



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

July 7, 2006



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tualatin Plan Amendment  
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 20, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Transportation Planner  
Steven Santos, DLCD Economic Development Planning Specialist  
Stacy Hopkins, DLCD Regional Representative  
Elizabeth Stepp, City of Tualatin

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FORM 2

DEPT OF

JUN 30 2006

DLCD NOTICE OF ADOPTION LAND CONSERVATION AND DEVELOPMENT

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

Jurisdiction: City of Tualatin Local File Number: PTA-06-02

Date of Adoption: June 26, 2006 Date Mailed: June 29, 2006

Date the Notice of Proposed Amendment was mailed to DLCD? April 24, 2006

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amends the Community Plan's policy for Manufacturing Planning Districts (TDC 7.030 and 7.040, Manufacturing District Objectives) and amends development regulations for the following TDC Chapters: 60, Light Manufacturing (ML); 61, General Manufacturing (MG); and 62, Manufacturing Park (MP) Planning Districts to restrict the size of retail commercial, retail service and professional service uses on land designated as Industrial Area Design Type, and shown on TDC Map 9-4, in order to comply with Metro Code Title 4: Protection of Industrial Areas. Also amends TDC 31.060 Definitions, TDC 35.040 Discontinuance of Non-Conforming Use, TDC 60.020, 61.020 and 62.020 Permitted Uses, and TDC 60.040, 61.030 and 62.030, Conditional Uses. Will create new Sections TDC 60.021, 61.021 and 62.021, Restrictions on Permitted Uses, and create new Sections TDC 60.041, 61.031 and 62.031, Restrictions on Conditional Uses. The plan text amendment contains exceptions from the size limits for retail commercial and other specified uses for property within the Special Setbacks for Commercial Uses Areas (shown on TDC Map 9-5), and for development approved through application of the Industrial Business Park Overlay District, as specified in TDC Chapter 37.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

The proposal originally included a proposed change to limit the size of sales area for truck-mounted camper sales within the Commercial Services Overlay (TDC 61.035(4)(b)). Staff has since discovered that this would create non-conforming uses, and would have the effect of treating different kinds of retail sales uses within the CSO differently. Thus, this proposed change was omitted from the proposal for Council's consideration.

Plan Map changed from: NA to -

Zone Map changed from: NA to -

Location: Industrial Area Design Type land in Manufacturing Planning Districts Acres Involved: NA

Specific Density: Previous: NA New: -

Applicable Statewide Planning Goals: 1, 2, 6, 7, 9, 12 & 14

Was an Exception Adopted? Yes: No: X

DLCD No: 002-06 (15176)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY-FIVE (45) days prior to the first evidentiary hearing?** Yes:  No:

If no, do the Statewide Planning Goals apply? Yes:  No:

If no, did Emergency Circumstances require immediate adoption? Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: OECD, Metro

Local Contact: Elizabeth Stepp Area Code + Phone Number: (503) 691-3028

Address: 18880 SW Martinazzi Avenue City: Tualatin

Zip Code+4: 97062-7092 Email: estepp@ci.tualatin.or.us

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This form must be mailed to DLCD within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18

1. Send this form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL ST NE, STE 150  
SALEM, OR 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded, please submit **TWO (2) complete copies of documents and maps.**
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you do not submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify the persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You may copy this form on to 8½ x 11" green paper only; or call the DLCD office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NUMBER 1212-06

AN ORDINANCE RELATING TO METRO CODE TITLE 4, PROTECTION OF INDUSTRIAL AREAS REQUIREMENTS; AND AMENDING TDC CHAPTERS 7, 31, 35, 60, 61, AND 62 (PTA 06-02)

WHEREAS upon the application of the City of Tualatin Community Development Department, a public hearing was held before the City Council of the City of Tualatin on June 12, 2006, relating to Metro Code Title 4, Protection of Industrial Areas Requirements; and amending TDC Chapters 7, 31, 35, 60, 61, and 62 (PTA 06-02); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on May 25, 2006, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting, marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS a notice of public hearing was given as required by mailing to affected property owners which is evidenced by the Affidavits of Mailing, marked "Exhibit C-1 and Exhibit C-2" attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on June 12, 2006, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application, with revisions, by a vote of 6-0, with Mayor Ogden absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference, and;

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended. Therefore,

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1. TDC 7.030 is amended to read as follows:**

The following are general objectives used to guide development of the Plan and that should guide implementation of the Plan's recommendations:

- (1) Encourage new industrial development.
- (2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City, and in particular the Western Industrial District, a major regional employment center.
- (3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.
- (4) Preserve **and protect**, with ~~minor~~ **limited** exceptions, the City's existing industrial land.
- (5) Cooperate with Washington County, METRO, and the State of Oregon to study the methods available for providing transportation, water, and sewer services to the Western Industrial District.
- (6) Fully develop the Western Industrial District, providing full transportation, sewer, and water services prior to or as development occurs.
- (7) Improve traffic access to the Western Industrial District from the Interstate 5 freeway through a new interchange at Norwood Road or a suitable and adequate alternative.
- (8) Cooperate with the Department of Environmental Quality and METRO to meet applicable air quality standards by 1987.
- (9) Construct a north/south major arterial street between Tualatin Road and Tualatin-Sherwood Road in the 124th Avenue alignment to serve the industrial area.
- (10) Rebuild the Tualatin Road/Pacific Highway intersection to allow for substantially greater traffic flows.
- (11) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.
- (12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.
- (13) Protect adjacent land uses from noise impacts by adopting industrial noise standards.
- (14) Continue to protect the Hedges Creek Wetland and Tonquin Scablands from adverse impacts of adjacent development.
- (15) Continue to administer specific and enforceable architectural and landscape design standards for industrial development.
- (16) Encourage industrial firms to use cogeneration as a means to utilize waste heat from industrial processes and consider solar access when designing industrial facilities.
- (17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state or by integrating the major trees into the design of the parking lots, buildings, or more formal landscaping areas of an industrial development. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process.

