
 - Simplified, clarified and consolidated information which was spread across multiple chapters
 - Improved the ability to efficiently administer the code
- **Standardized Use Categories**
 - New chapter organized uses into clear categories and explains and defines use characteristics in standardized manner
- **Fresh New Look**
 - Improved the visual and organizational appearance

Phase 1 Code Clean-Up

- **Substantial work accomplished including three complete Draft Amendments to the TDC.**
- Revisions ranging from major, moderate to minor depending on Chapter.
- **Vastly improved the Development Code making it considerably more user friendly for our customers!**
- Significantly more efficient to administer.

Tualatin Development Code Improvement Project (TDCIP)

PHASE 1: Before and After Illustrations of Code



Purpose Section:

Chapter 61: General Manufacturing

BEFORE

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 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; Ord. 1370-14 §8, 3/24/14]

AFTER

- REMOVES DUPLICATION
- FOCUSES ON OVERALL INTENT
- IMPROVES CLARITY AND READABILITY

Section 61.100 Purpose

The purpose of this zone is to provide areas of the City that are suitable for a wide range of heavier manufacturing and processing activities, including those of a more intense nature and impact than the uses allowed in the Light Manufacturing (ML) Planning Zone. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. A limited amount of commercial service and other support uses are permitted as regulated by the Commercial Services Overlay zone and the Limited Commercial Setback.

BEFORE

Chapter 61: General Manufacturing Permitted Uses

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.
 - (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 rear ends 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.
 - (g) Marijuana facility, subject to the provisions in TDC Chapter 80.
 - (10) Metal casting (small to large size).
 - (11) Metal fabrication (light to medium) (of unfinished or semi-finished metals).
 - (12) Petroleum product distribution and storage.
 - (13) Planning mill.
 - (14) 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.
 - (15) Production of agricultural crops.
 - (16) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.
 - (17) Sandblasting.
 - (18) Storage and retail sale of rock, gravel, barkdust, sawdust, coal or topsoil except not allowed in the Special Commercial Setback, [TDC 60.035\(1-3\)](#).
 - (19) Structural-mechanical testing laboratories.
 - (20) Welding shop.
 - (21) Wireless communication facility attached.
 - (22) Wireless communication facility.
 - (23) Other uses of a similar character found by the Planning Director to meet the purpose of this district, as provided in [TDC 31.070](#).
 - (24) 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; Ord. 1370-14 §9, 3/24/14; Ord. 1379-15, § 4 03/23/2015]

AFTER

CHAPTER 61: PERMITTED USES

- Improves clarity with use of tables
- Utilizes Standardized Use Categories
- Organizes and groups related uses
- Improves user friendliness of code

Use Category	Status	Limitations and Code References
Industrial Use Categories		
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
..Light Manufacturing	P	--
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> ○ Recycling collection center; ○ Waste transfer station; ○ Resource recovery facility. Recycling collection center or waste transfer station are not permitted within the Limited Commercial Setback.
Vehicle Storage	P/C (L)	Conditional use required for bus maintenance and storage facility. Vehicle storage not permitted within the Limited Commercial Setback. Vehicles sales are not permitted. All other uses permitted outright in other locations.
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> ○ 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; ○ Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use permit required for wholesale sales of building materials and supplies.

BEFORE

Chapter 61: Development Standards

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 set-back 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 rail-road 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 61.080 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]

AFTER

Chapter 61: Standards Table 61-2 (excerpt)

- Consolidates Development Standards
- Organizes for clarity and ease of understanding

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
LOT SIZE		
Minimum Lot Size	20,000 sq. ft.	
LOT DIMENSIONS		
Minimum Lot Width	100 feet	When lot has frontage on public street, minimum lot width at the street is 100 feet. When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.
Infrastructure and Utilities Uses	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
Flag Lots	Must be sufficient to comply with minimum access requirements of TDC 73.410(7) - (12).
MINIMUM SETBACKS		
Front	30 feet	
Front Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Side	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Rear	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.

New Chapter 32: Procedures (Table 32-1 excerpt)

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Annexations						
• Quasi-judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010
• Legislative		CC	LUBA	No	No	TDC 33.010
Architectural Review						
• Architectural Review (except as specified below) (limited land use)	II	CM	ARB / CC	Yes	Yes	TDC 33.020
• Single Family Dwelling following Clear and Objective Standards • Minor AR including façade and landscape modifications	I	CM	Circuit Court	No	No	TDC 33.020
• Commercial Buildings 50,000 square feet and larger • Industrial Buildings 150,000 square feet and larger • Multifamily Housing Projects 100 units and above (or any number of units abutting a single family district) as requested by the CM	III	ARB	CC	Yes	Yes	TDC 33.020
• Public Facilities Decision in conjunction with Architectural Review (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
Arterial access decision (limited land use)	II	CM	CC	No	No	TDC 33.030
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
Floodplain Development	I	CM	Circuit Court	No	No	TDC Ch 70
Floodplain Variance	IV-A	CC	LUBA	Yes	Yes	TDC Ch 70
Historic Landmark actions						
• Applying or removing designation – Quasi-judicial	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
• Applying or removing designation – Legislative	IV-B	CC	LUBA	No	No	TDC Ch 68
• Demolition, relocation, alteration, new construction (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 68
National Register Resources actions: demolition or relocation	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
Industrial Master Plans	III	PC	CC	Yes	Yes	TDC 33.050

- Consolidates Procedures- All in One Place
- New Table Format
- Procedure Types Added
- Review Process Depicted

Phase 1: 2018 Summer-Fall Schedule

Summer Schedule: Agency Coordination, Prep for Fall Workshop

Fall Schedule 2018

- **Planning Commission #1 Workshop -Open to the Public**
(Public Draft Amendment #3)
- **City Council Work Session #1**
(Public Draft Amendment #3 and initial findings)
- **Planning Commission Meeting #2**
(Recommendation to Council on Public Draft Amendment #4 and any revisions to findings)
- **City Council Meeting #2 (Public Hearing)**
(Public Draft Amendments #4 and any revisions to findings)
- **City Council Meeting #3 (Ordinance Adoption)**

Questions & Comments



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Sherilyn Lombos, City Manager

FROM: Matt Straite, Contract Planner
Aquilla Hurd-Ravich

DATE: 05/17/2018

SUBJECT: Plan Text Amendment 18-0001 to modify process, criteria and standards for accessory dwelling units (ADU).

ISSUE BEFORE TPC:

Consideration of Plan Text Amendment (PTA) 18-0001, to modify the process, criteria and standards for accessory dwelling units (ADU). This amendment will involve revisions to Chapters 31, 34, 35 and 73 of the Tualatin Development Code (TDC). Recent changes to the Oregon Revised Statutes (ORS) require the City to re-address how ADU's are regulated and administered. PTA 18-00001 is scheduled to be heard at the July 9, 2018 City Council meeting.

RECOMMENDATION:

At this point, staff is not seeking a recommendation as we are providing an informational item in preparation for a recommendation by the Planning Commission at the next meeting in June.

EXECUTIVE SUMMARY:

New requirements for accessory dwelling units under Senate Bill 1051 (in 2017) were signed into state law and a related scrivener's error was corrected in House Bill 4031 in 2018; Consequently, cities and counties are required to revise local ordinances to be compatible with the changes in State law. The new requirements become effective on July 1, 2018.

Among the provisions in these new requirements is that cities and counties with a population greater than 15,000 shall allow the development of at least one ADU for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design. Under the new requirements, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. Additionally the local regulations for ADU's must be clear and objective to make it easier to build ADU's. Most ADU's currently go straight to building permit review, however the size could trigger a clear and objective Architectural Review. The City currently only allows ADU's that are internal to a home or attached to a home; to meet state law, the City needs to

DRAFT TDC Ordinance

Section 1. TDC 31.060 is amended to read as follows:

Section 31.060 Definitions.

Accessory Dwelling Unit (ADU). ~~An interior, attached or detached residential structure that is accessory to, a single family dwelling A living area in a detached single family dwelling in the RL District or in a Small Lot Subdivision in the RML District that is in the single family dwelling building, but functions as a separate living area from the other living area in the detached single family dwelling.~~ An Accessory Dwelling Unit is not a separate dwelling unit for density purposes.

Section 2. TDC Chapter 31.071 is amended to read as follows:

Section 31.071 Architectural Review Procedure

(1) An applicant for a building or other permit subject to architectural review, except Level I (Clear and Objective) Single-family Architectural Review, ~~and~~ Sign Design Review, and Accessory Dwelling Unit Review, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to [TDC 31.071\(5\)](#). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to [TDC 31.063](#). An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to [TDC 31.071\(7\)](#). An applicant for Sign Design Review shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to TDC 31.071(8). Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

(2) Excepting Level I (Clear and Objective) Single-family Architectural Review and Accessory Dwelling Unit Review, the applicant shall provide a list of mailing recipients pursuant to [TDC 31.064\(1\)](#).