**Section 2. TDC 7.040 is amended to read as follows:**

This section describes the purpose of each manufacturing planning district.

- (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. 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.

(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.

(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, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas, subject to the Special Commercial Setback from arterial streets and Commercial Services Overlay as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. 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. Also suitable for the retail sale of 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 60.035. Rail access and screened open storage allowed in these areas will conform to defined architectural, landscape and environmental design standards.

**(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).**

**(ii) 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.**

**(iii) Within the Special Commercial Setback from arterial streets (TDC 60.035) the retail sale of home improvement materials and supplies is allowed 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 60.035. Rail Access and screened open storage allowed in these areas will conform to defined architectural, landscape and environmental design standards.**

(b c) The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. 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. Certain heavier manufacturing uses may be allowed as conditional uses.

(e 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 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.

**(3) General Manufacturing Planning District (MG).**

(a) Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities. Such areas could be expected to be more unsightly and to have more adverse environmental effects. Rail access and screened open storage would be allowed in this area, conforming to defined architectural, landscape and environmental design standards. 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. Also suitable for the retail sale of 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.

**(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).**

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

**(iii) Within the Special Setbacks for Commercial Uses Area (TDC 61.035) the retail sale of home improvement materials and supplies is allowed 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.**

(b 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 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.

(e d) The heaviest manufacturing uses that are environmentally adverse or pose a hazard to life and safety will not be allowed.

**Section 3. TDC 31.060 is amended to read as follows:**

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

A-Frame (also known as an A-Board or Sandwich Board) Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

Abandoned Sign. A sign, associated with a business, lessor, owner, product, use of property or activity, which is no longer conducted or available on the premises where such sign is displayed for on-premise signs, or on other premises for off-premise signs.

Access. A way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property.

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

Accessory Dwelling Unit (ADU). 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.

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

Accessway. A non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

Adaptive Reuse. As it relates to the landmark structure or an accessory feature of a landmark, modifying the landmark to a use or activity which is allowed under the applicable planning district designation.

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



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

Adult Arcade. Any movie or game arcade which is not customarily open to the general public, but which excludes minors as a legal or prevailing business practice.

Adult Bookstore. Any store having a significant portion of its stock in trade, books, magazines, newspapers, or other printed or written material or any pictures, drawings, photographs, motion pictures or other pictorial representations which are distinguished by their emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," as defined below.

Adult Business. Any adult arcade, adult bookstore, adult cabaret, adult theater, massage parlor, sexual encounter center, body painting studio, modeling studio, adult hotel or motel, topless or nude bars, or other businesses which are characterized by an emphasis on sexually explicit material dealing with "specific anatomical areas" or "specified sexual activities," as defined below.

Adult Cabaret. A nightclub, adult theater, bar, or other establishment which features topless dancers, nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any establishment which features such activities and excludes minors as a legal or prevailing business practice.

Adult Hotel or Motel. Any hotel or motel which provides, through closed circuit television or other media, material which is distinguished or characterized by the emphasis on matter depicting or describing or related to "specific sexual activities" or "specified anatomical areas," or any hotel or motel having hourly rates and excluding minors as a legal or prevailing business practice.

Adult Theater. Any theater or similar facility which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," for observation by patrons therein.

Agricultural Sign. A sign allowed on property which is used for the sale of seasonal agricultural produce.

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

Alteration. Addition to, or otherwise change the exterior appearance of any part of a landmark including new construction. Maintenance and repair as defined in TDC 68.100(2) is not considered alteration of a landmark.

Alteration, Structural (for signs). Modification of the location, size, shape or height of a sign structure, including, but not limited to, the addition of illumination to a non-illuminated sign and the replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

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

Animal Hospital (Including Veterinary Clinic). Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Animated Sign. A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

Animated Sign, Naturally Energized. Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

Animated Sign, Mechanically Energized: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

Animated Sign, Electrically Energized. Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

Animated Electrically Energized Flashing Signs. Illuminated signs exhibit a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) varies with the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

Animated Electrically Energized Illusionary Movement Signs. Illuminated signs exhibit the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

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

Applicant. The owner of land proposed to be developed, or a representative, who shall have express written authority to act on behalf of the owner. If the applicant is not the owner, written consent shall be required from the owner.

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

Archaeological Site. A geographic locality that contains archaeological objects and the contextual associations of the objects with: (1) each other, or; (2) biotic or geological remains or deposits. Examples of archaeological sites include, but are not limited to lithic quarries, house pit villages, camps, burials, and lithic scatters.

Archaeological Object. An object that: (1) is at least 50 years old; (2) comprises the physical record of indigenous or other culture found in the state; and (3) is material remains of past human life or activity that are of archaeological significance including, but not limited to monuments, symbols, tools, facilities, technological by-products, and dietary by-products.

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

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

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

Automobile Service Station. A fueling facility for passenger or commercial vehicles, including a card-lock facility, whether or not retail transactions are made or an attendant is present.

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

Awning Sign. A type of wall sign painted or printed on, or attached flat against the surface of the nonrigid material of an awning.

Balloon Sign. An inflatable, stationary, temporary sign of any shape anchored by some means to a structure or the ground. It includes simple children's balloons, hot and cold air balloons, helium filled balloons, blimps, and other dirigibles.

Banner Sign. A temporary sign made of nonrigid material without an enclosing framework. National flags, flags of political subdivisions and symbolic flags of an institution, group or a business are excluded.

Banner Sign, Special Event. A banner sign that is temporarily displayed over a public right-of-way for a limited period of time for a special event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council.

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

Bench Sign. A sign that is displayed on a bench.

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

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

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

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

Blade Sign. A rigid sign attached to a wall and perpendicular or at an angle to that wall.

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

Building. A structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Materials and Supplies. Wholesale sales and warehousing of materials and supplies including, but not limited to, electrical supplies; fencing materials; building insulation; lumber; prefabricated trusses and structural frames; structural metal materials; masonry supplies; ceramic & stone tile and pavers; painting supplies; plumbing supplies; plywood and wood panel materials; roofing; siding; flooring; window materials; door materials; and tools (handheld and table or stand mounted).

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

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

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

Bylaws. Rules or procedures adopted by an association or corporation.

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

Canopy Sign. A type of wall sign painted or printed on, or attached to the canopy fascia.

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

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

Change of Copy. The change of any written or graphic information upon the face of a sign.

Child Day Care Center. A day care facility providing day care to children as defined in ORS 418.805(4), except a Family Day Care Provider.

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

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

City Engineer. The director of the City's Engineering and Building Department or designee.

City Manager. The person appointed by the City Council as the City Manager or the City employee, employees or agent whom the City Manager may designate to fulfill the responsibilities of City Manager.

City Recorder. The person appointed by the City Council as the City Recorder or the City employee, employees or agent whom the City Recorder may designate to fulfill the responsibilities of City Recorder.

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

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

Commercial Use. The retail sale of goods and services to individual consumers.  
**See also Retail Service and Professional Service Uses.**

Common Wall Dwellings. Dwelling units characterized by shared wall structures, including duplexes, triplexes, attached single family residences, rowhouses, townhouses, multi-family dwellings and condominiums.

**Community Development Director. The director of the City's Community Development Department, including the Planning Division and Economic Development Division, or designee thereof.**

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

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

Conflicting Use. A permitted or conditional use of the site or lot on which a landmark is located or proposed which is inconsistent with the historic use of such landmark. A conflicting use includes additional single family residences in a RL District, commercial uses in a commercial planning district and demolition. Conflicting use does not include public right-of-way improvements or accessory features such as vehicle parking or landscaping, which are provided as part of an otherwise conflicting use.

Congregate Care Facility. Retirement housing with common dining facilities and housekeeping services.

Construction and Industrial Equipment Rental and Sales. Uses engaged in retail or sale of tools and powered equipment such as tractors, loaders, hoes, lifts, cranes, and utility trucks to contractors and industrial firms.

Construction Sign. A temporary sign displayed in conjunction with a construction project on private property.

Construction Sign, Public Utility Facilities. A temporary sign displayed in conjunction with a construction project for public streets, public waterlines, public sewer lines and pump stations, public storm drain lines and other similar public facilities.

Copy. Any written or graphic information on a sign.

Core Area Parking District. The Core Area Parking District as identified in Section D of the Central Urban Renewal Plan.

Core Area Parking District (CAPD) Parking Standards. Off-street motor vehicle parking requirements for development within the CAPD provided at 75 percent of required Tualatin Development Code standards.

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

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

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

Customer entry area. For the Mixed Use Commercial Overlay District only, a customer entry area is defined as the area up to 5 feet on each side of the customer entry doors and extending perpendicular no further than 10 feet from the doors.

Cutting (trees). Falling or removing a tree, or an act by a person, above or below ground, the natural result of which is to cause the death or substantial destruction of a tree. Cutting does not include measures performed in accordance with sound arboriculture practice such as trimming, pruning or, in the case of conifers, topping.

dBA. Decibel (dB) means to a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter). "dBA" refers to the standard "A" weighting network as specified in the American National Standard Specification for Sound Level Meters (ANSI §1.4 - 1971).

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

Density Transfer Project. A residential development in a Medium Low Density Residential (RML) Planning District consisting of an area of single family development wherein the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, or consisting of both an area of single family development and an area of multi-family development in an identified project area wherein (1) the single family development consists of detached and attached (zero lot line) single family dwellings each on a separate lot approved through a Subdivision or Partition application, (2) the multi-family development consists of multi-family dwellings on a lot or lots approved through a Subdivision or Partition application and (3) an amount of unused density from the area of single family dwellings may be transferred to and used in the area of multi-family dwellings.

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

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

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

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

Directional Sign. A permanent sign designed and erected to guide the circulation of vehicles or pedestrians or both which are on the site.

Directory Sign. A permanent informational sign designed and erected to list the businesses, business occupants or tenants within buildings on the site and to be read by passengers of vehicles or pedestrians or both which are on the site.

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

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

Drive-up Uses. Any establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. Drive up uses shall not include automobile service stations.

Duplex. A building containing two dwelling units.

Dwelling Unit. A habitable structure containing one or more rooms designed for occupancy by one individual or family and not having more than one cooking facility.

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

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

Electrical Sign. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Entry/Exit Sign. A permanent sign designed and erected to show the location of vehicular access onto or off of a location from or to the public right-of-way.

Erect (for signs). The act of constructing, reconstructing, building, rebuilding, installing, reinstalling, locating, relocating, placing or replacing a sign structure, changing undamaged copy on a sign face, changing an undamaged sign face, suspending or attaching components of a sign and the installation of electrical parts, wiring or illumination of a sign. It does not include sign maintenance or repair. "Erect" shall not include changes in copy of a mechanical readerboard.

ESEE Analysis. An evaluation of the Economic, Social, Environmental and Energy consequences to the community of designating or preserving a landmark. The evaluation considers the balance of landmark preservation with the community benefit of allowing change or loss of a landmark to a conflicting permitted land use.

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

Exterior. All exterior portions of an historic landmark.

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

Family. An individual, or two or more persons related by blood, marriage, adoption or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship. Residents and staff of a residential home as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Family Day Care Provider. A day care provider who regularly provides day care in the provider's home in the family living quarters, as defined in ORS 418.805(5).