(3) Excepting Level I (Clear and Objective) Single-family Architectural Review and Accessory Dwelling Unit Review, the applicant shall post a sign pursuant to [TDC 31.064\(2\)](#).

(5) Excepting Level I (Clear and Objective) Single-family Architectural Review and Accessory Dwelling Unit Review, the applicant shall hold a Neighborhood/Developer meeting pursuant to [TDC 31.063](#) and meet the additional requirement that the Neighborhood/Developer Meeting shall be held within the Central Design District

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to this section.

(8) Attached or detached Accessory dwelling units use only the Level 1 (Clear and Objective)-Accessory Dwelling Unit Review process.

(9) An application for Level I (Clear and Objective- SF) or Level II (Discretionary) Single-family Architectural Review, and Clear and Objective- Accessory Dwelling Unit Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review and Accessory Dwelling Unit review application:

- (i) A completed City fact sheet;
- (ii) The names, addresses, and telephone numbers of the property owners and applicants;
- (iii) The signatures of the property owners and applicants;
- (iv) The site address and the assessor's map number and tax lot number;
- (v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and
- (vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.

~~(10)-(8)~~ An applicant for a new freestanding monument or pole sign or a replacement or renovation of a non-conforming freestanding monument or pole sign in CC/CG Planning Districts subject to [TDC 35.210](#) shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to this section. An Application shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

Section 4. TDC Chapter 34.300 is amended to read as follows:

Section 34.300 Accessory Dwelling Units- Purpose

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 Accessory Dwelling Unit Review Standards.

(1) All accessory dwelling units must comply with the following standards:

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

(b) The accessory dwelling unit must be on the same lot as the primary structure.

~~(c)(2)~~ Only one accessory dwelling unit per dwelling is allowed lot.

(d) An attached or detached garage can be converted into an accessory dwelling unit provided the primary single family home retains two parking spaces on the lot and all other criteria are met, including the additional parking requirements for the ADU.

(e) One additional paved on-site parking space must be provided for the accessory dwelling unit and the space must not be within five feet of a side or rear property line.

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

(g) The accessory dwelling unit must comply with all applicable Oregon State Building Code Requirements.

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

~~(4)~~ Neither a garage or a former garage may 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 must be provided for the accessory dwelling unit and the space must not be within five feet of a side or rear property line.

- ~~(6) The accessory dwelling unit's front door must 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 must not be sold separate from the single family dwelling or as a condominium.~~
- ~~(8) The accessory dwelling unit must be served by the same water meter as the single family dwelling.~~
- ~~(9) The accessory dwelling unit must 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 must 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 must 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 must be reviewed through the Architectural Review process, and not increase the gross floor area of the single family dwelling more than 10% and it must be of the same or similar architectural design, exterior materials, color and roof slope as the single family dwelling.~~
- ~~(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 must notify the Community Development Director by letter that an accessory dwelling unit is proposed. The letter must 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.~~
- (i) An accessory dwelling unit must provide at least two Residential Roof Design Elements from Clear and Objective Standards Section 73.190(iv), and at least four Residential Wall Design Elements from Section 73.190(v).
- (j) An accessory dwelling unit must not be located in front of the primary structure.

(2) On a lot containing a primary dwelling and an existing or proposed accessory dwelling unit, the larger of the two is considered the primary dwelling.

(3) Level 1 (Clear and Objective) Criteria for Accessory Dwelling Units:

(a) Any accessory dwelling unit proposed on a historically designated property fully complies with Chapter 68.

(b) The accessory dwelling unit must comply with TDC 34.310(1) and (2).

(c) The accessory dwelling unit must comply with all zoning standards, including but not limited to setbacks and lot coverage.

Section 5. TDC Chapter 35.045 is created to read as follows:

Section 35.045 Accessory Dwelling Units to Nonconforming Structure

(1) A non-conforming single family dwelling can add an accessory dwelling unit if:

(a) The non-conformity is related to a setback and not a non-conforming use.

(b) The addition of the accessory dwelling unit does not increase the non-conformity.

(c) The accessory dwelling unit complies with TDC 34.310.

Section 6. TDC Chapter 73.050 is amended to read as follows:

Section 73.050 Criteria and Standards *[for Architectural Review]*

(1) In exercising or performing his or her powers, duties, or functions, the Community Development Director shall determine whether there is compliance with the following:

(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;

(b) The proposed design of the development is compatible with the design of other developments in the general vicinity; and

(c) The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

(2) In making his or her determination of compliance with the above requirements, the Community Development Director shall be guided by the objectives and standards set forth in this chapter. If the architectural review plan includes utility facilities or public

utility facilities, then the City Engineer shall determine whether those aspects of the proposed plan comply with applicable standards.