Family Recreation Center. A business offering two or more forms of recreational activity such as boat rides, bowling, electronic games, go-cart tracks, miniature golf, skating, water slides, or similar commercial amusements. Restaurants, gift shops and other businesses clearly incidental to the primary recreational activities may also be included.

Festoon Sign. A string of ribbons, tinsel, small flags, lights, pennants, streamers, pinwheels or similar signs.

Fin Sign. A sign which is supported by a pole or poles or columns and partly by a building.

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

Flag Lot. A lot the major portion of which has access to a public street by means of a narrow strip of the lot.

Freestanding Sign. A sign attached to the ground by one or more poles, columns, or similar supports and not attached to a building, such as pole and monument signs.

Freeway-Oriented Activity (for signs). Any business or activity which provides gas, restaurant, lodging or camping facilities for travelers on Interstate Highway 5 (I-5). The freeway-oriented activity shall be located either (a) within 620 feet west or east of the centerline of I-5 and within 600 feet north or south from the centerline of S.W. Nyberg Street, or (b) within 620 feet west or east of the centerline of I-5 and within 2,000 feet south from the centerline of S.W. Lower Boones Ferry Road (see map entitled, "Freeway-Oriented Activity Areas," which is attached and incorporated and which is intended to generally define such area).

Freeway-Oriented Activity Area (for signs). See Freeway-Oriented Activity.

Freeway-Oriented Activity Sign. A permanent freestanding sign permitted to be erected when a Freeway-Oriented Activity exists within the Freeway-Oriented Activity Area.

Frontage. A property line abutting a public right-of-way.

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

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

Garden Apartment. Multi-family housing characterized by the emphasis of open landscaped areas.

Governmental Structure. A structure to be used by a federal, state or local government or municipality, special district, or agency of any such government, excepting public transportation shelter structure. A public transportation shelter structure shall be a permitted use in all planning districts.

Grade (for signs). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and the property line, or



when the property line is more than five feet from the sign, between the sign and a line five feet from the sign.

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

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

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

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

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

Health or Fitness Facility. A facility designed to accommodate indoor or outdoor activities such as racquetball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

Height of Sign. The vertical distance from grade to the highest point of a sign, including any projection, decoration or trim of the sign face or structure.

Height, Structure. Height of a structure is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be elected by either of the following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.

(2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Highway. When used in TDC 1.030(2), 31.067(3)(p), 31.071(1)(u), 31.074(2)(c) and (3)(j), 32.060, 33.030(2)(g), 36.120(2)(i), 36.220(3)(h), 36.320(2)(f) and 37.020(3)(e) in reference to railroad-highway grade crossing, "highway" includes all roads, streets, alleys, avenues, boulevards, parkways and other places in this state actually open and in use, or to be opened and used for travel by the public.

Home Improvement Materials and Supplies Retail Sales. Retail sale of home improvement materials and supplies including, but not limited to, electrical supplies; fencing materials; floor coverings such as hardwood, linoleum, vinyl, carpet and rugs; garden tractors and lawn mowers; hardware; building insulation; wall coverings, draperies, window shades, and blinds; lawn and garden supplies; lawn mowers; lighting fixtures; lumber; masonry supplies; painting supplies; plumbing supplies and fixtures; plywood and wood panel materials; siding; roofing; window materials; durable household

goods (e.g. refrigerators, stoves and washing machines); and tools (handheld and table or stand mounted).

Home Occupation. A home occupation is a lawful business, occupation or activity undertaken for financial gain that:

- (a) Is conducted in a residential planning district in or on the premises of a dwelling unit that serves as its principal place of business;
- (b) By a resident of the dwelling unit;
- (c) Who is the sole proprietor, owner, partner, franchise owner or holder of the business, occupation or activity; and
- (d) Is secondary and incidental to the use of the dwelling for dwelling purposes.

Homeowners Association. A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscape, parking, maintenance and other activities provided for by the bylaws of the association.

Hospital. An institution providing health services, primarily for inpatients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient facilities, long-term care facilities, training facilities, central service facilities, retail facilities for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

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

Illegal Sign. A sign which is erected, constructed, altered, relocated, maintained or repaired in violation of any of the provisions of this Ordinance.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.

Illumination, Direct. Lighting wherein the light source is visible.

Illumination, Fluorescent Tube. Lighting wherein an electrical current is passed through a gas-filled tube, with a coating of fluorescent material on its inner surface, which emits visible light.

Illumination, Incandescent Bulb. Lighting wherein an electrical current is passed through a filament inside a bulb and the filament emits visible light. The filament source of light may be visible as in clear bulb or bare bulb illumination or it may not be visible as in frosted or painted bulb lighting.

Illumination, Indirect. Lighting wherein the light source is separate from the object to be illuminated, including but not limited to a sign face or cabinet, and is directed to shine on the object or sign.

Illumination, Internal. Lighting wherein the light source and the bulb or tube enclosing the light source are enclosed within a structure, including but not limited to a sign and are not visible.

Illumination, Neon. Lighting wherein an electrical current is passed through a tube containing neon gas which emits visible light.

Industrial Machinery Sales and Service. The sale and service of machines and tools primarily for industrial and commercial firms including machine tools, fabrication, processing and packaging machinery, hoists, conveyors, racking systems and forklifts.

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

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

Industrial Use. Activities directly associated with manufacturing, processing, assembly and packaging, wholesale trade, construction, utilities, transportation and warehousing.

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

Interconnected Places. Buildings and distinct areas that are related in their connection to one another through accessways or visual linkages.

Intersections as a Room. A place that is defined by the streets, buildings or structures located at the intersection of two or more streets.

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

Joint Use Parking. Vehicle parking where two or more separate developments are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times.

Landmark. Any site, object, building or structure designated by the City Council and listed on the Landmark Inventory of the City.

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

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

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

Lawn Sign. A temporary, freestanding or A-frame sign.

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

Limited Land Use Decision. Defined in ORS 197.015 and outlined in ORS 197.195 means a final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns:

(1) The approval or denial of a subdivision or partition, as described in ORS Chapter 92.

(2) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

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

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

Location (for signs). A lot, site, building wall, or any place upon which a sign is or can be erected, attached or maintained.

Lollipop Appearance. A row of street trees with compact, upright canopies that are spaced so that the canopies are discontinuous.

Lot. A unit of land that is created by a sub-division of land as set forth in ORS 92.010 - 92.190.

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

Lot, Through. (also called a double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

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

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

Lot Line. The property line bounding a lot.

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

Lot Line, Front. The lot line separating the lot from the street other than an alley.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or other-shaped lot, a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street shall be considered a rear lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot of Record. A lot or parcel conforming to all planning district requirements and Tualatin Development Code provisions in effect on the date a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.

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

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

Major Commercial Center (for signs). A development in the Central Commercial or General Commercial Planning Districts, or in the Light Manufacturing Planning District and in the Central Urban Renewal District where additional General Commercial uses are permitted in accordance with the Tualatin Development Code (TDC 60.030), and which is on one tax lot of at least 3.0 acres and has either (1) at least one building of no less than 30,000 square feet of gross floor area, or has (2) at least two buildings with one having no less than 12,000 square feet of gross floor area.

Major Remodeling. Any man-made exterior modifications to improved or unimproved real property, including but not limited to the construction, installation, or

alteration of a building or other structure; any remodeling that substantially changes the exterior appearance of the building (including painting); any site alteration which substantially alters the topography or appearance of the site; and any change in occupancy from single family use to commercial or industrial use.

**Major Transit Stop.** Existing and planned light rail stations, commuter rail stations and transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in TDC Chapter 11 (Figure 11-6); and existing stops which have or are planned for frequently scheduled fixed-route service.

**Manufactured Dwelling.** A residential trailer, mobile home or manufactured home, but not including any building or structure subject to the Structural Specialty Code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

**Manufactured Home.** A structure with 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.

**Manufacturing.** As used in the Manufacturing Planning districts, manufacturing means the creation of basic parts of a manufactured product from raw materials. See also Assembly.

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

**Marquee Sign.** A type of wall sign painted, printed on, or attached to the marquee fascia.

**Massage Parlor.** An establishment that provides personal massage and is not a part of or directly related to a licensed medical or physical therapy facility.

**Medical Center.** A comprehensive, multi-disciplinary health care facility contained in several buildings providing a wide range of diagnostic, imaging and treatment services on an inpatient and outpatient basis to sick and injured persons; and providing training, administrative, maintenance and housing activities related to its health care mission; and providing limited supporting retail and service uses.

**Memorial Planning and Products Center.** A facility providing cremation and burial planning assistance and associated products and services, including a crematory, sale of memorial products such as caskets and urns, comfort rooms and witnessed placement cremation services serving the immediate family of the deceased, and similar death-care related products and services, but not including mortuaries, cemeteries, funeral homes or similar facilities that hold memorial or funeral services which are open to the general public.

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

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

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

**Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that

is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

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

Modeling Studio. Any establishment in which figure models are provided to display "specified anatomical areas" for the purpose of being observed, sketched, painted, sculptured, photographed, or similarly depicted, and which excludes minors as a legal or business practice.

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

Monument Sign. A freestanding sign which is permanently affixed at grade and has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

Multi-Family Dwelling. A building containing two or more dwelling units.

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

New Construction. A new building, structure, parking area or other detached improvement on the same parcel as an identified landmark which is ancillary to the current use.

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

Nonconforming Sign. A sign lawfully erected and existing, and properly maintained and repaired prior to May 13, 1992, but which does not meet the requirements of TDC Chapter 38.

Nonconforming Structure or Use. A lawful existing structure or use at the time this Code or any amendment hereto becomes effective which does not conform to the requirements of the planning district in which it is located.

Nonmedical Uses (for signs). In the Medical Center District nonmedical uses are supporting retail and service uses for the convenience of patients, patient visitors, staff physicians and on-site employees and include only the following:

- (1) bank branch/automatic teller machine not greater than 1000 square feet (sf) of gross floor area (GFA),
- (2) barber/beauty shop not greater than 750 sf of GFA,
- (3) child day care not greater than 4000 sf of GFA,
- (4) credit union not greater than 1000 sf of GFA,
- (5) fitness center not greater than 15,000 sf of GFA,
- (6) florist/gift shop not greater than 750 sf of GFA,
- (7) pharmacy not greater than 2000 sf of GFA, and
- (8) restaurant/delicatessen/coffee shop not greater than 1500 sf of GFA.

Nonretail Cardlock Fueling Station. An unattended facility where gasoline and diesel fuels are dispensed through a card or key activated fuel dispensing device by nonretail customers.

Nursing or Convalescent Home. A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Obscene Sign. A sign or other advertising structure displaying any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

Obstructing Sign. A sign, including its supports and structure, which interferes with the use of a fire escape, exit or a window such that light, ventilation or ingress and egress is reduced below the minimum required by law.

Off-premise Sign. A sign which identifies or gives directions to a use or activity and which is located on premises other than where the activity or use is provided.

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

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

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

Outdoor Recreation Trail. A pedestrian path that provides access to and through recreational elements and open spaces. These trails are generally located within the City's designated greenways. Typically they are 1/4 mile or more in length and serve as part of the recreation experience, but can also function as routes for commuter or destination-oriented trips.

Outdoor Recreational Access Route. A pedestrian path that provides access to a recreation trail. These trails are on City-owned property, exclusive rights-of-way or easements, but are not necessarily located in a designated greenway. They are typically 1/4 mile or less in length.