(3) In determining compliance with the requirements set forth, the Community Development Director shall consider the effect of his or her action on the availability and cost of needed housing. The Community Development Director shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Community Development Director from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this Code. As part of the Architectural Review process, the Community Development Director has no authority to reduce dwelling unit densities.

(4) As part of Architectural Review, the property owner may apply for approval to remove trees, in addition to those exemptions allowed in TDC 34.200(3), by submitting information concerning proposed tree removal, pursuant to TDC 34.210(1). The granting or denial of a tree removal permit shall be based on the criteria in TDC 34.230.

(5) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73 and other applicable Chapters, conflict or are different, they shall be resolved in accordance with TDC 57.200(2).

(6) Criteria listed above do not apply to accessory dwelling units. Criteria for accessory dwelling units are found in Section 34.310. [Ord. 637-84, §5, 6/11/84; Ord. 725-87, §2, 6/22/87; Ord. 743-88, §33, 3/28/88; Ord. 862-92, §51, 3/23/1992; Ord. 864-92, §14, 4/13/82; Ord. 963-96, §5, 6/24/96; Ord. 1025-99, §32, 7/26/99; Ord. 1062.00, §22, 12/11/00; Ord. 1062-00, 1/3/01; Ord. 1227-07 §12, 2/12/07]

A photograph of a residential street with a yellow semi-transparent overlay. The overlay contains the text 'PLANNING COMMISSION WORK SESSION ACCESSORY DWELLING UNITS' and a large, stylized logo. The background shows a two-story house with a red garage door, a white car parked in the driveway, and a black SUV parked on the street. Bare trees and a utility pole are visible in the background.

**PLANNING COMMISSION
WORK SESSION
ACCESSORY DWELLING
UNITS**



PURPOSE OF TONIGHT'S MEETING

- Review draft code for PTA-18-0001
 - Amend Tualatin Development Code (TDC) Chapters 31, 34, 35 and 73
 - To address new State laws



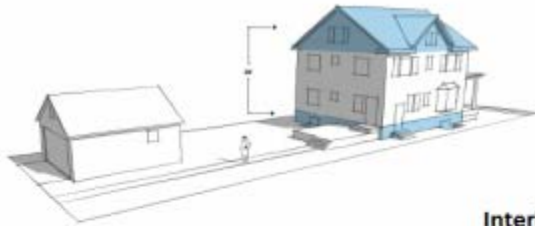
BACKGROUND

- **Proposed Code Amendment Origin**
 - SB 1051





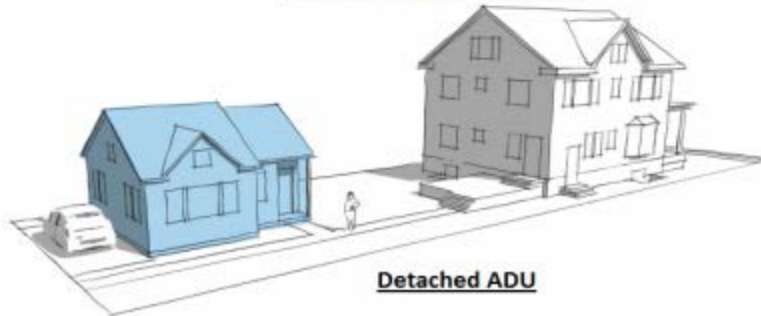
ADUs



Interior Attached ADUs



Attached ADU (via Addition)



Detached ADU



PURPOSE OF APPLICATION

- **Application to revise Development Code:**
 - Modify definitions
 - Allow *detached* ADUs
 - Add standards for detached ADUs
 - Create a formal process for ADUs



PROPOSED AMENDMENTS

TDC CHAPTER 31

- Revise definitions:
 - Accessory Dwelling Unit (ADU).
 - Multi-Family Dwelling.
- Separate 31.070- AR Procedure
 - Add clear and objective Accessory Dwelling Unit Review



PROPOSED AMENDMENTS

TDC CHAPTER 34

- Revise ADU section
 - Purpose unchanged
 - Standards for
 - All ADUs → Detached → Attached
 - Additional Standards from 73.190 apply
 - Criteria, specific to ADUs (non-subjective)



PROPOSED AMENDMENTS

TDC CHAPTER 35 and 73

- Non conforming
 - ADUs OK (except use)
- Accessory Dwelling Unit criteria
 - Added clarity- loopback to 34 for ADUs



QUESTIONS
DISCUSSION
RECOMMENDATIONS

Detached ADU