Outdoor Sales, Temporary. The temporary sale of seasonal goods or merchandise such as holiday vegetation, fireworks and produce, or temporary outdoor amusements such as carnivals from a location outside of a building in a mobile stand, tent or in the open air.

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

Outdoor Storage. The storage of materials or merchandise outside of a building. Except as otherwise provided in these standards, outdoor storage shall include only

materials or merchandise directly related to the primary permitted use on the site where the outdoor storage is proposed to be conducted.

**Outlet.** A retail store, agency, branch or dealer through which a product or service is marketed or sold.

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

**Overhead Door Sign.** A sign located at the uppermost area of the overhead door opening or immediately above an overhead door opening.

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

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

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

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

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

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

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

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

**Pennant.** A sign that is a triangular flag which is tapered to a point or swallowtail.

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

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

**Planning Director.** ~~The director of the City's Planning Department or designee.~~  
**See Community Development Director.**

**Planning District.** Land use regulatory designation under the Tualatin Development Code.

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



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

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

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

Porch. A covered entrance to a building.

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

Portable Construction Office. An enclosed structure used for a business office or storage of construction or residential, commercial or industrial structures by the owner, subdivider, contractor, or their authorized agents and representatives.

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

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

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

Primary Landmark. A landmark which originated prior to 1900.

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

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

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

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

Project Sign. For the Mixed Use Commercial Overlay District only, a type of sign to identify a project. For the purposes of this definition a project is a functionally integrated and coordinated development on at least 10 acres that may include more than one lot and be separated by a public street. The project is reviewed through the Architectural Review process as one application, as two or more simultaneous applications, or as two or more applications for phases of the same development.

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

Property Line. An imaginary line defining the boundary limits of a tract of land or lot.

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

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

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

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

Public Sign. A sign erected and maintained by a special purpose district, public school district, municipal, county, state or federal government, or any political subdivision or agency thereof.

Public Utility Facility. All on-site and off-site improvements and related accessories to be accepted for ownership, maintenance and operation by a public agency, including but not limited to, sanitary sewers and pump stations, water lines including related reservoirs, pump stations, pressure reading stations and hydrants, storm drain systems, greenways, bikepaths, and streets including, alleys, street lights, street name signs, traffic control systems and devices.

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

Qualified Arborist. A professional in the field of arboriculture who provides professional consultation about trees and other woody plants regarding damage, diseases, and afflictions which affect them; their health and care; and their value. The arborist must be able to demonstrate proficiency and credibility through evidence of either of the following:

(1) Membership in the American Society of Consulting Arborists, or  
(2) Qualification for inclusion on a list of acceptable qualified arborists by the City through documentation of any or all of the following:

- (a) Substantial and regular experience as an arborist.
- (b) Pertinent academic degree or other forms of certified training;
- (c) Referential record of practice in the field as an arborist through examples of a variety of arboricultural consultation problem-solving situations.

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

Readerboard, Electronic Message Center (Changeable Copy) Sign. A sign on which copy can be changed electronically by using patterns of lights that may be changed at intermittent intervals.

Readerboard, Mechanical (Changeable Copy) Sign. A permanent sign on which copy can be changed manually, in the field, by using letters, numbers or symbols which can be affixed to the sign face or are snapped into place or are track-mounted.

Recognized Neighborhood Association. Any homeowners association, neighborhood association, or other similar group which has requested and received recognition by the City in accordance with the requirements of the Tualatin Development Code.

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

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

Recycling-Collection Center. A permanent facility for the collection, storage, repair, processing or distribution of repairable or reusable household goods or materials, when housed in a fully enclosed building. In this context, "materials" is specifically intended to include empty bottles, jars, cans, boxes or similar containers, as well as newspaper, magazines and other printed matter.

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

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

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

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

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

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

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

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,

that is being used for residential purposes and that was constructed before January 1, 1962.

Restaurant. An establishment where meals are prepared and served to the public for consumption on the premises entirely.

Restaurant, Drive-In. A restaurant in which patrons order from and are served food in their automobiles and which is designed for consumption of food to occur in the automobiles on the premises. Little or no inside customer seating is provided.

Restaurant, Take-Out. An establishment where some of the meals are prepared and served to the public for consumption on the premises; others are prepared and packaged for customers to take off the premises for consumption. A take-out restaurant may or may not include a drive-up window where customers order through a speaker, drive around and pick up food, then leave premises for consumption.

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

Retail Commercial Use. See Commercial Use.

Retail Service and Professional Service Uses. A sub-type of Commercial Use that applies to land designated as Industrial Area on Map 9-4. The retail sale of services that cater to daily customers, including but not limited to financial, insurance, real estate, legal, medical and dental offices.

Retirement Housing. Housing occupied by persons who are 58 years of age and older, including couples with one person 58 years of age or older, where a more supportive living environment than typically afforded to residents in conventional apartments or single-family residential housing is provided. Retirement housing includes "congregate care facility" and "retirement housing facility," or combinations thereof as defined by this code. Retirement housing does not include "nursing or convalescent home" as defined below by this code.

Retirement Housing Facility. Retirement housing consisting of dwelling units in a multi-family structure or complex.

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

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

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

Roof (for signs). Any exterior building surface that is not vertical.

Roof Sign. A sign erected on or attached to a roof.

Rotating, Revolving or Moving Sign. A sign, except a banner, or portion thereof designed to move.

School. A place for systematic instruction in any branch or branches of knowledge; including any of the following: kindergarten, primary, intermediate, high school, community college, college or university, or combination thereof. May be a public school or a private school offering instruction substantially similar to public school.

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

Secondary Landmark. A landmark which originated after 1900 and which is at least 50 years of age.

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

Sexual Encounter Center. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where persons may congregate, assemble or associate for the purpose of engaging in the sexual conduct.

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

Shingle Sign. A rigid sign hanging from an awning, canopy, marquee or building overhang.

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

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

Sign. An identification, description, illustration, symbol, letter, number, logo, fluorescent tube or row of tubes, incandescent bulb or string of bulbs, or graphic information or device, but not an architectural feature of a building, including the structural supports, which is affixed directly or indirectly, or temporarily or permanently, upon a building, vehicle, structure or land. Signs identify or direct attention to a product, place, activity, person, institution, business, use, idea, belief, candidate or political issue. Murals and painted highlights are not signs.

Sign Band. An area on each elevation of a building that establishes the location for permanent wall signs.

Sign Band, Main Building Entrance. An area located on the wall within a distance of no more than eight feet of the main building entrance doorway. A main building entrance is one grade level entrance to a building that is the primary building entrance for occupants and visitors.

Sign Clearance. The distance from the grade directly below a sign to the bottom of the lowest portion of the sign.

Sign Contractor. A person engaged in the business of sign construction, sign maintenance or sign repair and registered with the Oregon Construction Contractors Board.

Sign Face. The surface to which a sign is affixed. A single-sided sign has one sign face. A double-sided sign may have one or more sign faces on each side. A multi-sided sign may have multiple faces and includes multi-faceted signs and signs in the shape of figures and objects.

Sign Face Area. The portion of a sign containing copy and the background for the copy. See Section 11, Measuring Signs.

Sign Maintenance. Normal care needed to keep a sign functional such as cleaning, painting, oiling and changing bulbs and tubes.

Sign Repair. Fixing or replacement of broken or worn parts, sign faces or copy. Replacement is of comparable materials only. Repairs may be made with the sign in

position or with the sign removed. Sign repair includes repairs to damaged signs unless the cost of the repair exceeds 50 percent of the value of the sign during the most recent period of use before repairs are initiated.

Sign Structure. One or more supports, uprights, braces, or other framework of a sign.

Single-Family Dwelling. A single dwelling unit detached or separate from other dwelling units. A dwelling unit not having common walls with another dwelling unit.

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

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

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

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

Snipe Sign. A sign, usually composed of paper, plastic or plywood, affixed to a tree, fence post, utility pole, or similar structure.

Source Separated Recyclables. Means, at a minimum, recyclable materials designated "principal recyclable material" by the State Environmental Quality Commission under ORS 495A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, aluminum, container glass, office paper and tin cans. (OAR 340-60-030).

Spanner Panel. A cabinet, flat surface or other similar surface erected so that it is approximately vertical and attached to the posts, poles, columns or other supporting members of a canopy or other similar roof-like structure, or attached to the canopy itself. Spanner panels often span the space between the poles or extend from the poles supporting gas station pump island canopies.

Specified Anatomical Areas.

(1) Less than completely and opaquely covered:

- (a) Human genitals, pubic region;
- (b) Buttock, and
- (c) Female breast below a point immediately above the top of the areola;

and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

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

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

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

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

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

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

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

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

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

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

Structure Bulk. The mass or size of a structure.

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

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

Subdivision Sign. A sign located on land in a recorded subdivision approved through the City of Tualatin subdivision review process.

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

Telecommuting: The act of an employee working at home by the use of an electronic linkup with a central office.

Temporary Sign. A sign not permanently attached to the ground (set on or post driven or dug into the ground with no footing or foundation), wall or building and allowed to be displayed for only a short period of time.

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

Townhouse. A dwelling unit in the RML, RMH, RH and CO (in the Central Urban Renewal District's Block 1) Planning Districts that is either attached or detached where the owner of the dwelling unit also owns the land the dwelling is located on, the

dwelling unit has its own front door and back door or side door access to the outside, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated from another unit by one or more vertical fire-resistant walls.

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

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

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

Transportation Facility or Improvement. Any physical facility constructed for the movement of people or goods, excluding electricity, sewage and water systems; the operation, maintenance, repair and preservation activities of existing facilities including but not limited to road, bicycle, pedestrian and rail facilities; the installation of improvements including but not limited to culverts, fencing, guardrails, landscaping, lighting, medians and pathways within the existing right-of-way; emergency measures necessary for the safety and protection of people and property; acquisition of right-of-way for public roads, highways and other transportation improvements designated in the Transportation System Plan TDC Chapter 11; and construction of a street or road as part of an approved subdivision, land partition, architectural review or other land use decision consistent with the TDC.

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

Tri-Plex. A building containing three dwelling units.

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

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

Unsafe Sign. Any sign, part of a sign or sign structure which is liable to collapse or fall due to inability to withstand wind, seismic or other loads, as specified in the Uniform Building Code of the City, or as determined by the City Building Official. Whenever any sign or part of a sign obstructs the view of motorists traveling on the public streets or on property open to the public and creates risk of property damage or personal injury, it is an unsafe sign.

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

Utility Facility or Utility Facilities. The portion of a new structure or major remodeling activity which is regulated or controlled by applicable portions of the City's Structural Specialty and Fire and Life Safety Code, the City's Public Works Construction Code, the City's Plumbing Code, the City's Mechanical Code, and those portions of the Tualatin Development Code which regulate site access, street, sanitary and storm sewer and water improvements, on-site vehicle circulation, and the location of power, gas,



telephone, cable television, and other similar activities. "Facilities" includes Public Utility Facilities, but does not include architectural features.

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

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

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

Wall (for signs). The vertical face elements of a building from the perspective of an architectural elevation, including parapet walls and appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations, wing walls, and windows, doors and other openings.

Wall Area. The measurement in square feet of a building wall based on the height and width of an architectural elevation.

Wall Sign. A sign which is affixed to or painted on a wall of a building.

Wall Sign, Hospital Identification. A wall sign located on one hospital building wall intended for visibility from the I-5/SW Nyberg Avenue Interchange.

Wall Sign, Main Building Entrance. A wall sign located on the main building entrance sign band.

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

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

Wholesale Sales. The sale, lease or rent of products primarily intended for industrial, institutional or commercial firms.

Window Sign. A sign permanently or temporarily painted on or affixed to the glazing of a window or window frame, or permanently mounted within two feet of the window pane and intended for viewing from outside the building.

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

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

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

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

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

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

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

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

**Section 4. TDC 35.040 is amended to read as follows:**

(1) If a nonconforming structure or use of land is discontinued for more than 12 months, it shall not be re-established unless specifically approved by the City Council. Approval by the City Council shall be granted or denied only after a public hearing is conducted on the proposed continuance. Notice of such public hearing shall be given in the manner required in TDC 31.077.

(2) **Any nonconforming retail commercial, retail service or professional service use that is discontinued for more than 12 months, is located on land designated Industrial Area on Map 9-4, and has been specifically approved by the City Council to be re-established shall conform to the size limitations of the Manufacturing Planning District in which it is located, and also subject to the following two exemptions:**

(a) **Commercial uses within the Special Setbacks for Commercial Uses Area, shown generally on Map 9-5 and as specified in TDC 60.035 or 61.035, as applicable.**

(b) **Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter 69.**

(2 3) See TDC 35.200 for signs.

**Section 5. TDC 60.020 is amended to read as follows:**

No building, structure or land shall be used in this district, except for the following uses as restricted in TDC 60.021: ~~when 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 provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. 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.~~

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

**Section 6. A new Section 60.021 is added to read as follows:**

**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.**

**(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 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, as specified in TDC Chapter 69.

**Section 7. TDC 60.040 is amended to read as follows:**

(1) The following uses are permitted in accordance with TDC Chapter 32, as restricted in TDC 60.041: ~~provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. 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:~~

(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.

**Section 8. A new Section 60.041 is added to read as follows:**

**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 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, as specified in TDC Chapter 69.

**Section 9. TDC 61.020 is amended to read as follows:**

No building, structure or land shall be used, except for the following uses as restricted in TDC 61.021; and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) All uses permitted by TDC 60.020 in the Light Manufacturing Planning District, including 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, provided they are conducted wholly within a completely enclosed building.

~~(2) The following uses when conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facility, and outdoor storage of materials and products directly related to the permitted use:~~

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

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

~~(c 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).~~

~~(d 5) Chemical warehouse and distribution.~~

~~(e 6) Cold storage plant.~~

~~(f 7) Concrete batch plant, except not allowed in the Leveton Tax Increment~~

District.

~~(g 8) Manufacture of the following types of products:~~

~~(i a) Batteries.~~

~~(ii b) Boilers.~~

~~(iii c) Bottles.~~

~~(iv d) Brick, tiles, or terra cotta.~~

~~(v e) Cans.~~

~~(vi f) Chainsaws.~~

~~(vii g) Electric generators.~~

~~(viii h) Electric motors.~~

~~(ix i) Electric transformers.~~

~~(x j) Engines, larger gasoline or diesel.~~

~~(xi k) Heating and cooling equipment.~~

~~(xii l) Industrial gases, excluding chlorine.~~

~~(xiii m) Ladders.~~

~~(xiv n) Lawnmowers.~~

~~(xv o) Manufactured Dwellings.~~

~~(xvi p) Motor vehicles.~~

~~(xvii q) Paint.~~

~~(xiii r) Pet food.~~

~~(xix s) Prefabricated building or structural members for buildings.~~

~~(xx t) Rototillers.~~

~~(xxi u) Signs and display structures.~~

~~(xxii v) Windows.~~

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

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

~~(j 11) Petroleum product distribution and storage.~~

~~(k 12) Planing mill.~~

~~(l 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.~~



- (m 14) Production of agricultural crops.
- (n 15) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.
- (o 16) Sandblasting.
- (p 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).
- (q 18) Structural-mechanical testing laboratories.
- (r 19) Welding shop.
- (s 20) Wireless communication facility attached.
- (t 21) Wireless communication facility.
- (u 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.
- (v 23) Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.

**Section 10. A new Section 61.021 is added to read as follows:**

**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.**

**(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 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.**

**Section 11. TDC 61.030 is amended to read as follows:**

The following uses are permitted in accordance with TDC Chapter 32 and as restricted in TDC 61.031, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business and provided 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:

- (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.

**Section 12. A new Section 61.031 is added to read as follows:**

**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.

**Section 13. TDC 62.020 is amended to read as follows:**

No building, structure or land shall be used in this district except for the following uses as restricted in TDC 62.021. when conducted wholly within a completely enclosed building, except off street parking and loading, utility facilities, wireless communication facilities and outdoor storage occupying less than ten percent of the total site area, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or

~~business. 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, provided they are conducted wholly within a completely enclosed building.~~

- (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.
- (12) Offices when part of a manufacturing use as listed in (1) through (11) above.
- (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.

**Section 14. A new Section 62.021 is added to read as follows:**

**Section 62.021 Restrictions on Permitted Uses in ML.**

**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 off-street parking and loading, utility facilities, wireless communication**

facilities, and outdoor storage occupying less than ten percent of the total site area.

(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.

**Section 15. TDC 62.030 is amended to read as follows:**

The following uses are permitted in accordance with TDC Chapter 32 as restricted in TDC 62.031; and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business. 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.

(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.

**Section 16. A new Section 62.031 is added to read as follows:**

**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.

**Section 17.** The City Attorney is directed to replace "Planning Director" with "Community Development Director" as sections of the TDC are amended from time to time.

INTRODUCED AND ADOPTED this 26 day of June, 2006.

CITY OF TUALATIN, Oregon

BY \_\_\_\_\_

Mayor

ATTEST:

BY \_\_\_\_\_

*Michael A. McKillip*  
Acting City Recorder